The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPITO).

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

THE SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina 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.

THE NEW YORK TIMES GOT IT RIGHT AGAIN

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, last week I sat on this House floor and did something I never thought I would do: I praised the New York Times for accurately reporting the facts about the success of the new Medicare prescription drug program.

They say lightening never strikes the same place twice, so you can imagine my surprise when the New York Times ran an April 3 editorial that said about Medicare part D: “Complaints and call waiting times are diminishing, and many uninsured patients are clearly saving money on their drug purchases.”

It is refreshing that the mainstream media is finally beginning to acknowledge that millions of seniors are saving thousands of dollars a year on their prescriptions under Medicare part D. This benefit has already lowered average monthly premiums from $37 to $25, and those seniors with limited incomes will incur nearly no expenses at all.

It is a real shame that my Democratic colleagues refuse to admit that this benefit is making a positive difference. Instead, they prefer to bash the program and scare seniors into thinking it is “confusing.” The Main Street press is finally starting to pay attention to millions of our seniors’ success stories. It is about time that Democrats remove their ear plugs and start paying attention, too.

WE ARE THE CHAMPIONS

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, the opening prayer was given by the Reverend Clyde Pickney Thomas, Jr. Reverend Thomas has served in the ministry of the Southern Baptist Church since 1974 and is now the pastor of Cherokee Avenue Baptist Church in Gaffney, South Carolina, a pulpit that he has filled with distinction since 1979.

Reverend Thomas is not only a prominent preacher of the gospel, but a pastor who has developed courses of study for adults, youth, and children, conducted an extensive sports ministry, and taken at least 10 mission trips to places as far away as the Amazon. He is married to Joanne Cash Thomas, and they have two sons, Clyde Preston Thomas and James Grady Thomas.

I have had the privilege of attending Sunday services at Cherokee Avenue and, afterwards, having lunch in the fellowship hall. I can attest to the fact that the preaching and the cooking were both first rate.

I want to thank Reverend Thomas and thank also the Speaker and Father Coughlin for allowing Reverend Thomas to open today’s session with prayer. Thank you very much.
minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, this is a turtle. In Maryland, we call it a ter-rapin. Fear the turtle. But today we need to revere the turtle. Sixteen mag-nificent young women got on a court in Boston and played one of the most ex-citing, well-played basketball games, male or female, in the history of our country.

Madam Speaker, this morning I want to congratulate Coach Brenda Frese and the University of Maryland wom-en's basketball team on winning the championship last night with a stunning 78-75 overtime victory over a va- liant Duke University team. This game, Madam Speaker, was a demonstration of college athletics at its best.

The gentlewoman from North Caro-lina just spoke; our athletic director comes from North Carolina, Debbie Yow, and she recruited Brenda Frese. We thank you for that.

The Terrapins erased a 13-point sec-ond half deficit, the second largest in history, and Maryland freshman guard Kristi Toliver hit a three-point shot with 6.1 seconds remaining to send the game into overtime. "'The Terps' win caps a tremen-dous 34-4 season and makes Mary-land only the fourth college in America whose men's and women's basketball teams have captured national cham-pionships.

Madam Speaker, I know that all of us join together to congratulate those 16 young women who showed America what women can do and what an ex-traordinary athletic event they can provide. Both teams were magnificent. We in Maryland are proud of our vic-tory. But those in North Carolina who come from Duke ought to be proud of their team as well.

SECURITY SUCCESS IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the American Forces Press Service reported on Monday that Iraqi and coalition forces have scored several victories, against terrorists, seizing weapons caches and capturing suspected enemies during missions over the past several days. From Karobilah to Ramadi, Iraqi troops and coalition forces have cap-tured terrorists during raids and one of the most ex-citing, well-played basketball games, male or female, in the history of our country.

With every terrorist they detain and each weapon they discover, Iraqi troops and American forces save lives and im-prove our security. The events over the past several days are commendable, but they are not unique. By facing the terrorists overseas, we are confronting mass murderers before they strike American families again at home.

In 19 minutes, our troops, and we will never forget September 11.

YUCCA MOUNTAIN

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, today, the Bush administration, with the aid and comfort of the Repub-lican Congress, will once again propose to remove all congressional oversight of nuclear waste in this country to be stored at Yucca Mountain and double the amount of nuclear waste to be stored in the mountains.

Let me remind everybody that Sec-retary Bodman, the Secretary of En-ergy, just testified last week that he has no idea how much Yucca Mountain is going to cost, and he has no idea how long it is going to take to ensure that they could build Yucca Mountain; but he wants to remove congressional over-sight over the nuclear waste budget.

Let me remind everyone, there are no radiation standards now. The court threw them out. There is no way to transport nuclear waste across our country. And after 9/11, it is incom-prehensible to me that we have not come up with a threat assessment. There are no canisters that currently exist that will not corrode. We have a thousand e-mails from the scientists at the National Geologic Survey that demonstrate that they fledged or made up the scientific data that went into making the decision that Yucca Moun-tain was okay.

Now they want to eliminate the over-sight of Congress over the budget of Yucca Mountain. I think that would be a dereliction of our duty. We ought to stand up to the administration and do our job.

YALE WINS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, Yale Uni-versity has won first place in the An-nual Campus Outrage Award. The award is given to universities that worship the God of political correctness. Yale wins this year because according to the College Network who bestows the award, Yale enrolled a former student and professor, suspended a professor for attempting to debate students handing out pro-Palestinian literature. DePaul was also recognized for suppressing free speech rights of students who protested a professor's writings that said the United States deserved to be attacked on September 11, 2001.

Other universities who received awards were Stanford and Holy Cross for attempting to prohibit articles in their campus newspapers that criti-cized left wing philosophies.

Madam Speaker, have some of our universities lost their way by prohib-iting liberty to those individuals who disagree with the university's elitist, narrow-minded snobbery? And that's just the way it is.

WHAT IS WRONG WITH THE DE-PARTMENT OF HOMELAND SECU-RITY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, just when we thought things could not get any worse at the Department of Home-land Security, today we find out that a senior official was arrested for child porn.

Last night Brian Doyle, the deputy press secretary at DHS, was arrested while attempting to seduce a detective posing as a 14-year-old girl. He has been charged with 23 counts related to using his computer to seduce a minor.

How did they catch him? He told the agent posing as a girl that he worked for the Department of Homeland Secu-rity, going so far as to give out his office phone number and sending her cop-ies of his ID. He even used his office phone for explicit conversations. Not only that, he is giving out sensitive in-formation.

This is not the first time something like this has happened. This week Frank Figueroa, another senior De-partment of Homeland Security offi-cial, is on trial for exposing himself to a teenage girl at a mall in Tampa.

From the Katrina disaster to now this. It gives a whole new meaning to the word "incompetence."

Madam Speaker, for once I am at a loss for words. What is going on at Homeland Security? How many things can go wrong and still nobody is held ac-countable?

The White House is under fire for spying on average Americans but maybe they should spend time looking into the backgrounds of people they hire in their administration. It is time for new priorities here in Washington.

BALANCE OUR BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, it is budget time again. This is when people in Washington outline a
blueprint of how much money the government is going to spend on what. Sadly, some in Congress want to spend, spend, spend. It is a shame because the American people deserve better. They deserve a commonsense budget that controls spending and eliminates wasteful programs.

The RSC budget balances the budget by 2011 and cuts useless programs like Asian elephant conservation historic whaling programs.

It is time for Congress to take a hard look at how we spend our money and support the RSC budget for a better America.

We have got some great ideas on the table. I would like to see further across-the-board cuts. My colleague from Texas, Representative CONAWAY, has a bill that goes after eliminating a program if you are going to create a new one.

Madam Speaker, we Republicans are bringing ideas and putting solutions on the table, and we are going to hear more about this as we go through the week. We are the party debating how to reduce spending at the Federal level. It is a question of priorities. It is what we are fighting to make happen.

THE REPUBLICAN BUDGET

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, when you have a budget like this Republican budget, a budget where those who have the least are being forced to live on even less, less help with student aid, less protection for children’s health, less food assistance and less child care, less support of prescription drugs, less funding for home heating, less protection to ensure a place to live and a job that pays a livable wage, when you have a budget like this, women and children are the most impacted because women and their families are the poorest of the poor in this country of much.

Stop this injustice. Vote “no” on this Republican budget.

CAPITOL POLICE RESOLUTION

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Madam Speaker, we live in an age that requires constant vigilance. We work in a building that requires steady security. The scourge of terrorism is genuine, tangible and real in today’s world, especially when your office is in the center of a terrorist ball’s eye, the Capitol Building and Capitol Hill.

Even with this knowledge, I come to work confident that my safety and security is in capable hands. There are over 1,500 of the most highly trained men and women guarding the gates and guarding this building. These are the dedicated officers of the Capitol Police Force. They provide safety and security for Members of Congress, the staff, as well as 3 million visitors who come and go through this building each year. In extreme cases, the Capitol Police Force must endure physical and verbal assaults. These men and women deserve a pat on the back, not a punch in the chest.

Madam Speaker, that is why Congressman MARIO DIAZ-BALART and I introduced a resolution thanking Capitol Police and commending them for their service, dedication and commitment to security on Capitol Hill.

CHILDREN’S HEALTH INSURANCE PROGRAM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to voice concerns about the impact of budget cuts on the States’ Children’s Health Insurance Program, that is called CHIP.

CHIP is jointly financed by the Federal and State governments and is administered by the States.

While it is good that each State determines the design of its program, the eligibility groups, benefits, co-pays and administrative procedures, I am concerned that misplaced fiscal priorities are squeezing the States and negatively impacting children’s health.

A Dallas Morning News article from March 27 cites numerous problems with CHIP in Texas. Administrative errors and budget cuts are resulting in lost or delayed coverage.

Many families are unaware of the benefit. Enrollment has been more complicated and fewer children are participating in the program. Privatization of many State-Federal health programs is lessening access to care.

Madam Speaker, I am concerned that the fiscal year 2007 budget plan for the House of Representatives will hurt America’s uninsured children.

April is National Child Abuse Prevention Month. Cutting health programs for young people is cruel at worst and irresponsible at best.

HONORING DOC DODSON

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Madam Speaker, I rise today to honor an outstanding citizen of the city of Midland, Texas. James “Doc” Dodson was born in Fort Worth, Texas, on April 22, 1936. In 1958, he moved to Midland where he became an athletic trainer at Midland High School. It was there that he touched the lives of MHS Bulldogs for the next 32 years.

Doc’s greatest joy is his family. He married Gayle McMullan in 1963, and they have two daughters, Kelly Hullender and Jamie Dodson. Kelly and her husband, Todd, have Doc’s three grandchildren: Blair, Mills and Sam.

In 1972, Doc was the first high school athletic trainer selected to be a part of the Olympic team in Germany. In 1978, he was the first recipient of the Outstanding High School Trainer award, an honor he was given twice.

Doc is now the director of physical rehabilitation at Midland Orthopedics in Midland where he continues to help many people each day.

Doc is truly an outstanding American. We are blessed to have him live in a country of much.
Midland, Texas, and District 11 in Texas, and I am proud to be his Congressman and call him my friend.

CONGRESSMAN BARRETT ON WINNING NCAA CHAMPIONSHIP
(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Madam Speaker, as complex as illegal immigration may be, I think the House got the logic right dealing with the issue. Illegal immigration needs to be split into two separate, but equally important, issues, first being security enforcement.

Once the first portion is set and in place, the time will be right for Congress to come back and address the second part, which deals with illegal workers. When they contribute in positive ways to our society, unfortunately, because they are here illegally, they place burdens on our job market, our educational system and our health care costs, burdens that are shouldered by hardworking American taxpayers.

My advice to the other Chamber is listen to the American people. They are tired of their elected officials turning the other cheek and playing politics with the ideals on which this country was founded and the security of our nation. They want us to plug the holes and stop the flow of illegal immigrants before we do anything else.

It is time we listened. It is time we stop illegal immigration.

Mr. PRICE of Georgia. Madam Speaker, we have all seen the recent protests around the country by thousands of people demonstrating in the streets. However, the fundamental issue that we are dealing with is illegal immigration, and we must not forget that.

No one has a problem with those who have come to this country legally, respected our laws and become U.S. citizens. That is part and parcel of the American Dream. What we are talking about are the millions who cross our borders illegally and now demand to be treated as citizens.

American goodwill, in education, in health care and in government services, is being abused by those who do not go through the legal process of citizenship, and that does not add up, Madam Speaker. That is not the American way.

There are serious problems with our current immigration policies. Benign neglect over the last 20 to 30 years has led us to this state of crisis, and we must fix it. Our constituents appropriately demand that we fix it, and Congress has that opportunity, and we must not let it pass us by.

CONGRATULATING BRIAN LEONARDI
(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I ask you and all my colleagues to join me in congratulating Brian Leonardi, who has become tremendous fans of the University of Maryland. You have made us all proud in the State of Maryland.

You are a particular inspiration to all the young women around the country, like my 11-year-old daughter Gabriel, who have become tremendous fans of women’s basketball.

Today, all of Maryland salutes the University of Maryland’s women’s basketball team. Go, Terps.

Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Mrs. DAVIS of California. Madam Speaker, I want the women who have served in uniform to know one thing. Some of us in Congress understand your struggle, and we are fighting for you.

Shockinglly, the Republican budget adopts significant increases to out-of-pocket costs for our women retirees who depend on the TRICARE program for their health care.

Managed care enrollment fees for senior enlisted women retirees would double, and those for retired female officers would triple.

I have serious doubts about the validity of any projected cost savings from these fee increases. It is insulting to even think of shifting such costs onto the backs of the brave women who have sacrificed so much and so selflessly.

I have serious doubts about the validity of any projected cost savings from these fee increases. It is insulting to even think of shifting such costs onto the backs of the brave women who have sacrificed so much and so selflessly.

The United States made a promise to these women and to every woman before them who has worn the uniform. This Nation promised to take care of them, and the Republican budget just does not fulfill that promise.

IMMIGRATION REFORM A MUST
(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, we have all seen the recent protests around the country by thousands of people demonstrating in the streets. However, the fundamental issue that we are dealing with is illegal immigration, and we must not forget that.

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TURNING BACK THE CLOCK
(Mrs. SCHWARTZ of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)
Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise to turn back the clock. No, I am not referring to the annual daylight savings time change that occurred this past weekend. Nor am I having a moment of nostalgia. Rather, I am referring to the famous clock that tallies our Nation’s debt.

The surpluses of the late 1990s put the clock that tallies our Nation’s debt into retirement. But now, the borrow-and-spend policies of the Bush administration and the Republican Congress put the clock back in operation, adding $1 million to the Nation’s debt every minute, for a total of $3 trillion in new debt since 2002.

The Republican Party’s 2007 budget, which we will vote on this week, continues their borrow-and-spend policies. It also will cause a problem that the designers of the Time Square clock did not anticipate. It cannot accommodate the extra digit that will be required to display a debt of over $10 trillion.

American taxpayers, along with our children and our grandchildren, should not be saddled with this debt. We should stop this fiscal irresponsibility and reject the President and the Republican Congress’ budget.

AWARDING CONGRESSIONAL GOLD MEDAL TO BYRON NELSON

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, this week we are on the Masters golf tournament, and while I am not a golfer myself, it is a big deal in the golfing world. The PGA tournament of today is carried on the shoulders of those who have gone before. Names like Ben Hogan, Sam Snead, and Lee Trevino are common household names for those of us of a certain age, but it is truly the gentleman from Roanoke, Texas, Byron Nelson, who has done more for the credibile start for the sport of golf in this country than anyone else.

Lord Byron, as he is known back home, will turn 95 years of age this year. He was a gifted athlete, winning two Masters Tournaments in 1937 and 1942. He won two PGA tours in 1940 and 1945, and won the U.S. Open in 1939. His true service is his generosity of spirit and his humility.

In World War II, he traveled with Bob Hope and Bing Crosby on the USO tour entertaining our troops overseas. He has given over $88 million from his Salesmanship Club Youth and Family Services. He and his wife, Louise, have created an endowment fund at Abilene Christian University totaling over $15 million. He is the head of the Metroport Meals-on-Wheels, delivering services to shut-in seniors back in my district.

His career as an athlete is worthy of recognition, but his service to community is indeed exemplary. For these reasons, I ask my colleagues to join me in support of H.R. 4902, the Congressional Gold Medal honoring Byron Nelson.

BUSH PRESCRIPTION DRUG TAX COUNTDOWN

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, President Bush simply has no compassion for millions of seniors who are trying to determine which of the prescription drug plans is best for them. Forty days from now, seniors must choose a plan or face a Bush prescription drug tax for the rest of their lives.

Last month, a woman struggling to help her elderly mother pick a prescription drug plan asked the President to extend the enrollment deadline. President Bush refused, telling the woman that helping her mother was her responsibility. The President’s answer shows that he is still listening to drug companies and not the American people.

Seniors, people with disabilities and their families, need more time before making a crucial health and financial decision. Democrats do not believe seniors should be penalized because they cannot understand this complicated drug plan. That is why Democrats are fighting to extend the enrollment period by 6 months.

As we check off another day on the calendar, House Republicans now have 40 more days to stand up and support America’s seniors. It is time they joined the Democrats in fighting to ensure the prescription drug tax, pushed by this President, does not take effect on May 15.

WOMEN AND THE REPUBLICAN BUDGET

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Madam Speaker, there is a saying that “the road to hell is paved with good intentions.” And once again, my Republican colleagues have missed the mark. To be a strong Nation, we need a strong family. The glue that holds the family together is our Nation’s women. Unfortunately, this administration and my colleagues across the aisle continue to send a clear message in the form of a budget that strips all of the support and programs that aid in fortifying that crucial glue. We should call the budget that they are bringing to this House the “Women, Children and Family Left Behind Act.”

How can an administration that professes to be pro-value and pro-family get it wrong? The President’s budget cuts education by 29 percent. The President’s solution is to freeze funds for Head Start and Pell Grants. What is wrong with this picture?

The President’s budget completely eliminates programs like the Women’s Educational Equity Act and the Women’s Apprenticeship Act. The President’s budget cuts funds out for the Commodity Supplemental Food program that serves 420,000 seniors as well as millions of children.

Stand up America.

CONCERNED ABOUT AMERICA’S DEBT

(Mr. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEK of Florida. Madam Speaker, I come to the floor this morning to not only share with the American people, but also with the majority side that constantly talks about the fact that they are responsible with the people’s money. I just want to, again, come to the floor and say that this Republican majority, along with this President, has increased the debt owned by foreign nations by $1.05 trillion, something that 42 Presidents before him were not able to accomplish.

I further want to bring to the attention of the House here, Madam Speaker, the fact that Newt Gingrich, who was a former Speaker of this House and delivered this Republican majority to the majority, is now saying that they are seen by the country as being in charge of a government that cannot function.

Now, I can tell you, Madam Speaker, as a Democrat, I would be concerned if a former Speaker was referring to the Democratic Caucus as “they.” That means that the American people are very concerned about what is going on here. I am concerned as an American. And as we go to vote on this budget, we have to think about the people that have sent us up here.

So I want to say here on the Democratic side, we are willing to pay as we go. But the bottom line is, third-party validator, former Speaker Newt Gingrich, is calling the Republican majority “they.”

IMMIGRATION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, this past weekend, I met with many students from schools in our district and hope to meet with many more. This banner is signed by students from the Alta Charter School in our district. These students are voicing their concerns because they want to keep their families together and felt their heritage was not being respected. They are concerned about the possibility of their parents being deported, and they have their families are citizens. They are worried about the possibility of them being deported, although this is the only life they have ever known.
I believe we should improve border security, and every Nation in the world should control their borders and know who is crossing it, but I voted against H.R. 4437 because this bill doesn’t realistically deal with the 10 to 12 million people who are living in this country.

If this bill is enacted, 3 million U.S. citizens will be left without their parent or guardian. Family values should apply to our immigration laws. This is why we see students marching in our communities all across our country and why we see this banner on the floor of the House today.

We need comprehensive, fair immigration reform that includes increased border security, more detention beds to deal with the 10 to 12 million people who are living in this country.

By freezing funding for child care subsidies and housing vouchers, this budget ensures that fewer women receive the support that they need to make work pay and stay off welfare. Women deserve better. We deserve a better budget.

TIME FOR DEMOCRATS TO TAKE CHARGE
(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Madam Speaker, the father of the Republican revolution is now saying it has turned into a Republican devolution, with $3 trillion in increased debt since President Bush has been President. This Nation owes $8 trillion-plus, with $27,000 per citizen from that the nation’s deficit. And this money is being borrowed from foreign interests, the Japanese, the Chinese, and OPEC countries.

We are selling off our country piece by piece. Madam Speaker. Borrow and spend. And borrow and spend. And borrow and spend. This President, with the Republican bobblehead Congress that just can’t say no to the President, has borrowed more money from foreign interests than every previous President. Madam Speaker, that is an atrocity. That is an assault on the American people.

The father of the Republican revolution says it has turned into a devolution and that this government cannot function. Madam Speaker, it is time for new leadership. It is time for the Democrats to take charge of this House.

DEMOCRATIC WOMEN’S WORKING GROUP BUDGET
(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise in strong opposition to the Republican’s fiscal year 2007 budget resolution. It will hurt millions of women and children around our country. The resolution includes cuts to vital programs that help middle-class women, children, the elderly, and, in particular, Americans living in poverty.

The budget will lead to cuts in funding for young women who need financial aid to go to college. As a result, young women will have a more difficult time attending college and pursuing their careers. The Perkins loans that help nearly 500,000 college students would lose a key part of their financial aid.

Young women, and especially minority students, disproportionately rely on Pell Grants. I was one of those students myself. For example, 40 percent of African American students will be affected, 30 percent of Hispanic students will have reduced Pell Grants compared to 23 percent of students overall.

The aid is being cut while tuition costs are skyrocketing. The increase in the cost of tuition has increased by 57 percent under this President. Please do not support this Republican budget that would harm our students.

CULTURE REPUBLICANS BROUGHT TO WASHINGTON IS NOT GOOD
(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, last night former majority leader Tom DeLay blamed Democrats for his fall from power. He said Democrats were upset because Republicans changed the culture of Washington.

Well, Republicans changed the culture around here all right. Two of Congressmen DeLay’s former aides, Deputy Chief of Staff Tony Rudy and Press Secretary Michael Scanlon have already pleaded guilty as part of the ongoing Jack Abramoff scandal.

Then there are the revelations that the President’s chief domestic adviser, Claude Allen, was forced to resign from...
his position at the White House after he was caught repeatedly shoplifting from Target stores in Maryland.

And just last night, a deputy press secretary at the Department of Homeland Security was arrested on charges that he used the Internet to seduce what he thought was a 14-year-old girl. Fortunately, an undercover deputy sheriff detective was on the other end of the computer and Brian Doyle, a Bush political appointee, has now been arrested. Madam Speaker, the culture has changed around here, that is for sure, but certainly not for the good.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITTO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

Mr. SMITH of New Jersey, Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3127) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3127

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Darfur Peace and Accountability Act of 2006”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Sense of Congress.
Sec. 5. Sanctions in support of peace in Darfur.
Sec. 6. Additional authorities to deter and suppress genocide in Darfur.
Sec. 7. Multilateral efforts.
Sec. 8. Continuation of restrictions.
Sec. 9. Assistance efforts in Sudan.
Sec. 10. Reports.
Sec. 11. Rule of construction.

SEC. 2. DEFINITIONS.

In this Act—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—The term “Government of Sudan” means the National Congress Party, formerly known as the National Islamic Front, led-government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan), except that such term does not include the regional Government of Southern Sudan.

(3) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term “officials of the Government of Sudan” when used with respect to an official of the Government of Sudan, does not include an individual—

(i) who was not a member of such government prior to July 1, 2005; or

(ii) who is a member of the regional Government of Southern Sudan.

(4) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term “Comprehensive Peace Agreement for Sudan” means the peace agreement signed by the Government of Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A) in Nairobi, Kenya, on January 9, 2005.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the House of Representatives and the Senate declared that the atrocities occurring in the Darfur region of Sudan are genocide.

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, “genocide has been committed in Darfur,” and “the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring”.

(3) On September 28, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State’s finding and stated, “this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide”.

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related material of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1566, which the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related material of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(6) On November 2, 2004, pursuant to Security Council Resolution 1590, the United Nations Security Council passed Security Council Resolution 1593, referring the situation in Darfur to the International Criminal Court and establishing a Committee of the Security Council to investigate and prosecute violations of international humanitarian or human rights law or other atrocities, and establishing a military embargo.

(7) On December 30, 2004, President Bush reaffirmed, that “the violence in Darfur is clearly genocide”.

(8) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1591, extending the military embargo established by Security Council Resolution 1556 to all the parties to the N’djamena Ceasefire Agreement for Sudan and all other belligerents in the Darfur region, establishing a committee of the Security Council, and extending the UN peacekeeping mission in Darfur.

(9) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591, extending the military embargo established by Security Council Resolution 1556 to all the parties to the N’djamena Ceasefire Agreement for Sudan and all other belligerents in the Darfur region, extending the military embargo under the Resolution 1593, referring the situation in Darfur to the International Criminal Court and investigating the Government of Sudan and all parties to the conflict to cooperate fully with the Court.


(11) On March 30, 2005, President Bush reaffirmed that “the violence in Darfur is clearly genocide”.

(12) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the Sudan People’s Liberation Movement/Army for the past 21 years, was killed in a tragic helicopter crash in southern Sudan, sparking riots in Khartoum and challenging the commitment of the Sudanese government to the Comprehensive Peace Agreement for Sudan.

(13) Since 1993, the Secretary of State has determined that the Republic of Sudan is a country which has repeatedly provided support for acts of international terrorism and, pursuant to section 612 of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 219 of the Immigration and Nationality Act, designated Sudan as a state sponsor of terrorism.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Our government understands the domestic political context in which the genocide unfolding in the Darfur region is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led government of Sudan.

(2) The Secretary of State should designate the Janjaweed militia as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act.

(3) All parties to the conflict in the Darfur region have continued to violate the N’djamena

(4) The African Union should rapidly expand the size and amend the mandate of the African Union Mission in Sudan to authorize such actions as are necessary to protect civilians and humanitarian workers, and deter violence in the Darfur region without delay;

(5) the international community, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union, and the United States, should immediately act to mobilize political, military, and financial resources to support the expansion of the African Union Mission in Sudan so that it achieves the size, strength, and capacity necessary to protect civilians and humanitarian operations, and ending the continued violence in the Darfur region;

(6) if an expanded and reinforced African Union Mission in Sudan fails to stop genocide in the Darfur region, the international community should take additional, dispositive measures to prevent and suppress acts of genocide in the Darfur region;

(7) acting under Article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan’s participation in the Janjaweed and armed militias, and grant free and unfettered access for delivery of humanitarian assistance in the Darfur region;

(8) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of Experts and the Panel of Experts established pursuant to section 3(a) of Security Council Resolution 1591 (March 29, 2005);

(9) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan, the support of the regional Government of Southern Sudan and marginalized areas in northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), and Darfur) as well as marginalized peoples in and around Khartoum, or for humanitarian purposes in Sudan, until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and armed militias, and grant free and unfettered access for delivery of humanitarian assistance in the Darfur region, and allow for the safe and voluntary return of refugees and internally displaced persons;

(10) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to southern Sudan for a period of not less than six months and provide proof of comprehensive professional skills needed for the reconstruction of southern Sudan;

(11) the President should appoint a Presidential Envoy for Sudan with appropriate resources and a clear mandate to provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan, seek ways to bring stability and peace to the Darfur region, address instability elsewhere in Sudan and northern Uganda, and pursue a truly comprehensive peace agreement for Sudan.

(12) to achieve the goals specified in paragraph (10) and to further promote human rights and civil liberties, build democracy, and strengthen the region, the President should ensure that the United States Ambassador to Sudan should be empowered to promote and encourage the exchange of individuals pursuant to educational and cultural programs, including programs funded by the Government of the United States;

(13) the international community should strengthen and expand assistance to humanitarian workers and demand that all armed groups in the Darfur region, including the forces of the Government of Sudan, the Janjaweed, associated militias, and the Justice and Equality Movement (JEM), and all other armed groups refrain from such attacks;

(14) the United States should fully support the Comprehensive Peace Agreement for Sudan and urge rapid implementation of its terms; and

(15) the new leadership of the Sudan People’s Liberation Movement (SPLM) should:

(A) seek to transform the SPLM into an inclusive, transparent, and democratic body;

(B) renounce use of the SPLM to bring peace not only to southern Sudan, but also to the Darfur region, eastern Sudan, and northern Uganda; and

(C) remain united in the face of efforts to undermine the SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) BLOCKING OF ASSETS AND RESTRICTIONS ON VISAS.—Section 6 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended by striking (1) in the heading of subsection (b), by inserting—

“(1) in the heading of subsection (b), by inserting ‘OF APPROPRIATE SENIOR OFFICIALS OF THE SUDANESE GOVERNMENT’ after ‘ASSETS’;”

(b) RESTRICTION ON VISAS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, crimes against humanity in Darfur, including the family members or any associates of such individual with respect to whom assets or property of such individual was transferred on or after July 1, 2002, or after

(c) BLOCKING OF ASSETS AND RESTRICTION ON VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE PRESIDENT.—

(b) WAIVER.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004 (as redesignated by subsection (a)) is amended by adding at the end the following new sentence: ‘The President may waive the application of paragraph (1) or subsection (c) with respect to an individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.’

(d) PROHIBITION OF ASSISTANCE TO COUNTRIES IN VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1556 AND 1591.

(1) PROHIBITION.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance or loans to any government that is in violation of Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005).

(2) WAIVER.—The President may waive the application of paragraph (1) if the President determines that such assistance is consistent with the national security interests of the United States and if the President certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.
SEC. 7. MULTILATERAL EFFORTS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice and vote of the United States to urge that (1) the United Nations Security Council (UNSC) (a) immediately cease and desist from all efforts to supply, sell, or otherwise transfer, to Sudan, any arms or military equipment, as called for in United Nations Security Council Resolution 1591 (2005) promulgated by the JEM, and associated armed groups in the Darfur region, calls on the Government of Sudan to use its influence to encourage the JEM to abide by their obligations under the N’Djamena Ceasefire Agreement of April 8, 2004 and subsequent agreements, urges all parities to engage in peace talks with a pre-existing agenda and to seek to resolve the conflict, and strongly condemns all attacks against humanitarian workers and African Union personnel in the Darfur region; (b) the continuation of arms embargoes against the Government of Sudan, including sanctions against individual members of the Government of Sudan, and entities owned or controlled by them, and the enhancement of the sanctions against the Government of Sudan or the National Congress Party in Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the voluntary return of refugees and internally displaced persons; (c) Section 401(a)(1) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (22 USC 2772 note) to include a total prohibition on the sale or supply of offensive military equipment to the Government of Sudan, southern Kordofan/Nuba Mountains, Blue Nile State, and Abyei; (d) by striking “areas outside of control of the Government of Sudan” and inserting “southern Kordofan, Blue Nile State, South Sudan, official Nuba Mountains State, Blue Nile State, and Abyei”; (e) by striking the end of the preceding Act of 1961 (22 U.S.C. 2394-1) in accordance with the procedures applicable to reprogramming notifications under such section; and (f) by adding at the end of the following new paragraph:

(2) CONGRESSIONAL NOTIFICATION. — (A) In general.—The President shall not be obligated under this subsection until 15 days after the date on which the President has provided notice thereof to the appropriate committees specified in section 364A of the Foreign Assistance Act of 1961 pursuant to any provision of an Act making appropriations for foreign operations, export financing, and related programs.

(b) EXCEPTION TO PROHIBITIONS IN EXECUTIVE ORDER NO. 13067.—Section 501(b) of the Assistance for International Malaria Control Act (50 U.S.C. 1701 note) is further amended—

(1) in the heading, by striking “EXPORT PROHIBITIONS” and inserting “PROHIBITIONS IN EXECUTIVE ORDER NO. 13067”;

(2) by striking “any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export” and inserting “activities or related transactions with respect to southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, or Abyei” and “activities or related transactions with respect to”;

(3) by striking the “export or related transaction” in the preceding Act of 1961 (22 U.S.C. 2394-1) in accordance with the procedures applicable to reprogramming notifications under such section; and

(4) by redesignating subsection (c) as subsection (d); and

SEC. 8. ASSISTANCE EFFORTS IN SUDAN. 

(a) ADDITIONAL AUTHORIZATIONS.—Section 501(a) of the Assistance for International Malaria Control Act (50 U.S.C. 1701 note) is amended—

(1) by striking “Notwithstanding any other provision of law” and inserting the following: “(1) In general.—Notwithstanding any other provision of law”;

(2) by inserting “civil administrations,” after “indigenous groups,”;

(3) by striking “areas outside of control of the Government of Sudan” and inserting “southern Kordofan, Blue Nile State, South Sudan, official Nuba Mountains State, Blue Nile State, and Abyei”; and

(4) by inserting at the end of the period the following: “,” the Comprehensive Peace Agreement for Sudan”;

(b) WAIVER.—The President may waive the application of the sanctions in this section if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

SEC. 9. RESTRICTIONS ON UNITED STATES ASSISTANCE TO SUDAN.

(a) RESTRICTIONS ON UNITED STATES ASSISTANCE TO SUDAN.—In conjunction with reports required under subsections (a) and (b) of this section, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under sections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

(1) a description of each sanction imposed under such provisions of law; and

(2) the name of the individual or entity subject to the sanction, if applicable.

(b) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with reports required under subsections (a), (b), and (c) of this section, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under sections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

(1) a description of each sanction imposed under such provisions of law; and

(2) the name of the individual or entity subject to the sanction, if applicable.

(c) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with reports required under subsections (a), (b), and (c) of this section, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under sections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

(1) a description of each sanction imposed under such provisions of law; and

(2) the name of the individual or entity subject to the sanction, if applicable.

SEC. 10. REPORTS.

(a) REPORT ON AFRICAN UNION MISSION IN SUDAN (AMIS).—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by redesigning subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

(c) REPORT ON AFRICAN UNION MISSION IN SUDAN (AMIS).—In conjunction with reports required under subsections (a) and (b) of this section, the Secretary of State shall submit to the appropriate congressional committees a report, to be prepared in conjunction with the Secretary of Defense, on

(1) efforts to fully deploy the African Union Mission in Sudan (AMIS) with the size, strength, and capacity necessary to stabilize the Darfur region of Sudan and protect civilians and humanitarian operations;

(2) the needs of AMIS to ensure success, including in the areas of housing, transport, communications, equipment, technical assistance, and accountability, and such assistance as is necessary to sustain and deter attacks, including by air, directed against civilians and humanitarian operations;

(3) the current level of United States assistance and other assistance provided to AMIS, and a request for additional United States assistance, if necessary;

(4) the status of North Atlantic Treaty Organization (NATO) plans and assistance to support AMIS; and

(5) the performance of AMIS in carrying out its mission in the Darfur region.”.

(b) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by redesigning subsection (d) as subsection (e); and

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

(c) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with reports required under subsections (a), (b), and (c) of this section, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under subsections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

(1) a description of each sanction imposed under such provisions of law; and

(2) the name of the individual or entity subject to the sanction, if applicable.

SEC. 11. RULE OF CONSTRUCTION.

Nothing in this Act (or any amendment made by this Act) or any other provision of law shall be construed to preempt any State law that prohibits investment of State funds, including State pension funds, in or relating to the Republic of the Sudan.

The SPEAKER pro tempore, Mr. SMITH of New Jersey, and thegentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.
The past 3 years, at least nine major bills and resolutions regarding Sudan have been passed by this body, including an historic declaration that genocide was occurring in the Darfur region of western Sudan in September of 2004. Four of the administration’s initiatives of President Bush has led both humanitarian and diplomatic efforts to address the crisis in Darfur. The United States has provided more than $617 million in assistance to help ease the suffering of those most affected by the conflict, and more than $150 million to support the African Union mission in Darfur.

I would say parenthetically, last August Greg Simpkins, our expert on the subcommittee, and I went to Darfur. We spent several days in Khartoum and then made our way up to Mukjar and Kalma camp. Mukjar is a very remote camp, where we saw the beneficiaries of that aid, men and women and children, who have suffered so much, lost so many loved ones, moved once more. But it was reassuring and quite gratifying, to be blunt, to see American aid providing them with healthy and nutritious meals as well as the medicines and at least some of the security that they so desperately need.

We also knew, especially with Mukjar, that if you traveled just a kilometer outside camp, the Janjaweed and other killers were waiting to continue their genocidal deeds. It was very sobering to know the risks and the security threat they face each and every day knowing that they cannot go past the perimeters of the refugee camps.

We also met in Khartoum with not only Salva Kiir, the Vice President, who is doing an extraordinarily good job to try to bring peace to the region, but we also met with President al-Bashir. He and his junta continue to be a jockey for power while tragedy continues to unfold in Darfur and threatens the future of Sudan.

Let me finally point out to my colleagues that at the direction of the President, President Bush, the United States Ambassador to NATO has pressed for NATO reinforcement of the African Union mission. We all know they do not have enough people to do the job. The mission was designed and configured in a way that almost doomed it to failure despite herculean efforts on their part. We are now pressing for reinforcement of those AU troops.

The U.S. Ambassador to the United Nations, John Bolton, continues to seek authorization to incorporate the African Union Mission into a larger, more robust U.N. peacekeeping mission. As Mr. LANTOS knows when we traveled to New York just a week ago and met with Kofi Annan and others, that was one of the key topics we talked about: How do we get this AMISOM implemented so that it can grow the mission, as well as boots on the ground to try to mitigate this misery.

The United States also continues to play a significant role in facilitating peace talks in Abuja, Nigeria, between the Government of Sudan and the rebels of the Sudan Liberation Army; and

Notwithstanding the multiple legislative efforts of this administration and many of our friends in Europe, and despite the conclusion of a peace agreement for southern Sudan, the passage of six U.N. Security Council resolutions and the deployment of nearly 7,000 African Union peacekeepers, the conduct of seven rounds of peace talks, the crisis in Darfur continues with catastrophic consequences. This conflict is real. It is ongoing, it is every day, and it demands our resolute attention.

Madam Speaker, as many as 400,000 people have died and more than 2 million people have been forced from their homes. Entire villages have been looted and destroyed, and countless men, women and children have been abducted, tortured, abused and raped. Weapons continue to flow into the region unabated despite the existence of an arms embargo, and attacks against civilians, humanitarian convoys, and African Union peacekeepers increase almost daily as peace talks in Nigeria flounder.

Despite 11,000 aid workers that make up some 82 NGOs, 13 U.N. agencies and the International Committee for the Red Cross, a lack of security and reliable transportation means that food aid and other humanitarian assistance is becoming increasingly more difficult to deliver. While it is clear that something must be done, it is also clear that we cannot legislate an end to the atrocities and no number of forces from the African Union, NATO, U.N. or even the U.S. can impose a permanent peace without the commitment of the Sudanese themselves to lay down their arms.

Still, as humanitarians we cannot stand by idly as the Sudanese government officials and rebel commanders jockey for power while tragedy continued to unfold in Darfur and threatens to return to the rest of Sudan.

According to a recent International Crisis Group report, Sudan’s ruling National Congress Party lacks the will to implement the North-South peace agreement and has frustrated the Darfur peace process by “facilitating increased chaos on the ground and promoting divisions within the rebels.”

We are all aware of the complexity of the situation in Sudan and must respond accordingly to all of its facets and manifestations. This legislation, I believe, attempts a comprehensive effort to deal with the tragedy of that country. The committee amendment before you, which is the result of 8 months of bipartisan collaboration, contains the following measures:

One, while it does not authorize the use of United States Armed Forces in Darfur, it confers upon the President the authority to provide assistance to reinforce the deployment and operations of an expanded AU mission with the mandate, size, strength and capacity to protect civilians and humanitarian operations.

Two, it encourages the imposition of targeted sanctions against the Janjaweed commanders and coordinators.

Three, it calls for the extension of the military embargo established pursuant to U.N. Security Council Resolutions 1556 and 1591 to include the government of Sudan.

Four, it amends the Comprehensive Peace in Sudan Act of 2004 to impose an asset freeze and travel ban against individual perpetrators of genocide, war crimes, or crimes against humanity in Darfur.

Next, it asserts that existing restrictions imposed against Sudan shall not be lifted until the President certifies to the Congress that the government of Sudan is acting in good faith to:

One, peacefully resolve the crisis in Darfur;

Two, disarm, demobilize and demilitarize the Janjaweed;

Three, adhere to U.N. Security Council resolutions;

Four, negotiate a peaceful resolution to the crisis in eastern Sudan;

Five, cooperate with efforts to disarm and deny safe havens to the Lord’s Resistance Army; and

Six, fully implement the terms of the Comprehensive Peace Agreement.

The legislation also amends the International Malaria Control Act to enable the United States Government to continue providing assistance to southern Sudan and other marginalized areas and lift restrictions on imports and exports for those same areas.

It also adds a section regarding the preemption of State laws that prohibit investment of State pension funds in Sudan.

Madam Speaker, Sudan is a very sensitive and emotional issue for Members of this body. While Sudan may be providing the United States with valuable information relevant to the global war on terror, or so it says, it is still on the State Sponsors of Terrorism list. It is a country where the government has unleashed campaigns of terror and genocide against its own citizens.

It is a country where slavery still exists. Back in 1996, I chaired the first hearing ever on the continuing use of that form of slavery in Sudan, something that we thought was abolished in the 1860s.

For many, the National Congress Party-led faction of the Sudanese government represents pure evil. Although we may differ on our views on how best to confront the regime in Khartoum, the need to promote peace and accountability throughout Sudan is not a partisan issue. Members, such as the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Colorado (Mr. TANCREDO), have been tenacious on this. Of course the ranking member, Mr. LANTOS, and all of us have worked on both sides of the aisle to try
to ensure that this body remains focused on Sudan in a meaningful and constructive way. Their leadership has been inspiring, and I want to thank them all.

That being said, the bill that lies before you today is the result of 8 months of intense, confrontational, and intensive negotiations, and represents a truly bipartisan compromise on the efforts to address genocide in Darfur while supporting the consolidation of peace in southern Sudan.

And while it represents a compromise, don’t be mistaken. This is a strong bill. It is an important bill. It is an urgent bill. The people of Darfur cannot afford to wait while we continue discussions on how best to confront Khartoum. They need our help now.

I would also like to thank our esteemed ranking member of the Judiciary Committee, the chairman and ranking member, Mr. SENSENBRENNER and Mr. CONyers, for acting so quickly to allow us to get this measure to the floor without further delay.

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I am very pleased to yield 1 minute to the distinguished Democratic leader who is in the forefront of every single fight globally on behalf of human rights and who has just returned a few weeks ago from a visit to Darfur, Congresswoman NANCY PELOSI.

Ms. PELOSI. Thank you very much. Mr. LANTOS, our distinguished ranking member on the International Relations Committee, also a cochair of the Human Rights Caucus. Thank you for your great leadership on fighting for human rights throughout the world. You have a long history of that. You have personal experience in terms of being the only Member of Congress who escaped the Holocaust, and you have brought that conviction, your ideas, your courage to this fight once again in helping the people of Darfur.

And I want to commend Mr. CHRIS SMITH. He and FRANK WOLF have been such leaders on this issue for so very many years, and all of us who are concerned about Sudan, in particular now, Darfur are deeply in your debt.

I join the gentleman in commending HENRY HYDE, as well as Mr. LANTOS and DONALD PAYNE, our colleague, who have brought this issue to the forefront in the Congress of the United States. I thank you for authorizing this legislation, for your steadfast leadership in calling attention to the crisis in Darfur.

Mr. Speaker, I bring to the floor a picture of the children, a picture of the children of Darfur. All of us on our trip that Mr. LANTOS mentioned, who visited with members of a bipartisan delegation, all of us wanted to take these children home with us, but that wasn’t possible. There were so many of them. And it wouldn’t be right anyway, because they wanted to go home. They wanted to go home to their homes which no longer existed.

When we were there, we visited with them. And after a day in the refugee camp, our bipartisan delegation traveled with Vice President Taha. He asked us, he said, “The Sudanese people want to know, why are you so interested in Sudanese domestic affairs? I know the American people are free-thinking people, but maybe we should think together. Does not create a clear understanding of the facts in my country.”

Vice President Taha was denying all of this, that we could not help recollecting the stories of villages torched, women raped, children tortured and men tortured and killed. But even in the horror of all of that, we saw hope in the bright and playful eyes of the toddlers. That hope, however, was diminished in the eyes of the older children. They had really seen too much. They had seen too much.

The camps we visited were homes to over 100,000 people. That was just what we saw when we were there. There are many more. That is just a fraction of the staggering toll of the violence in Darfur. But you can see these camps, and you can see that some of them are made out of USAID food bags stitched together.

The Darfuris are forced to walk miles outside the camps for firewood and water, with the constant fear that they may be attacked.

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According to the United Nations, 3 million people are in need of assistance. Two million Darfuris have been displaced, pushed out of their homes and their villages, and nearly 200,000 people have been killed thus far, and that is a conservative estimate.

Furthermore, the full human toll is yet to be exacted. Concentrated in camps with deplorable conditions, when the rainy season comes, Darfuris are now vulnerable to further death from disease. Sicknesses like cholera and dysentery could take tens of thousands of lives.

We have seen variations on this problem from hell, most recently in Rwanda. And at that time, that short time ago, we promised never again. We have heard never again over and over again.

The humanitarian disaster in Darfur challenges the conscience of the world. It is the systemic destruction of a people. It is genocide.

While we were in the Sudan, back home President Bush reaffirmed that this is, indeed, genocide. When some of us, Mr. PAYNE, Mr. JON WILSON and Mr. CLYBURN and I met with the President at the White House to thank him for his leadership and report on our trip, we also asked him to appoint a special envoy, special U.S. envoy for the Sudan. This envoy would signal that bringing peace and stability to the Sudan is a priority of the United States, and it is a part of this legislation. Thus, this is the reason the United States is asking for a special U.S. envoy. U.S. special envoy, is necessary because it will help stop the violence, bring the parties to the negotiating table, and get humanitarian relief to the people who need it.

The African Union is to be commended for its efforts to protect Darfur. We saw the AU’s camps there where people were getting at least something to eat and perhaps some medical attention for the first time. But so much more needs to be done.

So that is why this legislation on the floor today is so important, because I don’t even know if these children are even alive 1 month after we came home, these beautiful children.

Many people in our country have been actively involved in the effort to get more support and humanitarian assistance on the ground. The United Nations dollars for Darfur were running out in March.

Humanitarian workers in Sudan are harassed, their convoys diverted and attacked, and some of these workers have been kidnapped. Humanitarian workers bring no political agenda or no destabilizing intentions to the Sudan. They carry with them hope and sometimes health. They must be protected.

Their supplies must not be diverted, and their volunteers must not be detained.

And that is why I am very pleased that we were able to pass, in the supplemental, the President’s request for $439 million, and that Mr. CAPUANO’s initiative to add $50 million for assistance was accepted by the House. We hope it will be considered in the Senate.

This legislation, as spelled out by Mr. LANTOS and Mr. SMITH, so I won’t go into it again, contains very, very important initiatives to help make matters better. Stop the violence, bring the parties to the table, get the humanitarian assistance to the people.

This brings us back to Vice President Taha’s question, why is the United
States so interested in Sudan? The answer is that genocide is not the domestic affair of any nation. It concerns the world. And as our colleague, Joe Wilson, said to him, Americans care about people. Our care is reflected in the working group for the people of Darfur here in this Congress, in State legislatures, in corporate board rooms, on college campuses, even on high school campuses and yes, indeed, even in the White House.

This care was spurred by our religious communities which have taken the lead in our efforts. I salute many of the religious leaders who have taken the lead on this. And on April 30, many people will converge, thousands will converge on Washington, and there will be events around the country put together by the Save Darfur Coalition.

Each day that the genocide continues, and each day that we wait, the hope we saw in the eyes of the youngest children can disintegrate into despair, despair and death.

Again, on April 30, Americans of conscience will come to Washington to echo the call, never again. These citizens will demonstrate on behalf of the children of Darfur. This is not only an issue of the region. This is not only an issue of the region. This is not only an issue of the region.

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

I first want to thank my colleagues, Chairman HENRY HYDE and Chairman CHRIS SMITH and the ranking member, my good friend from New Jersey, DONALD PAYNE, for keeping this House focused on the grave atrocities unfolding every single day in Darfur.

Mr. Speaker, the U.S. Congress determined some 2 years ago that the atrocities in Darfur are genocide. We don’t use that term lightly. I certainly don’t.

I am proud to be a cosponsor of this bipartisan legislation that was introduced by Mr. PAYNE and Mr. FRANK WOLF for their exceptional leadership as well.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to my good friend and colleague from Ohio (Mrs. SCHMIDT).

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today in strong support of H.R. 3127, the Darfur Peace and Accountability Act. I commend Chairman HYDE and Chairman SMITH for their work in moving this important legislation forward.

Defending the basic human rights of the world’s most vulnerable populations should be a priority for all of us. Sudan, the largest country in Africa, has been ravaged by civil war intermittently for four decades. An estimated 2 million people have died due to war-related causes and famine, and millions more have been displaced from their homes. This ongoing crisis in the Darfur region in Western Sudan has led to a major humanitarian disaster.

Estimates are that up to 300,000 people have been killed in the Darfur region over the past 24 months alone. In 2004, the House, the Senate and the White House declared the atrocities taking place in Darfur as genocide.

I am proud to be a cosponsor of this important legislation to impose sanctions against individuals responsible for genocide, support humanitarian operations and promote peace efforts in the region. This is not only an issue of religion or politics. This is a matter of mercy and humanity.

I urge my colleagues to vote for H.R. 3127.

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I urge my colleagues to vote for H.R. 3127.

I want to thank Chairman SMITH, again, for this great bipartisan legislation.
Mr. Speaker, it is with great pride and respect for his work on this subject that I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), who has been our conscience on the issue of the Darfur genocide.

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today in absolute strong support of H.R. 3127, the Darfur Peace and Accountability Act. I thank Mr. LANTOS, our ranking member of the Subcommittee on Africa, Global Human Rights, and International Operations, and Mr. SMITH, my friend from New Jersey, who has done an outstanding job chairing the subcommittee.

I would like to thank Chairman HYDE for the work that he and his staff did for being open to negotiations with me and my staff and other Members as well as Members of other subcommittees such as the Subcommittee on Africa, Global Human Rights, and International Operations, chaired by Representative SMITH, my friend from New Jersey, who has done an outstanding job chairing the subcommittee.

Mr. Speaker, I have walked through an instance at gunpoint, to look away from everything you have known and respect for his work on this subject. So this is very personal, as it is with all of us.

I would like to thank Chairman HYDE for his continued work on this issue. It is so important that we work together in a bipartisan fashion. It is so important that we move forward in addressing this atrocity that we work together in a bipartisan fashion. It is so important that we move forward in addressing this atrocity that we work together in a bipartisan fashion. It is so important that we move forward in addressing this atrocity that we work together in a bipartisan fashion. It is so important that we move forward in addressing this atrocity that we work together in a bipartisan fashion. It is so important that we move forward in addressing this atrocity that we work together in a bipartisan fashion.
The University of California is getting ready to divest, Harvard University has divested, Stanford has divested, as well as the States of Illinois, New Jersey and Oregon. These provisions with regard to divestment are very important.

Mr. Speaker, this bill makes sure that this is the plate now and put some teeth into our declaration of genocide. We cannot have another Rwanda, Mr. Speaker. One million people died, and all we could do there was go there later and apologize. Sometimes you see some of us wearing “Not On Our Watch, Save Darfur,” because we do not intend to have on our watch another genocide of that magnitude. 200,000 people is too many already. One person is too many.

So this bill will help us address the growing humanitarian crisis, and also the security crisis. In the long run, of course, we know that we must have a political solution and a peace accord.

I want to thank all of you, again, for making sure this remained a bipartisan effort.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend and distinguished colleague from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend Mr. LANTOS for his leadership on this issue, as well as Chairman HYDE and Chairman SMITH on this allimportant issue. I commend their leadership.

Mr. Speaker, I rise today in support of H.R. 3127, the Darfur Peace and Accountability Act of 2006. I also want to express my deep concern as well as the concern of an overwhelming number of my constituents over the situation in Sudan.

The ongoing violence and humanitarian disaster in Sudan has led to as many as 400,000 villagers killed by militias and left more than 2 million Sudanese in refugee camps. This dire situation has also strained the resources of countries bordering Sudan.

In the past, I have supported measures that call on the President to improve the security in Darfur and increase funding for peacekeeping forces and humanitarian assistance. Today, I am proud to cosponsor H.R. 3127, which directs President Bush to impose sanctions on the government of Sudan as well as freeze the assets of anyone responsible for acts of genocide, war crimes or crimes against humanity in Sudan. This measure also calls on NATO to send a civilian protection force to assist the African Union mission in Sudan, which has been expanded.

Mr. Speaker, the plight of the people in Darfur resonates with all of us, and we should all be ashamed that the atrocities that have taken place and that are taking place right now are happening in our time. Where is the world’s outrage? Why have we not learned from the mistakes of the past, the Holocaust, Armenia, Cambodia, Rwanda?

Mr. Speaker, now is the time to act.

It is our duty to end this humanitarian suffering and to act fast in my commitment to stopping this conflict and promoting peace in Sudan.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from California has expired.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that an additional 20 minutes of debate time be made available, equally divided between the two sides.

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

There was no objection.

Mr. LANTOS. Mr. Speaker, I am pleased to yield to my good friend from Massachusetts, our distinguished colleague, MICHAEL CAPUANO.

Mr. CAPUANO. Mr. Speaker, first I would like to add my voice to congratulate the leadership of the International Relations Committee and to this House for bringing this bill to the floor. I will be honest. I had some doubts that this bill would ever get to the floor, and the fact that it is here I think is something that deserves recognition.

I think everybody here and everybody who is listening who cares about this issue already knows what is going on in the Sudan.

I just want to rise today to express my opinion that this bill coming to this floor at this time is representative of what America can be in the world. It is representative of what America is. It is the best of America. I am not so sure that this bill or anything we can do here will actually stop the genocide in Sudan, but we need to do what we can do, and that is what this bill does.

This bill represents the hopes and dreams of the world, for all the people across the globe who talk about human rights, basic human rights. I am not talking about the kinds of things we talk about here in America which are the extra-human rights we would all like to see. These are basic: life and death; enslavement and freedom; torture and no torture.

This bill addresses those issues to the best of our ability, and I think just for a moment, every American who cares about this issue should take a second and contemplate themselves and to feel good about their country and their representatives here in the House who have taken action today that we don’t need to take. I don’t think any of us will get a single vote at home because of this action. But it is the morally correct thing to do if America wants to continue to be the beacon of hope for the entire world.

Mr. Speaker, I repeat what I said before. I congratulate the leadership of this House for them for bringing this bill to the floor.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my fellow Californian and good friend, who is a fighter for human rights in Africa and everywhere, Ms. MAXINE WATERS.

Ms. WATERS. Mr. Speaker, I thank the gentleman from California. I would like to commend the bipartisan effort of the International Relations Committee and the House for the work that you have done on this most important issue.

I was just part of a bipartisan delegation led by minority leader NANCY PELOSI to the Sudan taking place as we stand here today. We met with Vice President Taha. He was unapologetic, he was arrogant and he was uncompromising on their position in Darfur. They don’t like the use of the word “genocide,” but he admitted that they had funded the Janjaweed because they retaliated against the rebels of the south who were resisting the Sudanese government.

We are on the right track. This Congress has been good in helping to identify that, number one, genocide is indeed taking place. Over 200,000 people have died.

We watched what happened in Rwanda. We have noted over and over again the atrocities of the Holocaust. Yet we continue to get the U.N. and others to move fast enough to stop this genocide that is taking place in Darfur.

I support this resolution today, this Darfur Peace and Accountability Act of 2006 today, because this will impose sanctions on the government of Sudan and it will block the assets of and restrict travel for individuals who are responsible for acts of genocide, war crimes or crimes against humanity in the Darfur region of Sudan. It is long past due. We should be tough about it. The sanctions movement is growing.

We need to squeeze them. We need to make sure that we have the kinds of actions that will be felt.

I was up in the camps. As far as the eye can see, millions of displaced persons who have been driven from their homes, driven from their camps, living literally on the ground with little tarps just covering them. It is unconscionable that this should continue.

Again, I thank the International Relations Committee.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to our distinguished colleague and my good friend from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me again applaud the International Relations Committee, Chairman HYDE and the ranking member for never stepping away from a very difficult challenge on the international arena.

Mr. SMITH, the chairman of the Subcommittee on Africa, let me again acknowledge your ongoing stand against the brutalization of peoples who are disenfranchised around this world and taking the responsibility that this moral Congress has, the one entity that is looked upon around the world for that extended helping hand.
I, too, traveled to Chad and to Sudan and looked at this whole complex situation. On the one hand, the Sudanese government in a certain sense having a mea culpa, “not me, not I.” The African Union being somewhat helpless to the extent that the charge they are given is only to watch and to see. And then in Chad, a country that is now being in essence not destroyed, but certainly charged and challenged with responsibilities that they cannot handle, thousands upon thousands of displaced persons, many of them women and children.

I visited in the heat of the spring and saw no water for the children to go to school, women being raped as they came Union being somewhat helpless to the extent that the charge they are certain to be heard or we be heard is the same way that aparnid was destroyed in South Africa, was to isolate them and to determine that they cannot any longer murder and pillage without impunity in this particular country.

I thank the distinguished gentleman, but I hope that we will be able to wage an effort, a bipartisan effort of divestiture, which ultimately brought South Africa to its recognition, that of sepa
tion of black and white and the brutality that occurred had to stop, and look at Sudan. I say that Sudan can be the kind of nation we all can be proud of.

Mr. LANTOS. Mr. Speaker, I want to thank all my colleagues on both sides of the aisle for their powerful and impassioned statements. This is a legislation of conscience. I urge all of my colleagues to support it.

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

Mr. Speaker, let me just say, in closing, how grateful I am to Members on both sides of the aisle for working so steadfastly on this legislation. There were some glitches, there were some areas where there was broad agreement as well as disagreement. We worked out those differences and want to thank the Members, but also the staff. Joan Condon has done an incredibly good job in walking us through this legislation and writing many parts of it. Greg Simpkins, our Africa specialist on the subcommittee, who also worked on this legislation, as I said earlier, accompanied me to Darfur last August. We saw firsthand the devastating impact of this horrific genocide on men, women, and children in that beleaguered land. Mr. Condon is always a great friend of the Africa Subcommittee, who provides very good in
sights. I want to thank her, as well as Noelle Lusane, Don Payne’s lead staff
er, who also very much went with us, and Ted Dagge. Together we were able to work through these differences.

Ms. ESHOO. Mr. Speaker, I rise today in support of H.R. 3127, the Darfur Peace and Accountability Act, legislation aimed at stop
ing the ongoing genocide in the Darfur region of Sudan.

As a longtime cosponsor of this critical legis
lation, I am pleased that this bill has been brought before us today for a vote. With as many as 400,000 killed by the orchestrated vi
ence in Darfur, it’s imperative that the U.S. act quickly and decisively to put an end to the crisis.

H.R. 3127 goes after the individuals both in
ternal and outside the Sudanese government who are responsible for the ongoing bloodshed by directing the President to seize the assets of and refuse future visas to any indi
dividual (or their family members) responsible for the genocide, war crimes, and crimes against humanity in Sudan. It also forbids any U.S. port from accepting any goods or cargo from Sudanese ships should the Sudanese government continue to fail to take steps to re
solve the crisis. Furthermore, in order to give military protection for victims on the ground, H.R. 3127 authorizes the President to provide assistance for an expanded peacekeeping force in Sudan; the African Union Mission in Sudan, AMIS, and directs the President to seek NATO reinforcement of AMIS, upon the request of those who need it. I urge.

Last month I voted for and the House passed the Capuano Amendment to the FY2006 Supplemental Appropriations Bill for Iraq and Other International Activities, which added $50 million in funding to expand the Af
rican Union’s peacekeeping missions in Darfur. This critical funding will help the Af
rican Union forces provide humanitarian relief and protection until further assistance arrives from the U.S. and the international community.

For the past three years I have voted for and cosponsored legislation condemning the atrocities in Darfur and appropriately labeling them “genocide.” Both Houses of Congress have concurred with this assessment, but little has been effective in stopping the killings and displacement. We understand we need to come up with new methods to target those perpetuating the violence. The provi
sions within the Darfur Peace and Account
ability Act will give us a fresh set of tools to apply to the situation and deliver assistance to those who need it. I urge all of my colleagues to support H.R. 3127.

Mr. OLVER. Mr. Speaker, for three years the Sudanese government and its armed mili
tia have been engaged in a violent conflict against two major rebel groups in Sudan. This struggle has evolved into a cam
paign of government-backed violence and eth
nic cleansing, but the international community has failed to take sufficient action to put an end to these atrocities. Congress and the Bush Administration have recognized the slaughter in Darfur as genocide, but it is time to also hold the government in Khartoum ac
countable for the horrendous actions against civilians and provide international assistance to the victims in Darfur.

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ceasefire that has been consistently ignored by both sides of the conflict. But the African Union does not have the resources, training or mandate to provide real protection for the people of Darfur. The African Union needs support from the international community, and H.R. 3127 is the first step in this process. This legislation urges the President to instruct the U.S. representative to NATO to advocate for NATO reinforcement of AMIS and to urge the Security Council to adopt a resolution supporting the expansion of AMIS.

Today I offer my support for the Darfur Peace and Accountability Act, and I hope that Congress, the Bush Administration and the International Community can work together to put an end to crisis in Darfur.

Mr. ANDREWS. Mr. Speaker, I rise in support of the Darfur Peace and Accountability Act, and urge my colleagues to join me in voting yes on this important piece of legislation. I commend Chairman HYDE and my fellow New Jerseyans, African Subcommittee Chairman Chris Smith and Ranking Member Donald Payne for bringing this bill to the floor and helping to ensure that the terrible situation in Darfur is held accountable. I am optimistic that, by working with advocates and the international community, peace will return and this genocide will come to an end.

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in strongly supporting H.R. 3127, the Darfur Peace and Accountability Act, and support these steps to end the genocide.

Mr. GREEN of Texas. Mr. Speaker, today I am offering my support for H.R. 3127, the Darfur Peace and Accountability Act. This bill would be an important step in ending the crisis that continues to plague the Darfur region of Sudan.

Since civil unrest erupted in Sudan in February 2003, roughly 400,000 people have died and an astounding 2.5 million have become displaced as a result of policies by the government of Sudan and attacks by government troops and government-backed militias. The human inhabitants of that beautiful land suffer daily from unimaginable torments including rape, hunger, looting, and indiscriminate killing.

The U.S. government has officially acknowledged that what is happening in Darfur is genocide. Now, it is imperative that the U.S. and the global community act in defense of those in Sudan who are suffering at the hands of their government. If we do not do all that we can to bring stability to this humanitarian crisis, then we are essentially participating in the problem.

H.R. 3127 aims to end this deplorable violence through a variety of means including increased diplomatic pressure, increased financial aid, increased asset and travel sanctions, urging the expansion and a stronger mandate for the African Union Mission, AMIS, bringing perpetrators of genocide, war crimes, or crimes against humanity in Darfur to justice through the International Criminal Court, and urging the government of Sudan to cease the unethical behavior.

As a member of the Congressional Sudan Caucus, I have had the opportunity to express my commitment to developing a solution that will put an end to this continuing genocide. Furthermore, I intend to do what I can in my capacity as a Member of Congress to demonstrate this august body’s dedication to supporting human rights around the world. I am optimistic that, by working with advocates and the international community, peace will return to Sudan.

I support the Darfur Peace and Accountability Act. I also urge my colleagues to vote “yes” on this important legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the Darfur Peace and Accountability Act. This legislation is a much needed step towards ending the unprecedented tragedy taking place in Sudan, and its consideration today is long overdue.

Over the past 3 years, the world has watched as the situation in Darfur has escalated into an unprecedented humanitarian and human rights crisis. Since February 2003, civilians in the impoverished Darfur region of Sudan have been subject to indiscriminate killings, abductions, torture and rape at the hands of the Janjaweed—a lawless militia that is directly supported by the Sudanese government. It is clear that the government of Sudan has offered their tacit approval for these attacks, and in many instances has engaged in air and ground strikes to augment the Janjaweed assaults on the people of Darfur.

The scope of this ongoing tragedy is hard to imagine. The numbers, unfortunately, speak for themselves. An estimated 3.5 million people are starving and some 2 million have been displaced from their homes, including hundreds of thousands who have fled to Chad for refuge. When then Secretary of State Colin Powell called the crisis in Darfur ‘genocide’ in September 2004, an estimated 50,000 people had been killed. That number may now reach

ceasefire that has been consistently ignored by both sides of the conflict. But the African Union does not have the resources, training or mandate to provide real protection for the people of Darfur. The African Union needs support from the international community, and H.R. 3127 is the first step in this process. This legislation urges the President to instruct the U.S. representative to NATO to advocate for NATO reinforcement of AMIS and to urge the Security Council to adopt a resolution supporting the expansion of AMIS.

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Mr. GREEN of Texas. Mr. Speaker, today I am offering my support for H.R. 3127, the Darfur Peace and Accountability Act. This bill would be an important step in ending the crisis that continues to plague the Darfur region of Sudan.

Since civil unrest erupted in Sudan in February 2003, roughly 400,000 people have died and an astounding 2.5 million have become displaced as a result of policies by the government of Sudan and attacks by government troops and government-backed militias. The human inhabitants of that beautiful land suffer daily from unimaginable torments including rape, hunger, looting, and indiscriminate killing.

The U.S. government has officially acknowledged that what is happening in Darfur is genocide. Now, it is imperative that the U.S. and the global community act in defense of those in Sudan who are suffering at the hands of their government. If we do not do all that we can to bring stability to this humanitarian crisis, then we are essentially participating in the problem.

H.R. 3127 aims to end this deplorable violence through a variety of means including increased diplomatic pressure, increased financial aid, increased asset and travel sanctions, urging the expansion and a stronger mandate for the African Union Mission, AMIS, bringing perpetrators of genocide, war crimes, or crimes against humanity in Darfur to justice through the International Criminal Court, and urging the government of Sudan to cease the unethical behavior.

As a member of the Congressional Sudan Caucus, I have had the opportunity to express my commitment to developing a solution that will put an end to this continuing genocide. Furthermore, I intend to do what I can in my capacity as a Member of Congress to demonstrate this august body’s dedication to supporting human rights around the world. I am optimistic that, by working with advocates and the international community, peace will return to Sudan.

I support the Darfur Peace and Accountability Act. I also urge my colleagues to vote “yes” on this important legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the Darfur Peace and Accountability Act. This legislation is a much needed step towards ending the unprecedented tragedy taking place in Sudan, and its consideration today is long overdue.

Over the past 3 years, the world has watched as the situation in Darfur has escalated into an unprecedented humanitarian and human rights crisis. Since February 2003, civilians in the impoverished Darfur region of Sudan have been subject to indiscriminate killings, abductions, torture and rape at the hands of the Janjaweed—a lawless militia that is directly supported by the Sudanese government. It is clear that the government of Sudan has offered their tacit approval for these attacks, and in many instances has engaged in air and ground strikes to augment the Janjaweed assaults on the people of Darfur.

The scope of this ongoing tragedy is hard to imagine. The numbers, unfortunately, speak for themselves. An estimated 3.5 million people are starving and some 2 million have been displaced from their homes, including hundreds of thousands who have fled to Chad for refuge. When then Secretary of State Colin Powell called the crisis in Darfur “genocide” in September 2004, an estimated 50,000 people had been killed. That number may now reach
as high as 400,000 today, with 180,000 of these deaths occurring in the past 18 months alone according to the United Nations. These numbers continue to grow every day; however we may never fully appreciate the enormous human toll these atrocities have taken on Sudan, the continent of Africa and the world. 

The atrocities taking place are nothing less than a human tragedy, a world wide cause that we cannot ignore—and yet the international community remains essentially paralyzed and unable to stop it. To date, there have been 26 peace talks, the deployment of 6,000 African Union troops, 6 U.N. Security Council resolutions and declarations of genocide by the administration and this Congress. Despite this pressure, the Sudanese government has steadfastly refused to take any constructive steps towards ending this humanitarian crisis. 

As the leader of the free world and a role model for human rights and democracy, we must live up to our own example. To this end, the Darfur Peace and Accountability Act takes several important steps toward increasing pression of the government of Sudan to end the current crisis. Among its many provisions, this legislation strengthens sanctions on individuals and governments responsible for, or connected to, the atrocities in Darfur. It also provides strong support for the expansion of humanitarian and peacekeeping efforts in the region, and calls for the suspension of Sudan’s membership in the United Nations. While this legislation alone will not end the atrocities in Darfur, it will send a strong message to Sudan and the world community that the U.S. is serious about bringing an end to the violence.

Many grassroots groups around the country, such as the Connecticut Coalition to Save Darfur, have been working to educate policymakers and the public on the urgent need for action in this troubled region of the world. Their efforts have ensured that the crisis in Darfur stays in the public mind and today’s consideration of the Darfur Peace and Accountability Act is a testament to their tireless work. I am proud to support this legislation, and strongly urge that this quick approval conference to ensure that we can get this important bill to the President’s desk without delay.

Mr. SCHIFF. Mr. Speaker, I rise in strong support of H.R. 3128, the Darfur Peace and Accountability Act of 2006. 

Three years ago, the United Nations Security Council declared its grave concern at the widespread human rights violations in Darfur and expressed its determination to do everything possible to halt a humanitarian catastrophe. Since then, at least 300,000 people are estimated to have died in Darfur. Currently, more than 3.5 million Darfurians depend on international aid for survival and another 2 million have been driven from their homes. 

In 2004, pressure from Congress and American citizens prompted the Bush administration to become the first government to recognize the mass killing in Darfur as a genocide. Since then, the U.S. has played an important role by pressing for an international response to the crisis in Darfur at the U.N. supporting the deployment and expansion of the African Union Mission and providing substantial humanitarian aid. Unfortunately, the U.S. and the international community have yet to muster the will or cooperative action necessary to adequately protect civilians, end the killing, and broker lasting peace.

Last week the U.N. Security Council issued a resolution reaffirming that the situation in the Sudan continues to constitute a threat to international peace and security. In Darfur large scale attacks on civilians have been replaced by rampant banditry, a campaign of sexual violence, and the practical entrapment of civilians in camps. Government backed militias have not been reined in and rebel groups are contributing to violence on the ground. Civilians suffering have been raped, humanitarian workers harassed, and critical aid supplies disrupted. For people of Darfur, the situation remains one of daily violence and insecurity, desperate living conditions, and the persistent threat of hunger and disease.

Sixty years ago, in the wake of the Holocaust, the international community vowed, “Never again.” Ten years ago, confronted with the death toll of the Rwandan genocide, leaders of the western nations again declared, “This time, the world will act.” Today, a decade later, not only are thousands, but hundreds of thousands continue to suffer in Darfur. The Darfur Peace and Accountability Act reminds the administration and the international community that the genocide in Darfur demands urgent action and action, and calls upon the President to use both economic and political leverage to elicit cooperation from the Sudanese government.

Passing the Darfur Peace and Accountability Act is a significant demonstration of this nation’s commitment to human rights. I hope that passage of this important legislation will spur more concerted national and international efforts to bring security and stability to the people of Darfur.

Mr. CARDIN. Mr. Speaker, I rise today in support and as a co-sponsor of H.R. 3127, the Darfur Peace and Accountability Act of 2006. Since February 2003, the Sudanese government—through its proxy, the Janjaweed Arab militia—has carried out a campaign to loot and burn African villages in the Darfur region of western Sudan. Hundreds of thousands of people have been killed, and over 2 million people have been displaced. This systematic pattern of attacks against civilians includes arson, looting, burning, torture, and rape, and such attacks are supported by air and land strikes by Sudanese government forces. Congress declared in the summer of 2004 that genocide was occurring in Darfur, and the administration followed suit in the fall of 2004.

This bill strengthens the Sudan Peace Act of 2004 by expanding sanctions, authorizing funding for humanitarian and peacekeeping efforts, and by taking additional steps to bring international accountability.

First, this bill specifically targets individuals in the government as opposed to punishing the coalition government as a whole. It holds Sudanese government officials and Janjaweed officers accountable for genocide acts. The bill also targets the Sudanese government by denying access to U.S. ports to any ships involved in the Sudanese arms or oil industries. It is important that we force those responsible for the violence to account for their actions and that we prevent the Sudanese government from continuing to profit while thousands are being killed.

Second, the bill increases humanitarian aid to southern Sudan and other marginalized areas, which are currently under the control of the Sudanese government and thus sanctioned. With this provision, our aid will more efficiently reach those in need, even if they live under the coalition government. In this way, we can hope to protect those who have lost their homes and livelihoods to the violence of the region.

Third, the bill reinforces the African Union Mission in Sudan (AMIS) in order to protect civilians and carry out humanitarian operations. Currently, the African Union Mission in Sudan consists of only a few thousand troops, and AMIS requires a significant number of supplies and additional troops to effectively carry out its mission. The United Nations Security Council should also consider authorizing a separate, more robust peacekeeping force under U.N. auspices.

I was pleased that the House appropriated $500 million last month in emergency assistance to southern Sudan and Darfur. I urge the House to adopt this legislation today, which takes important steps to stop the ongoing genocide in Darfur.

Mr. MCGOVERN. Mr. Speaker, I rise in support of H.R. 3127, the Darfur Peace and Accountability Act of 2006. I wish to thank my good friends and colleagues on the House International Relations Committee, in particular Chairs Henry Hyde and Ranking Member Tom Lantos. I would also like to thank the honorable gentleman from New Jersey, Representative Donald Payne, for his leadership on Darfur and peace in Sudan, as well as my Massachusetts colleague, and Co-Chair of the Sudan Caucus, Representative Michael Capuano.

Mr. Speaker, the genocide in Darfur is an affront to the world, and a challenge to the moral and political leadership of the U.S., the European Union, the NATO Alliance, the African Union, and the international community and its representative body, the United Nations. To date, we have failed, individually and collectively, to rise and meet this challenge.

Every day, the carnage continues.

Every day, villages are destroyed.

Every day, women and girls are raped.

Every day, children are held in servitude.

Every day, the Sudanese government in Khartoum and its terrorist allies, the Janjaweed militias, sit fat and happy, secure in their knowledge that the world is all bark, and no bite—and that continuing their pillage and their terror and their violent acts with impunity.

This bill, Mr. Speaker, attempts to hold the Government of Sudan, its leadership and its militia allies accountable for their acts and their crimes.

It is not enough, Mr. Speaker, but it takes important steps to strengthen current sanctions, increase the pressure on Khartoum, demand greater support for the African Union peacekeeping mission, and require a greater action by the international community, including the U.S., to put an end to the slaughter.
I wish the bill would have required the establishment and enforcement of a no-fly zone over Darfur, but at least it includes a sense of Congress provision in support of the no-fly zone. But I warn you, Mr. Speaker, in the absence of controlling the skies over Darfur, government planes and helicopters will continue to support and protect the terrorist militias as they carry out genocidal acts against the defenseless population.

Mr. Speaker, everyone talks about Darfur. For the past 3 years the world has called what is happening in Darfur genocide. And yet the situation continues, the crisis worsens, the blood continues to flow, smoke still rises over the few remaining villages, refugees from the region pour into overcrowded camps, hunger and famine stalk the refugees, and the conflict spills over into neighboring countries.

We cannot continue to talk about Darfur, yet turn our eyes away. We must all talk about Darfur, yet take no actions to stop the killing.

I fear, Mr. Speaker, the peace of the dead.

This is not an African problem, this is a crime against humanity—all humanity—our humanity.

I support H.R. 3127; it is a good step in the right direction; but it is not enough.

We in this Congress; we in this Nation; we in this world have failed to meet the test of Darfur—and we will continue to fail until the killing stops, peace is achieved, and the murderers—and all those who aid and abet them—are held accountable and brought to justice.

I urge my colleagues to support H.R. 3127.

Mr. TANCREDO. Mr. Speaker, I want to begin by thanking Chairman HYDE, Ranking Member LANTOS, Africa Subcommittee Chairman SMITH and my good friend and long time collaborator on Sudan related legislation and issues, DONALD PAYNE of New Jersey.

Mr. Speaker, we all know the numbers: the genocide in Darfur has claimed 400,000 lives and displaced over 2.5 million people. More than 100 people continue to die each day; 5,000 die every month.

Led and supported by their puppet masters in Khartoum, the Janjaweed militia, pillaged, killed and according to this Congress, have committed acts of genocide against Darfur’s innocent inhabitants.

Mr. Speaker, despite the efforts of this Congress and the numerous governmental and non-governmental organizations who are active on the ground in Darfur, the situation continues to deteriorate: atrocity crimes are continuing and people are still dying in large numbers from malnutrition and disease.

The humanitarian situation remains catastrophic, due to layers of aid obstruction, the lack of an overall humanitarian strategic plan, and the weakened state of displaced Sudanese. Refugees and internally displaced civilians (IDPs), a disproportionate number of them women, are in terribly weakened states, subject to sexual abuse and without adequate shelter. The numbers of at-risk civilians continue to increase. The ability of agencies to deliver aid, localized famine is feared.

To be perfectly frank, I find it reprehensible, Mr. Speaker; simply reprehensible that the international community has failed to act.

I support H.R. 3127; it is a good step in the right direction, but it is not enough.

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I urge my colleagues to support H.R. 3127.
The images are stark. The stories are horrifying and sickening. But each one is the picture or story of a single person: a fellow human. We need to remember that we are all bound together in a common existence and a member of the global community. Those who have lived through the violence and those who are suffering in Darfur are family. They are our brothers, they are our sisters. They share the same earth we do and we share a commitment to their safety and wellbeing. My faith, and the faith of many others, says that it is immoral to sit idly by.

Our commitment to end this conflict and to the people of the region must not begin and end today. We must remain focused and dedicated to ending the genocide and healing the wounds of a prolonged civil war. Justice must be served on those who perpetrated these horrific immoral crimes and we must help rebuild and restore the lives of the people who, through the grace of God, survive this hellish civil war.

We, here in Congress, have worked to end this civil war before. We went on record in September of 2004, declaring Darfur a genocide. Just recently, the House approved over $550 million to pay for additional peacekeepers, increased humanitarian assistance and resettlement of refugees. This money is essential to maintaining the current peacekeeping mission and ease the suffering of those who are displaced.

It is long past time for the United Nations to become involved in Sudan. The UN needs to deploy a robust and sizable international mission to end the genocide and then work to bring peace to the Sudan.

After the systematic genocide of the Holocaust, we said never again. After the horrors of Rwanda and the Kosovo we committed ourselves to preventing who perpetrated such victims from the State Department say the starvation, the deaths, the burning of villages, the poisoning of wells, the slaughter of domestic animals on which people depend, the brutal killing of children in front of their mothers continues while the world watches. “Uncover Your Eyes” Mr. Kristoff tells us. “Uncover Your Eyes.”

Mr. HOYER, Mr. Speaker, the United Nations has identified the situation in Darfur, Sudan, as the worst current humanitarian and human rights statement of crisis in the world. And, the United States has labeled the killings in Darfur as genocide.

History is littered with examples of the international community recognizing the existence of genocide, while at the same time failing to put an end to the murder, rape and displacement of innocent men, women and children.

Sadly, the case of Sudan is yet another sorry demonstration of the international community’s collective lack of will to confront those who would commit such horrific acts of cowardice.

The nations of the world must stop turning a blind eye to the suffering of innocents. I am pleased that we are considering legislation to provide assistance to the African Union Mission in Sudan, and to strengthen the armed embargo against the Janjaweed militia.

But we must not delude ourselves: the resolution before us today will not by itself solve the crisis or put an end to the suffering in Sudan.

As recognized in this legislation, the mission of the African Union peacekeepers must be expanded to allow them to intervene when acts of violence are being committed against innocent Sudanese.

How can we not have learned the lessons of Bosnia, Kosovo and Rwanda, where we watched in horror as troops in blue helmets stood by and allowed rape, murder and displacement of thousands?

The humanitarian crisis currently taking place in Sudan is among the most grave the world has seen in the past decade, and at its heart is the genocidal campaign being waged by the Khartoum government.

The most important, immediate step the world can take to stem the violence is to empower the forces already in place to actually protect the people of Darfur.

I urge my colleagues to support this legislation. And, I urge the U.S. Representatives at the United Nations to carry out their mission as directed in this bill to provide to African Union peacekeepers the authority to stop this genocide.

Mr. RANGEL. Mr. Speaker, the Darfur Peace and Accountability Act passed the House today, Wednesday April 5, 2006. This Act calls for action. The specific intent and purpose of this Act must be implemented immediately by the Administration. It is too late for more words on the horrors of Darfur no matter how strong the words. As Nicholas D. Kristoff in his persistent, piercing Times columns has pointed out that for years, we have said “Never Again, Again.” And yet, the slow genocide continues in Darfur. Babies die of hunger and thirst. Women suffer a deliberate policy of raped and shot in the head.

The starvation, the deaths, the burning of villages, the poisoning of wells, the slaughter of domestic animals on which people depend, the brutal killing of children in front of their mothers continues while the world watches. “Uncover Your Eyes” Mr. Kristoff tells us. “Uncover Your Eyes.”

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But we must not delude ourselves: the resolution before us today will not by itself solve the crisis or put an end to the suffering in Sudan.

As recognized in this legislation, the mission of the African Union peacekeepers must be called off. The non-Arab tribes from the Darfur region of Sudan are marked for death because of their tribal membership and the fact that they are non-Arab Africans.

We know what needs to be done. We have the time to do what needs to be done. We have the means, the influence, and the power. What we need is the leadership.

First the United States must recognize that if the genocide is to be stopped, the United States will have to stop it. This is a most wonderful opportunity never before presented to a leader or a country. President Bush on behalf of the compassionate citizens of this country must seize this opportunity.

Second, the State Department with the leadership of the President must recognize that neither the mandate nor the troop strength of the African Union Mission in Sudan (AMIS) is adequate to protect civilians in Darfur. Third, although the United Nations Security Council has taken steps toward establishing a United Nations peacekeeping mission for Darfur, it could take up to a year for such a mission to deploy fully and the people of Darfur cannot wait that long. Therefore, the African Union must request assistance not only from the United Nations but also from NATO. NATO is needed immediately; Pursuant to Chapter VII of the Charter of the United Nations a peacekeeping force for Darfur must be approved. It must be well trained and equipped and have adequate troop strength to protect the people of Darfur and stop the deaths of helpless, unarmed civilians many of whom are under the age of five.

In order to achieve this, President Bush must propose that NATO consider how to implement and enforce a declared no-fly zone in Darfur and deploy troops to Darfur to support the African Union Mission in Sudan (AMIS) until a United Nations peacekeeping force is fully deployed in the region. President Bush must also approve supplemental funding to support a NATO mission in Darfur and the African Union Mission in Sudan and called upon NATO allies led by the United States to support such a mission and to call upon NATO headquarters staff to begin planning for such a mission.

President Bush has the opportunity that comes once in a presidency and perhaps once in a lifetime. He can save an entire people, their elders, their parents, their children. He can stop the rapes, the maiming of children and women, the acts of barbarism we have shut our eyes to because they are unbearable to look at. I implore President Bush on behalf of his fellow Americans, uncover your eyes and open your heart. Stop the genocide in Darfur.

Ms. SOLIS. Mr. Speaker, I rise in strong support of H.R. 3127, the Darfur Peace and Accountability Act of 2006.

Nearly 2 years ago, I joined my colleagues in Congress to declare the atrocities in Darfur “genocide.” Despite this declaration, hundreds of thousands are dead, millions remain displaced and peacekeepers continue to lack needed support. It is clear that additional action is needed and I am pleased to join my colleagues today in supporting passage of the Darfur Peace and Accountability Act.

The Khartoum government must be held accountable. It is my hope that with this legislation President Bush will exercise the influence of the United States at the United Nations to
Mr. MORAN of Virginia. Mr. Speaker, I rise today to support the passage of the Darfur Peace and Accountability Act. This bill reflects the United States’ continued commitment to secure that violent ends and a lasting peace is achieved in Darfur.

Darfur has already been acknowledged as the worst human rights tragedy since the 1994 Rwandan genocide. Nowhere else have we seen such a massive attack on innocent civilians who are left to suffer in complete isolation, cut off from the rest of the world.

Nearly 400,000 people have already died in Darfur and over two million people continue to live as refugees and internally displaced persons. Thousands of women have been raped and sexually abused and children are left to die from malnutrition, dysentery and infectious diseases.

Mr. Speaker, last month’s approval by the House of funding for Sudan is a solid commitment that brings us closer to resolving the crisis in Darfur and helping those in need. But it is not enough. Congress must continue and hold steadfast to the basic principles of freedom and human rights that we stand for and press on until justice is brought to the Darfuri people.

Mr. VONDA. Mr. Speaker, I rise today to reiterate my grave concern about the situation in Darfur and to express my support for H.R. 3127, the Darfur Peace and Accountability Act of 2006. International efforts to end the genocide now occurring in Darfur have been lackluster, the result of doing more to intervene on behalf of the thousands of innocent men, women and children in that region. I am hopeful that this legislation will give added momentum to ending that genocide. Authorizing the President to provide assistance to the African Union Mission in Sudan while also strengthening sanctions on countries that provide military support to the Sudanese government is not enough. Congress must continue and hold the Sudanese government and government-backed militia accountable to the Sudanese people.

Mr. Speaker, the Sudanese government is in complete denial of their role in supporting genocide and we must act now to send a message that the U.S. will not tolerate this situation. We should be doing more rather than nothing.

Mr. SCHIFF. Mr. Speaker, I rise in strong support of H.R. 3128, the Darfur Peace and Accountability Act of 2006.

Three years ago, the United Nations Security Council declared “its grave concern at the widespread human rights violations” in Darfur and “expressed its determination to do everything possible to halt a humanitarian catastrophe.” Since then, at least 300,000 people are estimated to have died in Darfur. Currently, more than 3.5 million Darfurians depend on international aid for survival and another 2 million have been driven from their homes.

In 2004, pressure from Congress and American citizens resulted in the administration to become the first government to recognize the mass killing in Darfur as a genocide. Since then, the U.S. has played an important role by pressing for an international response to the crisis in Darfur at the UN, supporting the deployment of the African Union Mission in Sudan (AMIS), and providing critical humanitarian aid. Unfortunately, the U.S. and the international community have yet to muster the will or cooperative action necessary to adequately protect civilians, end the killing, and broker lasting peace.

Last week the UN Security Council issued a resolution reaffirming “that the situation in the Sudan continues to constitute a threat to international peace and security.” In Darfur large scale attacks on villages have been replaced by rampant banditry, a campaign of sexual violence, and widespread human rights violations in camps. Government backed militias have not been reined in and rebel groups are contributing to violence on the ground. Civilians continue to be attacked, women and girls raped, humanitarian workers harassed, and civilians killed. For people of Darfur, the situation remains one of daily violence and insecurity, desperate living conditions, and the persistent threat of hunger and disease.

Sixty years ago, in the wake of the Holocaust, the international community vowed, “Never again.” Ten years ago, confronted with the death toll of the Rwandan genocide, leaders of the same nations again declared, “Never again.” Today, tens of thousands of women, men, and children have been murdered and hundreds of thousands continue to suffer in Darfur. The Darfur Peace and Accountability Act reminds the Administration and the international community that the genocide in Darfur demands urgent attention and action, and calls upon the President to use both economic and diplomatic leverage to elicit cooperation from the Sudanese government.

Passing the Darfur Peace and Accountability Act is a small, but important demonstration of this nation’s commitment to human rights. I hope that passage of this important legislation will spur more concerted national and international efforts to bring security and stability to the people of Darfur.

Mr. PALLONE. Mr. Speaker, I would like to express my strong support for the Darfur Peace and Accountability Act and urge my colleagues to vote for it. This important bill takes critical steps towards ending the genocide in Darfur by authorizing the President to provide assistance to expand the African Union Mission in Sudan while also strengthening sanctions on countries that provide military assistance to Sudan.

The crisis in Darfur, Sudan began in February 2003 when two rebel groups emerged to challenge the National Islamic Front government in Darfur. Since then, over 300,000 people have died and nearly 2 million have been displaced and uprooted from their homes. It is unfortunate that it took the United States until July of 2004 to recognize that these events in Darfur constituted genocide and it has taken until April 2006 for the House of Representatives to consider this bill. We have seen far too many times the consequences of ignoring genocide or failing to get involved quickly.

The fact is that while we take a crucial step today, more remains to be accomplished to ensure a lasting peace in the Darfur region of Sudan. Thirty years, times, and other nations have faced the same challenge. Jan Egeland, the U.N. under-secretary-general for Humanitarian Affairs and Emergency Relief, stated, “Many believe the problems are over in Darfur. They are getting worse.” The United States government must continue to lead and encourage our international partners and other allies to put pressure on the Sudanese government to allow U.N. peacekeeping forces into the country.

I have introduced legislation expressing disapproval of the Arab League’s decision to hold its 2006 summit in Khartoum, Sudan. The world community needs to join us as one in condemning the tragedy in Darfur and pressuring the Sudanese government to end it.

Mr. Speaker, the Darfur Peace and Accountability Act is a crucial step towards ending the violence. We need to remember, however, that we have more to do to end this humanitarian crisis. With nearly two million people displaced from their homes and hundreds of thousands dead, resolving this conflict should be a priority for the Administration. We cannot allow a tragedy of this magnitude to occur in today’s world.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, since February 2003, it is estimated that the government-sanctioned violence in Darfur has displaced 2 million people, forced 200,000 people into exile and led to the murder of 300,000 civilians. In July 2004, the United States Congress declared the atrocities in Darfur genocide.

Mr. Speaker, I have a deep and personal understanding of the horrors of genocide. My mother, Renee Perl, was forced to flee Austria—alone—at the age of 14 to escape the Holocaust, leaving behind her family and friends.

As my mother fled the Nazis, the world stood by as Hitler sent Jews to their deaths at Auschwitz, Dachau and Treblinka. Six million deaths later, the world pledged “Never Again”.

Yet, only years after the Nazi-era, millions were sent to their deaths in places such as Cambodia, Bosnia and Rwanda, and the world once again took too long to act. And today, millions of innocent Darfuri men, women and children are being persecuted by the Sudanese government and government-backed militias. To date, however, the perpetrators of these atrocities have faced little to no punishment for their actions and the genocide continues.

The 20th century taught us how unfair and evil can and will go when the world fails to correct it. It is time that we heed the lessons of the 20th century and stand up to these murderers. It is time that we end genocide in the 21st century.

The bill we are considering today is an important step in this direction. By imposing direct sanctions on those who commit atrocities in Darfur, we are sending a strong message to the Sudanese government. But, more must be done.

The serious crimes by the Sudanese government and the government-supported militias must be met with serious consequences. We must work for tough international economic sanctions on the Sudanese government. We must continue to support efforts to...
bring those responsible for crimes against humanity before the International Criminal Court.

And, most importantly, we must continue pressing for a strong, international military engagement with a robust mandate to protect civilians in Darfur.

All across America, millions of Americans are demanding that we take action. I urge my colleagues to support this bill and I urge the administration to do all it can to end this genocide.

Mrs. LOWEY. Mr. Speaker, I rise in support of H.R. 3127, the Darfur Peace and Accountability Act. Passage of this bill, which is long overdue, will help fulfill the U.S.’s role in ending the genocide in Sudan.

More than a year and a half ago, Congress voted unanimously to condemn the genocide in Darfur. Then-Secretary of State Colin Powell declared the atrocities in Darfur to be genocide, a statement that was hailed as significant and meaningful coming from the highest echelons of the U.S. government. Despite these clear pronouncements, however, more people die every day and the slow genocide in Darfur persists unabated.

It is beyond imagination that the collective might and concerted will of the nations of the world cannot find a way to end this daily toll of human misery. I hope and pray that Sudan will allow the proposed UN peacekeeping mission to go forward so that we can end this devastation. While we wait, however, we must find ways to make the African Union Mission in Sudan (AMIS) stronger, and to bolster these efforts with a NATO support.

We must also send the message to those who perpetrate genocide that there will be consequences. The Darfur Peace and Accountability Act would impose harsh sanctions against those who are complicit in or responsible for acts of genocide, freezing their assets and restricting their ability to travel, and would block the Government of Sudan’s access to the oil revenues used to fund the ongoing genocide.

The bill also properly recognizes that ending the genocide in Darfur is not a challenge to be solved by the United States alone. It provides clear directives to establish a peacekeeping presence in Darfur and other multilateral initiatives to pressure the Sudanese government to end the genocide.

My colleagues, “Never Again” is a phrase we have all heard before. We have said it all before. It is one of the most powerful expressions of the natural human inclination to stop suffering, to end the death and destruction that stems from senseless hatred and indifference to human life.

Never Again will we let 6,000,000 Jews perish under the eyes of the civilized world.

Never Again will we let Rwandans be rounded up and indiscriminately killed because of their tribal affiliation.

Never Again will we allow ethnic cleansing in the Balkans.

The problem with the phrase “Never Again,” however, is that it is usually uttered after the violence has already occurred as a rallying cry against history repeating itself. We have seen, time and time again, that history does repeat itself, and it is simply not enough to say that we will prevent it next time. We must end the genocide in Darfur now.

The Darfur genocide is not a Sudanese problem or an African problem. It is a human tragedy, and it is ours to solve. If we are serious about “Never Again,” let passage of the Darfur Peace and Accountability Act today be just one step along this long and arduous road.

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

The SPEAKER pro tempore (Mr. LAHAB). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3127, as amended.

The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

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

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3127.

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

There was no objection.

CONCERNING THE GOVERNMENT OF ROMANIA’S BAN ON INTERCOUNTRY ADoptions AND THE WELFARE OF ORPAnED OR ABANDOnED CHILDREN IN ROmANIA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 578) concerning the Government of Romania’s ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

The Clerk read as follows:

H. Res. 578

Whereas following the execution of Romanian President Nicolae Ceausescu in 1989, it was discovered that 100,000 underfed, neglected children throughout Romania were living in hundreds of squalid and inhume institutions;

Whereas United States citizens responded to the dire situation of these children with an outpouring of compassion and assistance to improve conditions in those institutions and to provide for the needs of abandoned children in Romania;

Whereas, between 1990 and 2004, United States citizens adopted more than 8,200 Romanian children, with a similar response from Western Europe;

Whereas United States citizens adopted more than 8,200 Romanian children, with a similar response from Western Europe;

Whereas the United Nations Children’s Fund (UNICEF) reported in March 2005 that there were approximately 37,000 orphaned or abandoned children in Romania living in state institutions, an additional 49,000 living in temporary arrangements, such as foster care, and an unknown number of children living on the streets and in orphanages; and

Whereas, on December 28, 1994, Romania ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption declaring that “intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in her State of origin.

Whereas intercountry adoption offers the hope of a permanent family for children who are orphaned or abandoned by their biological parents;

Whereas UNICEF’s official position on intercountry adoption, in pertinent part, states: “For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Intercountry adoption is one of a range of care options which may be open to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests of the individual child must be the guiding principle in making a decision regarding adoption.”

Whereas unsubstantiated allegations have been made about the fate of children adopted from Romania and the qualifications and motives of those who adopt internationally;

Whereas in June 2001, the Romanian Adoption Committee imposed a moratorium on intercountry adoption, but continued to accept new intercountry adoption applications and allowed many such applications to be processed under an exception for extraordinary circumstances;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 272/2004 on “the protection and promotion of the rights of the child,” which creates new requirements for declaring a child legally available for adoption;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 273/2004 on adoption which prohibits its implementation except by a child’s biological grandparent or grandparent;

Whereas there is no European Union law or regulation restricting intercountry adoptions to biological grandparents or requiring that restrictive laws be passed as a prerequisite for access to the European Union;

Whereas the number of Romanian children adopted domestically is far less than the number abandoned and has declined further since enactment of Law 272/2004 and 273/2004 due to new, overly burdensome requirements for adoption;

Whereas, prior to enactment of Law 273/2004, 211 intercountry adoption cases were pending with the Government of Romania in which children had been matched with adoptive parents in the United States, and approximately 1,500 cases were pending in which children had been matched with prospective parents in Western Europe; and

Whereas, and that children, deserve to be raised in permanent families: Now, therefore, be it

Resolved, That the House of Representa- tives—(1) supports the desire of the Government of Romania to improve the standard of care and well-being of children in Romania;

(2) urges the Government of Romania to complete the processing of the intercountry adoption cases which were pending when Law 273/2004 was enacted.
(3) urges the Government of Romania to amend its child welfare and adoption laws to decrease barriers to adoption, both domestically and intercountry, including by allowing intercountry adoption by persons other than biological grandparents;

(4) urges the Secretary of State and the Administrator of the United States Agency for International Development to work collaboratively with the Government of Romania to achieve these ends; and

(5) requests that the European Union and its member States not impede the Government of Romania’s efforts to place orphaned or abandoned children in permanent homes in a manner that is consistent with Romania’s obligations under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey, Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 578 expresses deep disappointment that the Romanian government has instituted a virtual ban on intercountry adoption with serious implications for the well-being of orphaned and abandoned children in Romania.

Immediately after the December 1989 revolution, Mr. Speaker, which ousted the much-hated dictator Nicolae Ceausescu, the world learned that tens of thousands of underfed, neglected children were living in institutions, called orphanages, throughout Romania. A month after the fall of Ceausescu, Dorothy Taft, who is our deputy chief of staff at the Commission on Security and Cooperation in Europe, and I traveled to Bucharest and visited those orphanages. We also met with government officials and spoke about the hope for democracy in that country. We were dismayed by the most lasting impressions that I have from that trip is being in an orphanage in Bucharest, where dozens of children were lined up with no one to turn them, to change their diapers and, in some cases, even to feed them with the frequency that their little bodies required. It left a lasting impression upon me.

Sadly, all these years later, Mr. Speaker, Romania’s child abandonment rate that we witnessed firsthand on that trip has not changed significantly over those years. As of December 2005, 76,509 children are currently in the child protection system.

While the Romanian government serves at least some credit for reducing the number of children living in institutions from 100,000 to 28,000, this is only part of the picture. The government statistics do not include the abandoned infants living for years in maternity and pediatric hospitals, where donations from charities and individuals keep the children alive; and thousands more have been matched with parents in Western Europe, Israel and Australia. In the past few weeks there have been unofficial reports that pending applications are being rejected across the board and the dosiers returned to the adopting parents.

A document from the Romanian Office for Adoption acknowledged that fewer than 300 of these children have been placed in permanent situations, either returned to biological parents or placed with relatives. The vast majority remain in limbo. This cannot be the last word of what we often call “the pipeline cases.”

The Romanian government repeatedly promised to place these children. The review ofosta, that has supposedly been done was not transparent, was not done on a case-by-case basis, and was not conducted according to clear and valid criteria that is in the best interest of each individual child. These cases involve prospective families who have proven their good faith, by waiting for years for these children. Many cases involve children who will not be domestically adopted due to their special needs, medical or societal prejudices.

In at least three cases, Mr. Speaker, children are already living in the United States with their prospective adoptive parents while receiving lifesaving medical treatment, including a child with spina bifida. These children were legally adoptable until Romania’s new law took effect.

Let me say that when I introduced this resolution in November, I asked the question, who in the European Union will stand with Members of our Congress, to protect these defenseless children?

Today I am happy to say, members of the European Parliament are challenging the anti-adoption monopoly over this issue and that is encouraging. On December 15, the European Parliament urged Romania to act in the pending cases with the goal of allowing intercountry adoptions to take place where justified and appropriate. In March this year, the European Parliament’s Committee on Foreign Affairs and Security Policy, Mr. Pierre Moscovici, reported that he notably differs on the issue of international adoption of Romanian
children from the previous rapporteur, Baroness Emma Nicholson, whose virulent anti-adoption views that hurt the children of Romania are now very, very well known.

I applaud the European Parliament and I am glad that our parliament, this Congress, has poised to go on record very strongly in trying to resolve these pipeline cases.

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, it is remarkable that more than 15 years after the fall of the Berlin Wall we are still dealing with the vestiges of failed experiments in totalitarian social engineering.

One of these cases is the shocking situation of children in Romania in orphanages. For many years, the dictator of Romania, Nicolae Ceausescu, had a policy of encouraging population growth to enhance the country’s international importance. He encouraged parents to have large numbers of children, but the economic and social conditions in Romania made it impossible to support large families. As a result, many parents were forced to abandon their children to state-run institutions that were grossly underfunded and understaffed.

My wife, Annette, and I visited a large number of these Romanian orphanages, and what we saw was worse than pathetic. Many children spent long periods in miserable conditions that stunted their development and left them detached from the society at large.

Upon the discovery of the large number of Romanian orphans, people from around the world, particularly in the United States, opened up their hearts and proceeded to try to adopt Romanian orphans. In 1990, 121 Romanian children were adopted by American parents. A decade later, the number had increased tenfold.

Because of a new Romanian law, Mr. Speaker, it is remarkable that Mr. SMITH of New Jersey, Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Hampshire (Mr. BRADLEY), who has several cases in his own district that he has been advocating for.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I would like to first start by congratulating my friend, the gentleman from New Jersey (Mr. SMITH), as well as the bipartisan support from Mr. LANTOS on this effort, and certainly their leadership in trying to resolve this issue. While it only affects a couple of hundred American families right now, for those families that it does affect, it is a profound issue in their lives.

As I think Mr. LANTOS has very eloquently summarized, as has Mr. SMITH, and certainly his work on this resolution and the underlying issue of trying to encourage inter-country adoption in a country, Romania, that has now, in a misguided fashion, turned their back on those children who could find loving, durable homes with the adoption option.

Let me also thank so many other people who were a part of this, but especially Maureen Walsh, who is our General Counsel for the Commission on Security and Cooperation in Europe, for her extraordinary expertise and work on the issue and this resolution. What we have done is contacting the highest levels of the government of Romania, from the President down, it has been ongoing. It has been frequent.

What we are advocating and what this resolution would help us do is, once again, remind the Romanian government that for those cases that were previously approved and for everything, except actually releasing the orphans to their American parents when they have been approved and for every-thing, except actually releasing the orphans to their American parents, that the Romanian government should follow through on that commitment for those 200 or so American families that have gotten all of their paperwork approved and the cases all but resolved except for this law.

Mr. Speaker, I thank the bipartisan sponsors, Mr. LANTOS and Mr. SMITH, for their continued advocacy on this and look forward to continuing to work with you to try to resolve this situation, and I thank you again, Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman very much and his work on behalf of his constituents.

There was no objection. Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

In closing, I want again to thank Chairman HYDE and Ranking Member LANTOS for their tremendous support for this resolution and the underlying issue of trying to encourage inter-country adoption in a country, Romania, that has now, in a misguided fashion, turned their back on those children who could find loving, durable homes with the adoption option.

Let me also thank so many other people who were a part of this, but especially Maureen Walsh, who is our General Counsel for the Commission on Security and Cooperation in Europe, for her extraordinary expertise and work on the issue and this resolution. What we have done is contacting the highest levels of the government of Romania, from the President down, it has been ongoing. It has been frequent.

Our hearing that BEN CARDIN and I put on last year I think brought all of these cases to light and was very persuasive on the part of the pipeline families, as well as the issue itself. The intercountry adoption is a

What we are advocating and what this resolution would help us do is, once again, remind the Romanian government that for those cases that were previously approved and for everything, except actually releasing the orphans to their American parents when they have been approved and for everything, except actually releasing the orphans to their American parents, that the Romanian government should follow through on that commitment for those 200 or so American families that have gotten all of their paperwork approved and the cases all but resolved except for this law.

It is my hope that the European Union and the leaders of the European Union are going to recognize the legitimacy of the claims of the 200 or so American families and perhaps as many as 2,000 other European families and resolve these cases that have been previously approved for the benefit of families in this country, like Allison and Mike Schaaf, who provided such loving, kind and warm homes.

Thank you.
loving, compassionate option, and certainly is far better than languishing in an orphanage somewhere where the child is warehoused.

Mr. Speaker, so we call upon the Romanian government again to reverse its position, to cease its mucking under Lady Nicholson’s pressure, which is now going into reverse. The European Union, as I said before, is showing clear signs that it concludes it has made a profound mistake.

I want to thank Mr. CARDIN, who is our ranking member on the Commission on Security and Cooperation in Europe, who has been working on these issues side by side.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 578 encouraging the nation of Romania to complete the processing of intercountry adoption cases that have already begun, and to amend its laws to decrease this and other barriers to adoption.

The statistics regarding abandoned children in Romania are shocking: 9,000 children are abandoned by Romania’s maternity wards and pediatric hospitals every year; 37,000 remain in adoption institutions; and 49,000 more live in foster care with their extended families. These children deserve every possible opportunity to be raised in loving, permanent families, and many such opportunities are available outside of their home nation. Romania’s current laws are detrimental not only to these children, but to the American families that are ready and willing to welcome them into their homes.

Since June 2004, one of these children, Otilia Rotaru, has lived in Falls Church, Virginia with Scott and Lisa Lampman, two of my constituents, among other American families in the Northern Virginia area, with whom Otilia is taking swimming lessons at the local Y-Women’s Club. As a result of Scott and Lisa’s love for Otilia, she now walk with the assistance of a walker. The Lampmans have been committed to fighting for all human dignity, we shall continue to advocate for the placement of children in permanent, loving homes abroad. I hope that as we face more of these challenges and political barriers down the road which directly impact children, we will work together to get past those barriers which are artificial.

Mr. Speaker, I will conclude by respectfully requesting that this body continue to engage in a dialogue with our American colleagues abroad on the importance of adoption, both domestic and international, as a preferable alternative to institutional care which should be used only as a last resort and as a temporary measure, until the child can return to the family environment.

I am disheartened by the actions so far of Romania in failing to complete the pipeline adoption cases which would have resulted in placing over 1,000 orphans with permanent, loving homes abroad. I hope that as we face more of these challenges and political barriers down the road which directly impact children, we will work together to get past those barriers which are artificial.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 578.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.
The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE DR. PHAM HONG SON AND OTHER POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 320) calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience; and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 320

Whereas in March 2002, Dr. Pham Hong Son was arrested after he had translated an article entitled "Viet Nam: Democracy" from the Web site of the United States Embassy in Vietnam and sent it to both friends and senior party officials;

Whereas Dr. Son has written and published a number of articles and speeches which have been critical of Vietnamese Government or its policies; and

Whereas Dr. Son has been arrested for the peaceful exercise of his fundamental rights to freedom of expression and association in violation of Article 69 of the Vietnamese Constitution which states: "The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law";

Whereas Dr. Son has been arrested, tried, convicted, and imprisoned in contravention of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a state party, specifically Article 19 (freedom of expression) and Article 22 (freedom of association); and

Whereas the resolution further calls on Vietnamese authorities to end all forms of repressions against the Unified Montagnard Resistance Front, in particular, by allowing the creation of a genuinely free press; and

Whereas there are continuing and well-founded concerns about forcibly repatriated Montagnard refugees, access to whom is restricted;

Whereas on December 1, 2005, the European Parliament adopted a resolution calling on the Vietnamese authorities, among other measures, to undertake political and institutional reforms leading to democracy and the rule of law, starting by allowing a multi-party system and guaranteeing the right of all citizens to express their views; and

Whereas the resolution further calls on Vietnamese authorities to end all forms of repression against members of the Unified Buddhist Church and to formally recognize its existence and that of other non-recognized Churches in the country;

Whereas the resolution further calls on Vietnamese authorities to release all Vietnamese political prisoners and prisoners of conscience detained for having legitimately and peacefully exercised their rights to freedom of opinion, expression, the press, and religion;

Whereas the resolution further calls on Vietnamese authorities to ensure the safe repatriation of Vietnamese refugees in accordance with the UNHCR Agreement, of the Montagnards who fled Vietnam, and allow proper monitoring of the situation of the returnees by the UNHCR and other international and non-governmental organizations; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Condemns and deports the arbitrary detention of Dr. Pham Hong Son by the Government of the Socialist Republic of Vietnam and calls for his immediate and unconditional release, and for the immediate and unconditional release of all other political prisoners and prisoners of conscience; and

(2) Condemns and deports the violations of freedom of speech, religion, movement, association, and the lack of due process afforded individuals in Vietnam; and

(3) Strongly urges the Government of Vietnam to consider the implications of its actions for the broader relationship between the United States and Vietnam;

(4) Urges the Government of Vietnam to allow unfettered access to the Central Highlands and to the Northwest Highlands by foreign diplomats, experts, journalists, and nongovernmental organizations; and

(5) applauds the European Parliament for its resolution of December 1, 2005, regarding human rights in Vietnam, and urges the Government of Vietnam to comply with the terms of the resolution; and

Whereas Dr. Son and other political prisoners and prisoners of conscience have been deprived of their basic human rights by being denied their ability to exercise freedom of opinion and expression; and

Whereas the arbitrary imprisonment and the violations of human rights of citizens of Vietnam are sources of continuing, grave concern to Congress; and

Whereas it is the sense of Congress that the detention of Dr. Son and other persons whose human rights are being violated and discuss the legal status and immediate humanitarian needs of such individuals with the Government of Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I am proud to present this bill to my colleagues today in defense of a man who has fought for democracy in Vietnam at great personal cost. There has been a tremendous amount of publicity lately about Internet dissidents in China. As a matter of fact, we had a day-long hearing on this use of the Internet to capture and to really decapitate the dissidents and religious freedom movements in China, in Vietnam and Belarus and in other countries, but we now focus on one particular man, as well as others who have suffered because of that, in the case of Dr. Pham Hong Son of Vietnam.

In March 2002, Mr. Speaker, police arrested Dr. Son. He had translated an article from the Web site of the U.S. Embassy in Hanoi that was entitled, "What is democracy?" and he sent it to some of his friends and senior Vietnamese officials. In addition, he had

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written an open letter, published on the Internet, protesting the fact that his house had been searched illegally and his computer and documents confiscated.

Dr. Son was charged with espionage by the Vietnamese authorities, accused of collecting and dispatching news and documents for a foreign country to be used against the Socialist State of Vietnam. Let us not forget who that foreign country is. It is us. It is the U.S. Embassy’s Web site in Hanoi, and that is where he went to download that essay, “What is democracy?”

After a closed trial and a closed appeal, from which Western reporters and diplomats from Europe, the United States and Canada were barred, Dr. Son was sentenced to 5 years, plus an additional 3 years of house arrest.

Dr. Son’s case has been highlighted repeatedly by the U.S. Department of State’s Human Rights Report for Vietnam and by Human Rights Watch, Reporters Without Borders, the Committee to Protect Journalists, and Amnesty International.

Mr. Speaker, I went to Vietnam last year, accompanied by Eleanor Nagy, who is our Director of Policy on the Subcommission on Africa, on Human Rights and International Operations, and met with some 60 dissidents who need to be released from police custody that day.

And the persecution continues, Mr. Speaker. On March 12, according to Reporters Without Borders, an Internet user calling himself “Freedom For the Country,” joined the discussion group “Democracy and Freedom the Only Way for Vietnam.” He went on-line in a Hanoi cyber cafe, and he discussed politics for about half an hour with two other people in the group. During the discussion, he said he was a member of a pro-democracy working group. The entire on-line conversation was recorded by the forum administrator, police entered the cyber cafe, and they arrested him.

On the recording, someone could be heard asking the Internet user to go with them, and then someone else shouting, hit him. The administrator continued recording after the police intervention, and no one could disconnect the computer linked to Pal Talk. Afterwards, a man’s voice is heard on the microphone introducing himself as the cyber cafe’s owner and confirming that one of his customers had been taken away by the police. He added that he had been fined for violating Internet law. The Vietnamese government has even imprisoned someone from translating into Vietnamese an article entitled “What is Democracy,” from the U.S. embassy Web site in Hanoi. It boggles the mind, Mr. Speaker, that the Vietnamese government is so fearful of dissent that it doesn’t even allow citizens to discuss, let alone implement, meaningful democracy.

The Vietnamese government also places severe restrictions on the expression of religious beliefs, particularly upon Buddhists, who do not worship as part of the official church, and upon Christians in the Vietnamese highlands.

With the approval of the U.S.-Vietnam Bilateral Trade Agreement 5 years ago, the political and economic relationship between the United States and Vietnam has become increasingly more complex, but we must continue to send a strong signal to Hanoi that the United States continues to make it a top priority to promote internationally recognized human rights everywhere, including Vietnam.

Passage of our resolution will indicate to the administration and to the government of Vietnam that we in Congress expect to see real progress on the human rights front in Vietnam, and that we have not forgotten those Vietnamese who are being persecuted for their beliefs. Mr. Speaker, I urge all of my colleagues to support this carefully crafted resolution.

Mr. Speaker, I am pleased to yield 3 minutes to my good friend and distinguished colleague from California, Congresswoman LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of a dangerous man. In Vietnam, Dr. Pham Hong Son is considered a criminal, a man who must be silenced and incarcerated for the good of society.

Is Dr. Pham a violent man, a terrorist, perhaps? Does he advocate the
violent overthrow of his government. No, absolutely not. Dr. Pham is a dangerous man not because of his dangerous actions, but because of his dangerous ideas. Dr. Pham's great crime was to translate articles on democracy into Vietnamese and to write and publish his own articles about democracy and human rights in Vietnam.

Dr. Pham's case is typical of how the government of Vietnam deals with voices of peaceful and patriotic dissent. A case in point is a personal one for me. I was invited next week to go to Vietnam. I was interested in talking with their government about issues of human rights and religious freedom, issues that are very important to the people of Orange County, California. Unfortunately, I was informed last night that my visa application was denied by the Vietnamese government for the third time in 2 years, despite the fact that we have welcomed their dignitaries to the United States and that I was invited by the Venerable Thich Minh City, acquaint themselves very thoroughly with the human rights abuses the Vietnamese commit and raise those issues, particularly as it relates to trade.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Con. Res. 320, calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience.

The Vietnamese people have endured extensive struggles for many years in their ongoing fight for basic human rights and freedom. As a member of the Vietnam Caucus, I am dedicated to promoting awareness and policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

In March 2002, Dr. Pham was arrested after he translated an article entitled "What is Democracy?" from the Web site of the United States Embassy in Vietnam and sent it to both friends and senior party officials. On August 26, 2003, the Vietnamese Supreme Court sentenced Dr. Pham to 5 years in prison, to be followed by 6 years of house arrest. Drs. Pham and others, demonstrate the ongoing human rights abuses and lack of religious freedom in Vietnam. We must continue to bring attention to
these issues, generate pressure on Vietnamese officials, and hold the Vietnamese government accountable.

I am hopeful H. Con. Res. 320 will serve as a small stepping-stone towards the ultimate liberation and freedom of the Vietnamese people, and I urge my colleagues to join me in supporting this resolution.

Ms. LOFGREN of California. Mr. Speaker, I rise in strong support of House Concurrent Resolution 320, a resolution that calls for the release of Dr. Pham Hong Son and other political prisoners and prisoners of conscience in Vietnam.

Dr. Pham was imprisoned in 2002 for the simple act of translating a document posted on the U.S. Embassy’s website entitled, “What is Democracy?” He has tirelessly worked in non-violent ways to promote democracy and freedom of speech, expression, and association in Vietnam.

But Dr. Pham is not alone. Thousands of peaceful activists have been harassed, imprisoned, or been placed under house arrest for calling for basic human rights in Vietnam. The State Department, the U.S. Commission on International Religious Freedom, Amnesty International, the Committee to Protect Journalists, and various Vietnamese-American groups have documented egregious violations of religious freedom, human rights, and free speech in Vietnam.

For the past two years, the State Department has designated Vietnam a “country of particular concern” which means Vietnam has been engaged in systematic, ongoing, egregious violations of religious freedom. In company with religious human rights advocates such as Sudan, Burma, China, Iran, and North Korea.

In its 2005 report, the U.S. Commission on International Religious Freedom states, “the government of Vietnam continues to commit systematic and egregious violations of religious freedom by harassing, detaining, imprisoning, and discriminating against leaders and practitioners from all of Vietnam’s religious communities. Religious freedom conditions in Vietnam remain poor, and the overall human rights situation has deteriorated in the past two years.”

The Committee to Protect Journalists says, “Press conditions in Vietnam largely stagnated in 2005, despite efforts by the country’s leaders to project an image of greater openness. Three writers remained imprisoned on anti-state charges for material distributed online; print and broadcast media continued to work under the supervision of the government; and attacks on journalists were common.”

For the past year, Vietnam has sought a new relationship with the United States, Prime Minister Phan Van Khai and several other high-level members of the Vietnamese government visited the U.S. in 2005. But if the Vietnamese government expects to cultivate this new relationship, it must start by respecting basic human rights of all citizens of Vietnam. I hope this Congress will show strong support for change in Vietnam by unanimously passing House Concurrent Resolution 320 today.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H. Con. Res. 320 with calls for the immediate and unconditional release of Dr. Pham Hong Son and other political prisoners in Vietnam. The Socialist Republic of Vietnam has been holding prisoners because of their exercise of basic human rights including freedom of speech, religion, movement, and association.

Dr. Pham Hong Son was indicted and imprisoned for translating an article on the Web site of the U.S. Embassy in Vietnam entitled “What is Democracy?” and circulating the article among friends and senior party officials. He was subsequently sentenced to 13 years imprisonment and 3 years of house arrest on espionage charges after a half-day closed trial that deprived him of due process. The Vietnamese Constitution and the International Covenant on Civil and Political Rights (ICCPR), of which Vietnam is a state party, both protect the rights to freedom of opinion and speech. The government of Vietnam should uphold their obligations under the ICCPR and honor other internationally recognized standards for basic freedoms and human rights before their accession into the World Trade Organization.

The fall of the Republic of Vietnam displaced approximately three million Vietnamese. One of these, Ricardo J. Bordallo, was Governor of Guam at the time of Operation New Life. I vividly remember how the Guamanian community came together in solidarity with the Vietnamese people and worked hard to help comfort these brave individuals who had left all their worldly possessions behind in the name of freedom. The people of Guam empathized with the Vietnamese refugees, and we opened our hearts as well as our land to them. One of my assignments as First Lady was to organize the care for the hundreds of baby babies that arrived in Operation Baby Lift. This meaningful experience that has remained one of my fondest memories of my husband’s first term as Governor of Guam.

Of the 150,000 Vietnamese who arrived on Guam in April 1975, many decided to return to Vietnam to help rebuild their motherland. Unfortunately, those who remained in Vietnam now face a Socialist government that denies them basic human rights of freedom of speech, religion, movement, and association. They deserve the right to a fair trial and due process.

Today, Congress calls on Vietnamese authorities to end all forms of repression against small religious sects and for the release of all Vietnamese political prisoners who have legitimate complaints from Saudi Arabia that it will abide by its WTO obligations; and

Whereas the Organization of the Islamic Conference (OIC) scheduled a Meeting of the Liaison Officers of Islamic Regional Officers for the Boycott of Israel” for the week of March 13, 2006, at the OIC’s headquarters in Saudi Arabia; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Saudi Arabia should maintain and fully live up to its commitments under the World Trade Organization (WTO) and end all aspects of any boycott on Israel; and

(2) the President, the United States Trade Representative, and the Secretary of State—

(a) should continue their active involvement on this issue by strongly urging the Government of Saudi Arabia to comply with its WTO obligations; and

(b) should urge Saudi Arabia to end any boycott on Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.
Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to introduce this resolution and support it, which has also the support of the gentleman from Maryland (Mr. CARDIN) and I believe probably is one of the best bipartisan resolutions to come before this Congress in a while.

This resolution would express the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel.

In 2005, the United States supported the accession of Saudi Arabia to the World Trade Organization. During this process, Saudi Arabia reiterated its commitment to terminate the secondary and tertiary boycotts on Israel. Additionally, it committed not to discriminate against any World Trade Organization members; and specifically, it did not invoke the nonapplication provision of the World Trade Organization agreement. Because of this, Saudi Arabia has rights and obligation to all the World Trade Organization members, including Israel. Given this, we should not have to be here today debating this resolution on the floor of the House.

Instead, today members should be able to praise Saudi Arabia for its forward thinking and its upcoming expanded role in the global economy. Unfortunately, though, many of my colleagues and I have read press reports that an official of the government of Saudi Arabia has stated that Saudi Arabia has not committed to ending the primary boycott on Israel. This would be a clear violation of its WTO commitments to Israel.

I am pleased that when United States Trade Representative Portman testified before the Ways and Means Committee, he stated that Saudi Arabia’s application of the boycott is a big concern of the United States. He also reiterated that Saudi Arabia is required to provide nondiscriminatory treatment to Israel. I appreciate Ambassador Portman’s efforts in this area.

This resolution would provide further support for the stated position of the USTR by establishing that it is the sense of the Congress that Saudi Arabia should maintain and fully live up to its commitments under the World Trade Organization and end all aspects of any boycott on Israel. It also urges the President, the U.S. Trade Representative, and the Secretary of State to continue their efforts to ensure that this is exactly what happens. I ask my colleagues to vote “aye” on this resolution.

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

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

Mr. Speaker, I am pleased to join the gentleman from Florida (Mr. SHAW) in introducing this resolution we are considering today. As Mr. SHAW pointed out, last year the United States negotiated a bilateral trade agreement with Saudi Arabia which paved its admission into the WTO in December.

A key commitment as part of the United States’ agreement with the Saudis obligations to not have any further boycott with Israel, either primary or secondary. It was also clear that they would not invoke the nonapplication provision of the WTO agreement, meaning that it agreed it would treat all WTO members, including Israel.

Yes, the primary responsibility was to eliminate the secondary boycott; but in not invoking the nonapplication provision, it agreed to treat all WTO countries equally, including Israel. This was a key commitment for the United States’ approval of an agreement that paved the way for the Saudis entering the WTO.

Unfortunately, the Saudis’ action in recent months appears to fly in the face of that promise. During December, Saudi officials were quoted in the press as insisting that Saudi Arabia would continue its participation in the primary boycott against Israel which prohibits imports of Israeli goods. Saudi Arabia has helped to promote the boycott conflicts directly with the country’s commitment as a WTO member to treat all nations in a nondiscriminatory manner.

What is even more disturbing is that Saudi Arabia has not only continued to participate in the boycott, but Saudi Arabia has helped to promote it. In March, Saudi Arabia hosted a meeting of the Organization of Islamic Conference, an international organization with 57 member countries. The purpose of this meeting was to discuss strengthening the Arab League boycott against Israel.

Mr. Speaker, I believe the United States must not stand silently while the Saudis help to promote the boycott. In December, Saudi Arabia dropped the boycott in 1995 as well. In 1990, Egypt was the first nation to abandon the boycott. Jordan followed in 1995. The Palestinian Authority dropped the boycott in 1995 as well. In 1994, several of the Gulf states abandoned their secondary and tertiary boycotts. In 2005, just last year, Bahrain announced it was completely withdrawing from the boycott.

The Saudi government has repeatedly said that Saudi Arabia is not anti-Semitic. Oh, really, Mr. Speaker. These are the same Saudis that support terror, export terrorism, finance terrorism, the same Saudis that spew racist and anti-Semitic hatred, and the same Saudis that continue to promote the boycott conflicts directly with the country’s commitment as a WTO member to treat all countries equally. We must insist that the Saudis live up to their commitments.

I urge President Bush, the U.S. Trade Representative and all members of the administration to call upon the Saudis to adhere to the commitments that they made to us, that they made to the WTO. It is time for them to end their boycott against Israel, not just the secondary but the primary boycott. I urge my colleagues to support this resolution.

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

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

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in strong support of this resolution expressing the sense of Congress that Saudi Arabia should end its economic boycott of Israel. I want to personally thank the gentleman from Florida (Mr. SHAW) and my very good friend, the gentleman from Maryland (Mr. CARDIN), for introducing this resolution.

Mr. Speaker, no one is born knowing how to hate. Hate needs to be taught. The Saudi Kingdom, our so-called partner in the fight against terrorism, has turned teaching hatred into a perverted science and a twisted art form.

Last year the Bush administration supported Saudi Arabia’s accession to the World Trade Organization. As a condition of joining the WTO, the Saudis agreed to end all boycotts of Israel. Their Foreign Minister repeated this pledge to our Secretary of State. Israel is our strongest ally in the Middle East. This boycott has hurt Israel’s economy since its founding in 1948. The Israeli Chamber of Commerce estimates that Israeli exports are 10 percent less than they would be without the boycott; investment in Israel, 10 percent lower.

To no surprise to me that the Saudis have not honored their commitment to end the boycott. The reasons to me are painfully apparent: anti-Semitism and a hatred for Israel. Saudi Arabia continues to be one of the few countries to participate in the boycott when many of its neighbors have given up. In 1990, Egypt was the first nation to abandon the boycott. Jordan followed in 1995. The Palestinian Authority dropped the boycott in 1995 as well. In 1994, several of the Gulf states abandoned their secondary and tertiary boycotts. In 2005, just last year, Bahrain announced it was completely withdrawing from the boycott.

The Saudi government has repeatedly said that Saudi Arabia is not anti-Semitic. Oh, really, Mr. Speaker. These are the same Saudis that support terror, export terrorism, finance terrorism, the same Saudis that spew racist and anti-Semitic hatred, and the same Saudis that continue to promote the boycott. Clearly, this is not a question of how to hate. Hate needs to be taught.

The Saudis say they share our values. Exactly what values do they think they share with the United States? They do not value a hate-free education for their children. Saudi schoolbooks paint an ugly, distorted portrait of a world in which Israel does not exist. The 9/11 attacks were perpetrated by so-called Zionist conspiracies, and the anti-Semitic and fictitious “Protocols of the Elders of Zion” is taught as actual history. These schoolbooks are the official publications of the education ministry.

They do not value religious freedom and pluralism. Saudi Arabia bans all religions except Islam. Saudi Arabia’s religious beliefs have even gone so far as banning the Barbie doll, calling them Jewish toys that are offensive to Islam.

They couldn’t value honesty because last year the Saudi Crown Prince told Saudi television that “Zionists” were behind the attack at the oil facility in Yanbu. The Crown Prince also is
Mr. SHAW. Mr. Speaker, this resolution is important beyond just the pages of the resolution itself. It is important as to the future of world trade. Are we as a member of the World Trade Organization, are we going to support the values, the obligations that we have and that other nations have to other nations within the World Trade Organization?

We pride ourselves as being a government of laws. This means that we have to adhere to our own laws. And also it goes beyond that. We have to adhere to our obligations. And our trading partners should also be required to do so.

But this particular one, pinpointing this boycott of Israel, is particularly important because through free trade comes understanding. It comes the free flow of goods. It also brings about the free flow of ideas which brings about understanding, which brings about world peace. This is the pathway to world peace, and there is no place it is more important than it is in the Middle East. And our good friend Israel needs help with regard to getting along with its neighbors. And this is a good step forward.

So I would ask all Members to support this resolution.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this bill, and I commend my good friends Mr. SHAW and Mr. CARDIN for introducing this timely and very important resolution.

Mr. Speaker, after a years-long quest, Saudi Arabia finally acceded to membership in the World Trade Organization late last year. Unfortunately, the Saudis acceded in letter only—and in a spirit utterly contrary to the principles of free trade embodied by that organization. Moreover, it appears that Saudi Arabia, having gained accession, has absolutely no intention of implementing even the letter of WTO rules.

As Saudi Arabia has now made clear in the aftermath of its accession, it has absolutely no intention of ending its boycott of trade with Israel. This is clearly contrary to Saudi Arabia’s WTO obligations to Israel.

Earlier this month, as if to underscore its disregard for the WTO rules to which it is formally committed, Saudi Arabia hosted a conference called “Ninth Meeting of the Liaison Officers of Islamic Regional Officers for the Boycott of Israel.”

Mr. Speaker, there is indeed a mechanism by which a WTO member-state can invoke an exception regarding departures to another member-state, but Saudi Arabia did not invoke that exception regarding Israel. And it doesn’t take a genius to figure out why: The ruling royals no doubt thought that, if they invoked that exception, the U.S. Congress would persuade the Administration to veto that decision in the WTO.

So they deceitfully and cynically deceived us into thinking that they had taken a dramatic decision to open trade ties with Israel, all the while planning to continue their boycott unprecedented.

Clearly, USTR thought they had an agreement for an end to the boycott. After signing off on Saudi accession in September last year, USTR boasted that Saudi membership in the WTO meant that—and I quote from a USTR press release—“Saudi Arabia is legally obligated to provide most-favored nation treatment to all WTO members, including Israel. Any government sanctioned activity on the Boycott would be a violation of Saudi Arabia’s obligations and subject to dispute settlement. This legal obligation cannot be changed.”

In other words, the Saudis not only had fulfilled their WTO obligations to Israel, but had already promised to enforce them. As if to underscore its sincere commitment to living up to that WTO law, Saudi Arabia acceded in October last year to the WTO Code of Liberalization of Trade in Services, which explicitly prohibits boycotts of Israel.

The Saudis, we now see, entered the WTO under false premises. They must put this situation right once and for all. They must end their boycott of Israel without delay, and the Administration should not let Saudi rulers have a moment’s rest until they comply.

Mr. Speaker, I strongly support this resolution, and I urge all my colleagues to do likewise.

Mr. ANDREWS. Mr. Speaker, after 12 years of difficult negotiation, Saudi Arabia joined the World Trade Organization last November. This was good news—the Saudi government has the potential to further join the world community as a responsible actor on the world stage, and the Saudi economy is a large one that will benefit from international trade, as will the U.S. in turn from increased commerce with the Arabian nation. Heavily, the Saudis are yet again missing a unique opportunity to reform, blinded by an irrational hatred of their neighbor, Israel.

This is part of a larger fabric of unacceptable behavior on the part of Saudi Arabia, which seeks greater ties with the West while maintaining its autocratic and anti-democratic policies. State-sponsored Saudi TV regularly broadcasts not just anti-Israeli diatribes, but
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anti-American propaganda as well, further encour-
aging the attitudes that lead to terrorism. The fact that Saudi nationals continue to sig-
nificantly fund international terrorism, as re-
ported this week by the U.S. Treasury Depart-
ment, means that Saudia has a long way to go to mitigate anti-Western and anti-terror rhetoric in its actions. As I have in the past, I once again call on Saudi leader Prince Faisal to take re-
ponsibility for his government's actions which promote hatred and the repercussions it has on Saudi Arabia's relations with other coun-
tries.

As President Carter said in 1977, the Israeli boycott "goes to the heart of free trade among nations," and is clearly unacceptable from a member of the World Trade Organization. This boycott, in place since the founding of Israel in 1945, has no place in the modern, globalized world. Recognizing this, several Gulf States are withdrawing from the boycott, and gaining both political and economic benefits. In the face of these events, Saudi Arabia's recal-
citation is a disservice.

Mr. Speaker, Saudi Arabia has reportedly agreed to end the secondary and tertiary as-
pects of the anti-Israeli boycott, but is stopping short of allowing direct trade with its neighbor. Such half-measures are clearly not accept-
able. Organization members must treat all other members equally. Accord-
ing to diplomats, Saudi Arabia affirmed this principle with respect to Israel before being admitted to the WTO. Today's resolution ex-
presses the sense of Congress that Saudi Arabia must live up to its commitments as a member of the World Trade Organization and end its boycott against Israel. I strongly urge my colleagues to support this resolution.

Mrs. MALONEY. Mr. Speaker, I rise in strong, in place of H. Con. Res. 370, a resolu-
tion that calls on Saudi Arabia to end its boy-
cott of Israel.

In 2005, Saudi Arabia pledged to the United States that it would end its boycott of Israel as part of its accession to the World Trade Orga-

nization. However, shortly after joining the WTO in Decem-
ber, a Saudi official stated unequivocally that the boycott would be maintained.

Mr. Speaker, this blatant disregard for the terms of agreement must be addressed. We must force an end to the Saudi boycott on Israel which has been going on far too long. I have been fighting the Israel boycott since I came to Congress. In 1993, I introduced H.R. 1407, the Arab Boycott Arm Sales Prohi-
bition Act, which was signed into law in September 1993. Thirteen years ago we talked about the harm the Arab boycott was causing—that it is a blatantly discrimina-
tory practice which is contrary to free trade. It is now 2006 and we are still trying to end the boycott.

Mr. Speaker, I urge this Administration to con-
tinue to take a strong position against the Saudi boycott on Israel. It undermines our ef-
forts in the Middle East to bring peace, sta-

bility and prosperity and it is contrary to the obligations of members-in-foo in the WTO.

Mr. SHAW. Mr. Speaker, I ask unani-
mous consent that all Members have 5 legisla-
tive days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentle-
man from Florida?

There was no objection.

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

The SPEAKER pro tempore. The question was taken; and (two-
thirds having voted in favor thereof) the rules were suspended and the con-
current resolution was agreed to.

A motion to reconsider was laid on the table.

MAYOR JOHN THOMPSON "TOM" GARRISON MEMORIAL POST OFFICE

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4688) to designate the fac-
ility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

The Clerk read as follows:

H.R. 4688

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

SECTION 1. MAYOR JOHN THOMPSON 'TOM' GAR-
RISON MEMORIAL POST OFFICE

(a) DESIGNATION—The facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, shall be known and designated as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentle-
man from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I might con-

sume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consider-

ation of H.R. 4688, legislation naming a postal facility in Badin, North Carolina after the late John Thompson, Sr. Garrison. This measure, which was introduced by Representa-
tive ROBIN HAYES on February 1, 2006 and unanimously reported by our com-
mittee on March 9, 2006, enjoys the sup-
port and cosponsorship of the entire North Carolina delegation.

Tom Garrison was born and raised in Badin. He served in the U.S. Army in World War II and returned to his home-
town to settle into the insurance and real estate business. Active in his church, community and numerous local civic organizations, Tom served as mayor of Badin from 1990 until his death last year at the age of 80.

Mr. Speaker, I commend my col-
leagues for seeking to recognize Mayor Tom Garrison and honor his memory in this manner.

I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may con-

sume. And I want to thank my good friend, DANNY DAVIS, for his kind and most appropriate words about this outstanding and honorable gentle-
man, Mr. John T. Garrison, Sr.
Mr. Speaker, H.R. 4688 honors Mayor John T. Garrison, Sr., a good friend and wonderful leader known to his friends and family as simply Tom. Tom served as mayor of Badin from the town’s incorporation in 1990 until his passing last October. Tom was a successful professional in real estate and insurance.

Most important in Tom’s life was his family. He was married to his wife, Anne, until her passing, and together they raised their children, Ellen, John, Jr., and Lenora.

Mr. Speaker, Tom Garrison embodies the great American pride and spirit we all desire. He worked tirelessly with his two brothers, Jim, who was very active in State and local politics in efforts to create hope, opportunity and prosperity for the people in the region, the State and the country.

I am proud to call Tom a friend and am grateful I had the opportunity to have him also as a neighbor. Tom, like many other champions around the Nation, did not seek public accolades for his efforts. He simply wanted to make the lives of the people in his community better, the current mayor of Badin, Jim Harrison, put it well when he said, “Tom was one who could build you up, and no matter how small the task or responsibility, he would make you feel very good about yourself and your importance to the Badin community. It was one of this life’s many blessings to have known Tom Garrison.”

Mr. Speaker, I urge all Members to join me in recognizing this dedicated and honorable man by passing H.R. 4688.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 4688. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 4688.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 737) supporting the goals and ideals of Financial Literacy Month, and for other purposes.

The Clerk read as follows:

H. Res. 737

Whereas personal financial literacy is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas a 2001 survey completed by the National Council on Economic Education found that the number of States that include personal finance in education standards for students in kindergarten through high school has improved since 2002 but still falls below 2000 levels;

Whereas a study completed in 2004 by the Jump$tart Coalition for Personal Financial Literacy showed that older seniors know less about principles of basic personal finance than did high school seniors 7 years earlier;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least 1 credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas studies show that as many as 10 million households in the United States are “unbanked” or are without access to mainstream bank products and services;

Whereas personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to 0.2 percent in the last quarter of 2005;

Whereas, although more than 42 million people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code, commonly referred to as “401(k) plans”;

A Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement and 37 percent of workers say that they are not currently saving for retirement;

Whereas personal financial management skills and lifelong habits develop during childhood;

Whereas financial literacy has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, and positive knowledge, attitude, and behavior changes;

Whereas expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth;

Whereas a credit report and credit score can impact an individual’s ability to, for example, obtain a job, insurance, or housing, and a March 2005, report by the Comptroller General “Impediments to ‘Financial Literacy’” found that “educational efforts could potentially increase consumers’ understanding of the credit reporting process” and these “efforts should target those areas in which consumers’ knowledge was weakest and those subpopulations that did not score as high on GAO’s survey including those with ‘less education, lower incomes, and less experience obtaining credit’;

Whereas public, consumer, community-based and private sector initiatives throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a variety of outreach efforts, including media campaigns, websites, and one-on-one counseling for individuals;

Whereas Congress sought to implement a national strategy for coordination of Federal financial literacy efforts through the establishment of the Financial Literacy and Education Commission (FLEC) in 2003, the designation of the Office of Financial Education of the Department of the Treasury to provide support for the Commission, and requirements that the Commission’s materials, website, toll-free hotline, annual report, and national multimedia campaign be multilingual;

Whereas Members of the National States House Representative Caucus on the Financial and Economic Literacy Caucus (FLEC) in February 2005 to (1) provide a forum for interested Members of Congress to work in collaboration on the Financial Literacy and Education Commission, (2) highlight public and private sector best-practices, and (3) organize and promote financial literacy legislation, seminars, and events, such as Financial Literacy Month in April 2006 and the annual Financial Literacy Day fair on April 25, 2006; and
directed the National Commission on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and Junior Achievement have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representa-

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about the importance of financial education in the United States and the serious consequences that may result from a lack of understanding about personal finances; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore (Mr. HAYES). Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that always Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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opportunity to thank my good friend Mr. WESTMORELAND, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 737 offered by the distinguished gentlewoman from Illinois (Mrs. BIGGERT). This resolution would support the goals and ideals of a Financial Literacy Month.

According to the Associated Press, personal bankruptcies have nearly doubled in the past decade, even though modern technological advances have made it easier and more convenient for us to manage our money through online services at most banks and credit unions. Every day, people of all ages face choices that will affect their financial future. It is important that we raise awareness about how these choices will affect financial health. These decisions today will affect how we buy houses, finance education, start businesses, save for retirement and meet our everyday needs in the future.

More than 42 million people in the United States currently participate in qualified cash or deferred arrangements known as 401(k) plans. A Retirement Confidence Survey conducted in 2002 found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement, and 25 percent of those workers have not started planning for their retirement at all. The goal of this resolution is to increase the awareness of the significance of thoughtful and well-planned personal financial management so that retirement can be an enjoyable time. It can be an overwhelming time for people of any age to manage money, but learning simple financial principles can help protect you against any financial pitfall that might occur.

I ask all Members to join me in supporting House Resolution 737 in the hopes that we can educate young and old about the importance of financial literacy.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the principal co-sponsor of this resolution, Representative RUBEN HINOJOSA.

Mr. HINOJOSA. Mr. Speaker, I rise in support of House Resolution 737 that the gentlewoman from Illinois, Congresswoman BIGGERT, and I introduced earlier this year. The legislation supports the ideals and goals of the Financial Literacy Month, which falls in April of each year.

Before I proceed, I want to take this opportunity to thank my good friend and colleague, Congressman DANNY DAVIS, the ranking member of the Government Reform Federal Workforce Subcommittee, and especially Tania Shand of the minority staff for helping expedite committee consideration of our bill.

I also want to thank Congressman WESTMORELAND for managing time on this bill.

My colleague and friend from Illinois, Congressman DAVIS, has always been a strong supporter of economic education and financial literacy, and I want to thank him for managing the bill today for our side of the aisle.

Mrs. BIGGERT and I have also worked closely on financial literacy issues with Congressman DAVID DREIER over the years. I think all of us owe him and Vince Erse, on his staff, a great deal of gratitude for being one of the first Members of Congress to bring attention to the need to improve financial literacy rates here in the United States.

Every day consumers deal with money, from balancing a checking account to shopping for a mortgage or auto loan, researching ways to pay for a college education, checking credit card statements, saving money for retirement, understanding a credit report or making the decision to pay cash or charge a purchase. The list goes on and on. But many consumers do not really understand their finances.

In 2004 reports from Jump$tart and the National Council on Economic Education, the Schwab Foundation and others indicated that almost 66 percent of high school students failed a basic financial literacy exam. The numbers are not much better for adults. High bankruptcy rates, increased credit card debt, data security breaches, and identity theft make it imperative that all of us take an active role in providing financial and economic education during all stages of one’s life.

On February 20th, co-founded, and currently co-chair, the Congressional Financial and Economic Literacy Caucus with Congresswoman BIGGERT. The caucus seeks to address these issues head on by increasing public awareness of poor financial literacy rates and will work to improve those rates. The caucus has provided a forum for my colleagues to promote policies that advance financial literacy and economic education.

It is my hope that through the Financial and Economic Literacy Caucus we can continue to further educate Americans about financial and economic topics ranging from the importance of saving, reducing credit card debt, obtaining a free annual credit report, and taking care of your finances to lead you down the path to the American dream of homeownership.

At this point, Mr. Speaker, I will insert into the RECORD letters in support of this resolution. They include a letter from the Financial Planning Association, the American Bankers Association, the National Credit Union Administration, from MasterCard, from the Networks Financial Institute, as well as from the North American Securities Administrators Association. And then it includes a press release from the Independent Community Bankers of America.

North American Securities Administrators Association, Inc.
Washington, DC, April 5, 2006.

Hon. JUDY BIGGERT, House of Representatives, Washington, DC.

Hon. RUBEN HINOJOSA, House of Representatives, Washington, DC.

Dear Congresswoman BIGGERT and Congresswoman HINOJOSA: On behalf of NASAA I thank you for introducing H. Res. 737, which supports the goals and ideals of Financial Literacy Month. As the resolution details, the need for financial education in the United States has never been greater. With a majority of Americans investing in our capital markets, there is a growing obligation to ensure our citizens are equipped with a basic understanding of the principles of savings and investing and the ability to recognize and avoid financial fraud.

State securities regulators have a long tradition of protecting investors through education and many have established an investor education department within their regulatory agency. Several years ago, recognizing the importance of financial literacy to the prevention of fraud and abuse, the NASAA Board of Directors created an Investor Education Section to develop and support financial literacy and education programs to be delivered at the state level.

As part of the effort to educate our nation’s youth, in April, state securities division staffs will join in celebrating “Financial Literacy Month” by visiting schools throughout their state to teach students about personal finance, the capital markets, investment choices and fraud.

Reaching out to our young citizens is just one component of the ongoing financial education effort undertaken by state securities regulators. We are dedicated to improving financial literacy for our constituents of all ages, recognizing that financial education has a direct impact on the economic health of our families, communities, states and this country overall.

We commend you for your continued efforts to draw attention to the importance of financial literacy. Contact Daphne Smith, Tennessee Securities Commission and Chair of NASAA’s Investor Education Section, or Deborah House in NASAA’s corporate office if we may be of further assistance to you. We look forward to continuing our work with you and your offices on this particular issue.

Sincerely, PATRICIA STRUCK, NASAA President, Wisconsin Securities Administrator.

NETWORKS FINANCIAL INSTITUTE
ATTN: Hon. RUBEN HINOJOSA, House of Representatives, Washington, DC.

Dear Congresswoman HINOJOSA: We are writing to express our support for H. Res. 737, “Supporting the goals and ideals of Financial Literacy Month.”

This resolution is aimed at raising awareness among individuals, policymakers, and institutions about the need for...
a more competent, financially literate country.

A lack of basic money-management skills is widespread among Americans. Over a quarter of our population have not received adequate financial literacy education in order to manage household finances. Personal bankruptcies increased 19% in 2002 over 2001, and increased by over 30% in 2003 with young adults between 20 and 24 representing the fastest growing segment of bankruptcy filings. In 2004, America’s teenagers scored a failing grade in basic financial literacy knowledge, and more people filed for bankruptcy than graduated from college. Now more than ever, there is a critical need for relevant, high-quality financial literacy educational programs to reach individuals at all age and socioeconomic levels, particularly in the early years. Our nation’s educational systems are an effective conduit through the use of quality programming with a common set of educational standards, pre- and post-education assessment tools, effective training programs for educators, and materials which appropriately serve various segments of adult and child populations. The goal of these efforts is to develop an adult population that have the skills and confidence for making day-to-day financial decisions, and planning for their financial futures.

That is why I am writing to introduce H. Res. 737. Your continued leadership and commitment to financial literacy is essential to raise awareness of the need to implement a national strategy, and improve the money, credit, and debt management skills of all individuals.

Sincerely,

LIZ COTT
Executive Director

LEONARD M. RAPPAPORT, President & CEO

THE FINANCIAL PLANNING ASSOCIATION
Washington, DC, April 4, 2006

Hon. RUBÉN HINOJOSA, Representative from Texas, Washington, D.C.

DEAR CONGRESSMEN HINOJOSA: I am pleased to support House Resolution 737, which strongly supports financial literacy initiatives targeting all age and socioeconomic groups. I am proud of the strong support for House Resolution 737, which you are co-sponsoring and which was introduced on March 28, 2006, in support of the goals and ideals of Financial Literacy Month.

We applaud you for your leadership in this area, and appreciate all the good work you and your staff have done to highlight the importance of financial literacy. All of us at IBAT look forward to working with you and your colleagues on this important issue.

Sincerely,

CHRISTOPHER L. WILLISTON
President and CEO

THE FINANCIAL PLANNING ASSOCIATION
Washington, DC, April 4, 2006

Mr. Speaker, financial literacy means empowerment, power to manage money, credit, and debt, and becomes responsible workers, heads of households, investors, entrepreneurs, and leaders. It means banking the unbanked and bringing them into the mainstream financial system to protect them from abusive, predatory, or deceptive credit offers and financial education and empowerment. It means enabling all Americans to reach their financial goals and dreams. Financial literacy programs are operating in my district.

The Security Industry Association’s Stock Market Game is one of such programs. I am proud that my district was chosen again this year to participate in the SIA’s second annual “Capitol Hill Challenge” Stock Market Game. This year the game is being played by many
more districts across the United States so that the competition amongst the students is daunting.

To meet the challenge, I selected La Feria High School, located in Cameron County, to participate in this program. I wish them well and want to let them know that I am rooting for them.

Numerous programs exist to improve financial literacy. Recently, I reviewed Jump$tart’s Web site and found more than 2,000 programs from across the country. While this means that many groups and individuals are working towards the goal of improving financial literacy rates, it also means that more coordination and collaboration amongst the programs and the groups are needed.

Mr. Speaker, yesterday the Financial Literacy Economic Commission released its National Strategy for Financial Literacy. While they were behind schedule, the report contains some good ideas, especially public service announcements and a public media campaign. Although it is a good start, much remains to be done. Other actions need to be taken and different venues employed to achieve our goal. I remain committed to convince our appropriators that they should provide at least $3.5 million for the multimedia campaign.

With our savings rate currently at a negative 2 percent, or two-tenths of 1 percent, I believe that $3.5 million is a paltry sum if we are to improve financial literacy rates in this country. The funds are also needed to afford the multimedia campaign the ability to educate and inform groups who are subject to predatory lenders, potential identity theft from increasing data breaches, and much more.

Mr. Speaker, last month the House Financial Services Committee held a hearing on the National Strategy on Financial Literacy as required by title V of the FACTA Act. This is a crucial step towards reaching our goal.

I want to take this opportunity to again thank my friend Congresswoman BIGGERT and her staff, Nicole Austin and Brian Colgan, for working with us on today’s legislation. I look forward to continuing my collaboration with Mrs. BIGGERT on any and all efforts that will increase public awareness of the need to improve financial literacy, to promote programs that increase financial literacy for all during all stages of life, and significantly improve the financial literacy rates across the country. We are already moving forward on this, and we will host our annual Financial Literacy Day Fair April 25 with Jump$tart, with Junior Achievement, and the National Council on Education and the disabled together with Senator DANIEL AKAKA. The fair is open to the public and will be held from noon to 5 p.m. in the Senate Hart building. I have learned that more than 40 vendors will be sharing their financial products with those who attend the event, and I encourage all my colleagues and all of their staffs and the public to attend the event.

I urge my colleagues to support this legislation.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from the State of Illinois (Mrs. BIGGERT), the author of the bill.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time.

Mr. Speaker, I rise today in support of House Resolution 737 to designate April as Financial Literacy Month. This is the third year that I have introduced this resolution with my colleagues to support a resolution.

In 2003 I worked with my colleagues and again Mr. HINOJOSA to establish within the Fair and Accurate Credit Transaction Act, or the FACTA, the Financial Literacy and Education Commission. We tasked the commission with establishing a Web site, a toll-free hotline, and a national financial literacy strategy. I am happy to report that immediately after it was launched www.myownmoney.gov and 1-888-MY-MONEY, and just yesterday it unveiled the national strategy report.

It is called “Taking Ownership of the Future: The National Strategy for Financial Literacy.” And it highlights best practices and outlines outreach and education goals for the public and private sectors. I would urge my colleagues to support this bill, and take a look at the report. It is a great roadmap for how Americans can improve their understanding of issues such as credit management, savings, and homeownership. It is my hope that this national strategy can serve as a focal point for the hundreds of groups out there who are stepping up to the plate on financial literacy. There are so many issues and so many groups of individuals who need help and want to help.

Since my colleague Mr. HINOJOSA and I founded the Financial and Economic Literacy Caucus, which now has 68 Members of Congress, literally hundreds, if not a thousand, not-for-profit groups and private sector organizations have called us to offer their help or tell us about their financial literacy programs.

And I would like to take a moment to insert into the CONGRESSIONAL RECORD letters of support for these resolutions from four such organizations.
to the prevention of fraud and abuse, the NASAA Board of Directors created an Investor Education Section to develop and support financial literacy and education programs to be delivered at the state level.

As part of the effort to educate our nation's youth, in April, state securities division staffs will join in celebrating "Financial Literacy Education Week" by visiting schools throughout their state to teach students about personal finance, the capital markets, investment choices and fraud.

Reaching out to our young citizens is just one component of the ongoing financial education effort undertaken by state securities regulators committed to improving financial literacy for our constituents of all ages, recognizing that financial education has a direct impact on the economic health of our families, communities, states and this country overall.

We commend you for your continued efforts to draw attention to the importance of financial literacy programs. Please contact Daphne Smith, Tennessee Securities Commissioner and Chair of NASAA's Investor Education Section, or Deborah House in NASAA's corporate office. We look forward to being of further assistance to you.

Sincerely,

PATRICIA D. STRUCK,
NASDAQ President,
Wisconsin Securities Administrator.

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VISA U.S.A. INC.,
Washington, DC, April 4, 2006.

Hon. Judy Biggert,
Chairwoman, House Financial Services Committee.

Hon. Rubén Hinojosa,
Chair, House Financial and Economic Literacy Caucus. Washington, DC.

DEAR REPRESENTATIVES BIGGERT AND HINOJOSA: I am writing to commend you for introducing H. Res. 737, a resolution expressing the House's support for Financial Literacy Month. Visa, through its “Practical Money Skills for Life” program, has been working to expand and improve financial literacy for youth in schools, as well as consumers at all stages of life. This is an award-winning comprehensive educational program, which includes interactive, computer-based activities, as well as plans that can be used by teachers to deliver financial literacy lessons in the classroom. Visa developed Practical Money Skills for Life in close consultation with educational and nonprofit financial literacy organizations. These materials are available for free through the Internet at http://www.practicalmoneyskills.com.

We look forward to working with you, the House Financial and Economic Literacy Caucus, the NASAA, the Financial Literacy and Education Commission, and other policymakers, to advance this very important cause.

Thank you again for your leadership on this critical issue.

Sincerely,

LISA B. NELSON,
Senior Vice President & Director, Government Relations.

DEAR CONGRESSWOMAN BIGGERT AND CONGRESSMAN HINOJOSA: I am writing to commend MasterCard's dedication and commitment to increasing financial literacy rates, and to commend you for your efforts on H.R. 737. This bill is yet another example of your admirable devotion to this critical issue.

MasterCard International will continue consumer education during Financial Literacy Education Week activities throughout the country that help Americans successfully manage their personal finances. Events include the launch of the Spanish language version of our Debt Know How Web site (www.debtknowhow.com), activities with policymakers on Capitol Hill that showcase MasterCard's consumer education programs, and the joint launch with Treasurers Judy Baar Topinka of the 2006 California Summit on Financial Literacy.

Please let us know if we can ever be of assistance to your staff.

Sincerely,

JOSHUA PEREZ,
Senior Vice President &
Associate General Counsel.

Mr. Speaker, I would also like to thank some of the people in my home State of Illinois who have demonstrated their commitment to educating Americans of all ages about savings and investments. Susan Beecham, founder of Money Savvy Generation and the inventor of my favorite financial literacy tool, the Money Savvy Pig; and then there is Joanne Dempsey, Illinois Council on Economic Education; and one of my good friends, the other Judy from Illinois, Illinois State Treasurer Judy Baar Topinka.

Mr. Speaker, most of our States do not require schools to have financial literacy programs, and the majority of students failed a basic financial literacy exam. Many eighth graders do not know the difference between cash, checks, and credit cards. And most college students have at least one credit card with a large unpaid cash balance. Adults have not fared very well either, and the number of “unbanked” households in the United States is estimated to be close to 10 million.

Studies show that Americans are not saving for life's expensive, and at times unexpected, needs such as education, retirement, and health care. Now is the time for us to encourage our children and adults to learn about finance and economics and make good budget and long-term savings habits.

I want to thank my distinguished colleague and friend, the gentleman from Texas (Mr. HINOJOSA), for his dedication to this issue and sponsorships of this resolution. I would also like to thank the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS) for cosponsoring this resolution and moving it through his committee. And I would especially like to thank the gentleman from Georgia for managing this resolution and my colleague from Illinois (Mr. DAVIS) for sponsoring this resolution and moving it through his committee. And I would especially like to thank the gentleman from California (Mr. DREIER) and the gentlewoman from Connecticut (Mrs. JOHNSON) for their support of the resolution and their commitment to financial literacy.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consider necessary.

I want to commend my colleagues, Representatives BIGGERT and HINOJOSA, for the outstanding work that they continue to do in this important area.

The importance of financial and fiscal responsibility cannot be overstated. Personal financial literacy is essential to ensuring that individuals are prepared to manage money, credit, and debt and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens. And that is why I am pleased to support H. Res. 737 introduced by Representative BIGGERT of our great State, that is, the State of Illinois.

Personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to a negative 0.2 percent in the last quarter of 2005. As the resolution notes, 92 percent of college students acquire at least one credit card by their second year in college; yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money.

The Jump$tart Coalition for Personal Financial Literacy seeks to improve the personal financial literacy of young adults. Jump$tart’s purpose is to reduce the financial literacy of young adults; develop, disseminate, and encourage the use of financial education standards for grades K-12; and promote the teaching of personal finance.

To that end, Jump$tart has established 12 must-know personal finance principles for young people to improve their financial future. It would not hurt if adults also followed these 12 steps as well.

The 12 financial principles stressed during Financial Literacy Month for Youth are map your financial future; do not expect something for nothing; high returns equal high risk; know your take-home pay; compare interest rates; pay yourself first; money doubles by the rule of 72; to determine how long it would take your money to double, divide the interest into 72; your credit past is your credit future; start saving young; stay insured; budget your money; do not borrow what you cannot repay; and let me add one more, especially since the 15th is not too far away, pay all of your taxes.

Mr. Speaker, I am pleased to support this resolution supporting the goals of financial literacy month, and urge all of my colleagues to do the same.

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

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of California (Mr. DREIER), the chairman of the powerful Rules Committee.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)
Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and congratulate him and his colleagues on the Government Reform and Oversight Committee for their hard work on this important issue.

As many of my colleagues are aware, borrowing—particularly on credit—has increased dramatically in recent years, while private savings have fallen. At the end of 2004, Americans carried 657,000,000 bank credit cards, 228,000,000 debit cards, and 550,000,000 retail credit cards—that comes to 6.3 bank credit cards, 2.2 debit cards, and 6.4 retail credit cards per household. The household debt of United States citizens climbed to $11,000,000,000 by the close of the third quarter of 2005. Of course, the more we create and build America, financial literacy is really the cornerstone to lasting wealth creation. And, above all, remember it is not how much you make, it is what you do with the money you make.

So, I simply want to say congratulations. Here we are, trying to encourage education in science, technology, engineering and math. And math is STEM Program we were talking about just last week, and as well we are proceeding with the work on our very important higher education bill, and key to that is our quest to ensure that people understand these different financial products that are there.

Mr. Speaker, I congratulate my colleagues who have been so involved in this, and I hope very much that we will be able to have strong support for this measure. I hope we have unanimous passage of it. We will be able to at that point see a greater understanding and an enhancement of these toll-free numbers that are out there and all the other educational tools that my friend Mrs. BIGGERT talked about.

With that, I encourage strong support for the resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield the floor so she may consume the gentleman from California (Ms. LORETTA SANCHEZ). Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman from Illinois. I rise in strong support of H. Res. 737, supporting the goals and the ideal of Financial Literacy Month.

Mr. Speaker, we need to care more about financial literacy in this country and making sure our constituents have the tools to help them and consumers, to make them good savers and to make them great investors.

In a new survey conducted by the Financial Literacy Forum, two of every five Americans say they know only some, little or not much about how to manage their money. Only 10 percent of college students have had financial education in high school. We used to learn financial skills at home or at school, but now Americans aren’t even being taught these crucial life skills in either place, and this technological change brought about.

Well, one thing is the explosion of the access to all kinds of different financial products and services out there. Many of them are offered to young people who, unfortunately, don’t really have much of a grasp or understanding of financial responsibility and financial literacy.

That is why what we are doing here today is the right thing. In fact, I am very pleased to see that the Commission on Financial Literacy that has been put into place just yesterday made the decision to move ahead with positive methods of education advancing this cause.

If we are going to see the number of investors in the United States of America grow, and as we want to continue to see the standard of living increase for so many people, with that obviously comes responsibility. As people take on responsibility, the best way for them to do it is if they have a kind of literacy that’s necessary in dealing with this explosion of financial products and services that are out there.

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help high school and college students prepare themselves for more responsible adult lives, help parents continue to provide for their children, and help retirees create sustainable plans for their golden years. Greater financial literacy will reduce the number of Americans forced to file for bankruptcy, increase the nation’s tax base, and empower more Americans to make informed decisions in an increasingly complex market. Altogether, it will spur growth in our nation’s economy.

In New Jersey, our credit unions have come together with the Department of Banking and Insurance to help create a new financial literacy awareness network (NJFLAN) to help New Jerseys better understand and manage their finances. NJFLAN partners with community organizations, schools, corporations, and financial institutions to distribute multilingual educational materials.

The New Jersey Credit Union also set up a grant-making foundation to back initiatives to improve financial literacy within our state. These are two examples of positive, practical efforts that can be made at the state and district levels to further our goals and ideals of Financial Literacy Month.

I am proud to cosponsor this resolution and urge my colleagues to pass this resolution today.

Mr. BACA. Mr. Speaker, I rise in recognition of Financial Literacy Month and in full support of H. Res. 737, which I have cosponsored. As a member of the Congressional Financial and Economic Literacy Caucus, I encourage all of my colleagues to use this time to raise awareness about the importance of financial education and to support efforts that prepare Americans with the skills and know-how they need to manage money, credit and debt.

I'd also like to take this time to call attention to an important consumer issue that is affecting millions of Americans all across the nation. Among the most vital pieces of information that can prepare individuals to make informed financial decisions is a credit report. Understanding one's credit report plays a key role in home-ownership readiness, increasing financial literacy, and monitoring for identity theft and other financial concerns.

In recognition of the important role a credit report plays in enhancing financial literacy and combating identity theft, Congress passed legislation that entitles all consumers to one free credit report each year. However, since the law's passage in 2003 near 30 million Latinos within the United States including almost 3 million in Puerto Rico—who have limited English language skills, are being excluded from this new right.

They cannot obtain access because the system that generates credit reports—website and toll-free hotline—is only available in English. As a result, millions are denied this information, which is essential to making informed financial decisions and to guarding against identity theft.

Identity theft is a serious and pervasive crime that affects millions of American families. According to a recent study by the Department of Justice, an estimated 3.6 million U.S. households—or about 3 out of every 100—were victims of identity theft in 2004.

During last year's markup of the Financial Data Protection Act (H.R. 3997) in the House Financial Services Committee, I called on America's leading credit bureaus to implement new procedures and services to help Spanish speakers obtain copies of their free credit report, understand the financial information it contains and learn about ways they can guard against identity theft, detect it or take corrective action if they discover they have been victimized. The right to a free credit report is a right for all consumers. In order for tens of millions of English-speaking and non-English-speaking Americans to gain access, the system for ordering free credit reports must be made available in Spanish.

Last week, members of the Congressional Hispanic Caucus, of which I am First Vice Chair, met with executives from Equifax, Experian, and TransUnion to discuss this issue and to ask them to take additional steps to protect Latinos who have limited English language skills. The CHC will continue to monitor this issue to ensure their full compliance with the law. They must be held accountable.

I urge my colleagues to support the adoption of H. Res. 737 and encourage all members to support the ideals and goals of Financial Literacy Month.

Mrs. JOHNSON of Connecticut. Mr. Speaker, in an era when Americans' dependence on credit is increasing, the need to understand personal financial statements and to manage money, credit and debt.

We need young Americans to develop basic financial skills and knowledge to help them prepare for their future. They need to learn concepts such as compound interest, market capitalization, and how to avoid credit card debt. Learning simple concepts such as these during childhood cultivates lifelong habits of responsible financial management.

In particular, we must emphasize the value of investing early. We must stress the significance of tax-advantaged savings opportunities such as Roth IRA's, Health Savings Accounts, and 401(k) contribution plans offered by employers—especially when a match is offered—as well as numerous other vehicles for building substantial nest eggs for retirement.

Improving the financial literacy of our youth will equip the American workforce of tomorrow with the tools to grow our national economy and to achieve personal financial success and security in retirement. I urge my colleagues to join me in offering House Resolution 737 their full support.

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

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the adoption of House Resolution 737, and I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken.

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

FRANCISCO 'PANCHO' MEDRANO POST OFFICE BUILDING

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4561) to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building".

The Clerk read as follows:

H.R. 4561

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

SECTION 1. FRANCISCO 'PANCHO' MEDRANO POST OFFICE BUILDING

(a) DESIGNATION.—The facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, shall be known and designated as the "Francisco 'Pancho' Medrano Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other written instrument of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Francisco 'Pancho' Medrano Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. There is objection to the request of the gentleman from Georgia?

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4561, offered by the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). This bill would designate the postal facility in Dallas, Texas, as the Francisco 'Pancho' Medrano Post Office Building.

Francisco 'Pancho' Medrano was a driving force in bringing the Hispanic culture into the City of Dallas and working to eliminate discrimination. Medrano was an activist and a hero to the Dallas Hispanic communities and promoted the importance of civic responsibility and political participation.

Mr. Medrano is well-known for his years of union and civil rights work with the United Auto Workers. During his years with the UAW, he integrated bus and rail facilities and participated in civil rights marches in the Deep South and organized farm workers in the Texas valley. However, his work was...
not just confined to the UAW. He participated in numerous equality campaigns in Mississippi, Arkansas and Texas.

I urge all Members to honor the perseverance of this honorable civil rights leader by passing H.R. 4561.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as may be necessary to the gentleman from Georgia, Mr. WESTMORELAND, and the ranking member, Mr. HENRY WAXMAN of California.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to thank Mr. Tom Davis and the ranking member, Henry Waxman, of the House Government Reform Committee and also the gentleman from Georgia, Mr. Westmoreland, and the ranking member, Mr. WAXMAN, for moving this important resolution through the committee.

This resolution has been endorsed by every single Member from the Texas delegation.

Francisco “Pancho” Medrano played an integral part in bringing Hispanics into the political and social mainstream in Dallas. He was a leader in his community in the struggle against discrimination.

The son of a Mexican laborer, Pancho Medrano was born in Dallas in 1920. In his youth, he was the 1952 Heavyweight Boxing Champion of Mexico, and grew up as a community activist in the fight for social and economic equality.

He grew up in an area of Dallas called Little Mexico and he encountered much prejudice and segregation. But he never was considered violent. As a young man, he was banned from public swimming pools and all of the other things, and frequently said that he didn’t see that he should be any different from any other black American because he was treated the same way.

At the beginning of World War II, when unions began to form in the Dallas area, he was inspired by the political conditions around him. He was captivated by the political agenda of the United Auto Workers, and he was then named by Walter Reuther to be organizer of the UAW Union in Dallas. His work had an immeasurable impact on the lives of thousands of working women and men.

In 1960, when television began to change the visibility of the American civil rights movement, the UAW president commissioned him to be an international representative for civil rights. So he participated in all the landmark marches with Martin Luther King. He was probably one of the only Mexican Americans in the Montgomery boycott and in Selma along with Dr. King.

He continued his organizing throughout the country, including Chicago, Detroit, Indianapolis, California and Arizona. He worked to help repeal the poll tax in 1964, and he really spoke all the time about understanding the struggle of all of the African Americans, because he fought the same battle for all.

He was a father of five. Pancho, Jr., had preceded him in death. He died in 2002 but continued to be active up to his death. His only daughter, Pauline, is a member of the city council, his son Robert had been named by Walter Reuther to be on the school board.

It is important I think for all young people to know that we have had leadership that came along and made things better for them and did not have to be violent. He was always a gentleman, but never silent when it came to rights.

Mr. Speaker, I would like to thank Chairman Tom Davis and Ranking Member HENRY WAXMAN of the House Government Reform Committee for their leadership on moving this important resolution through the committee and to the House floor for its consideration today.

“Pancho” Medrano played an integral part in bringing Hispanics into the cultural and social mainstream in Dallas.

He was a leader to his community in the struggle against discrimination.

The son of a Mexican laborer, Pancho Medrano was born in Dallas in 1920.

Pancho Medrano, who in his youth was the 1952 Heavyweight Boxing Champion of Mexico, grew up as a community activist in the fight for social and economic equality.

Growing up in the Little Mexico area of Dallas, Medrano encountered prejudice and segregation. As a young man, he was banned from the public swimming pool as well as banned from watching movies within the public park in Little Mexico.

Medrano attended St. Ann’s Catholic School and Dallas public schools through the eighth grade. At the beginning of 9th grade, his high school principal told him he could no longer attend classes and directed him to go to work at the local rock quarry.

While working at the quarry, Medrano trained to become a riveter and eventually went to work at the North American Aviation Company. There were few skilled minority workers at the plant, and the majority of white workers refused to work with Medrano. Conditions at the plant were even worse for African Americans, as nearly all of them were assigned to cleaning restrooms. Medrano was surrounded by an environment where everything, even the punch clocks, were segregated.

At the beginning of World War II, unions began forming in the Dallas area. Inspired by the political conditions around him Medrano was captivated by the political agenda of the United Auto Workers, in particular the motto that there shall be no discrimination based upon race, color, or creed, and sex.

Medrano played a key part in organizing the UAW union in Dallas.

His work made an immeasurable impact in the lives of thousands of working women and minorities. In 1960, when television began to change the visibility of the American Civil Rights Movement, UAW President, Walter Reuther, commissioned Medrano as a special UAW International Representative for Civil Rights.

Medrano went on to participate in virtually all of the landmark events of the civil rights movement.

Mr. Medrano integrated lunch counters in Dallas, and took part in civil rights marches in the Deep South. He organized demonstrations in Dallas and was involved in the integration in Little Rock. Often times there were no Mexican-Americans organizing these civil rights demonstrations. However, Medrano was instrumental in organizing and energizing the Mexican-American community throughout the South.

Medrano participated as one of the only Mexican-Americans in the Montgomery Bus Boycott. He also marched in Selma along with Dr. King.

He continued his organizing throughout the country including: Chicago, Detroit, Indianapolis, California and Arizona.

In addition, he organized farm workers in the Texas Valley alongside civil rights leader César Chávez.

In 1967, Texas Rangers broke up a peaceful protest where Medrano and five women attempted to picket a train carrying melons picked by non-union workers. The protest in Mission, Texas, was part of a year-long effort by farm workers.

During this time, Medrano and others were subjected to persistent harassment and violence from law enforcement officers for their union-organizing protests. Medrano sued the Ranger who broke up the protest. He took his case all the way to the Supreme Court—overturning the Texas laws that barred mass demonstrations.

Medrano worked with the UAW to help repeal the poll tax in 1964. Mr. Medrano said, “I could understand the struggle of black people because my people were experiencing the same sort of thing.” Medrano was driven to fight for economic and social justice for all individuals—Hispanics, Blacks, Women, and others.

Mr. Medrano’s work to end discrimination and prejudice has had a profound and lasting effect on myself and on the lives of millions of Americans.

We must all work to carry on his remarkable legacy.

Even when he retired in Dallas, Medrano continued to be an active member of UAW Local 848’s retiree group.

Mr. Medrano passed away in April of 2002. In addition to his daughter, Pauline, he is survived by three sons, Robert, Ricardo, and Rolando.

There are many young people who may not know of, or did not experience Mr. Medrano’s battle towards equality. It is imperative we recognize and celebrate our civil rights leaders as a nation. Honoring leaders such as Pancho Medrano teaches our young people about the sacrifices that came before them—and hopefully gives a new generation the inspiration to fight for change.

I urge my colleagues to support H.R. 4561, to name the postal facility at Ferguson Road in Dallas, Texas in honor of Pancho Medrano.

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

Mr. DAVIS of Illinois. Mr. Speaker, just to close, I strongly rise in support of this postal facility naming for Mr. Frances Pancho Medrano, who was an outstanding community activist. I think it is the kind of people that he
was who really make America and have made America what it ought to be, and so I strongly support this resolution.

Mr. SESSIONS. Mr. Speaker, I rise to recognize the naming of a United States Postal Facility in Dallas, Texas as the “Francisco ‘Pancho’ Medrano Post Office Building.” Pancho Medrano was the embodiment of the civil rights movement for the Hispanic community in Dallas. He was a decisive leader in encouraging Hispanics to actively participate in the political process in Dallas. Mr. Medrano brought Hispanics into the city’s mainstream community and mentor a generation of Dal- las political leaders. His operational base centered in Little Mexico, an enclave immediately north of downtown Dallas. In this neighborhood where he was banned from swimming in the public pool as a child, he raised a family whose name became synonymous with civic life.

Not only was he a strong civil rights leader, but along the way, he became a very talented and successful heavyweight prize fighter.

Today Pancho Medrano would be most proud of his family’s achievements. One of his sons was a Dallas ISD school board member. Another was selected to serve on the Dallas City Council and Dallas/Fort Worth International Airport Board. Additionally, his daughter, Pauline Medrano, was recently elected to the Dallas City Council, representing the area that has long been home for the Medrano family. She proudly carries on the legacy of her family. She proudly carries on the legacy of her great- grandfather, Pauline Medrano, was recently elected to the Dallas City Council and Dallas/Fort Worth International Airport Board. Additionally, his daughter, Pauline Medrano, was recently elected to the Dallas City Council, representing the area that has long been home for the Medrano family.

I urge all Members to support the passage of H.R. 4561.

I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 4561.

I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4646, offered by the distinguished gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Speaker recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The Speaker pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

The Speaker recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The Speaker pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4646, offered by the distinguished gentleman from California (Mr. SHERMAN). This bill would designate the postal facility in Reseda, California, as the Coach John Wooden Post Office Building.

John Wooden is often referred to as the most successful coach in college basketball history. At UCLA, Mr. Wooden’s team scaled unprecedented heights. The Bruins set all-time records with four perfect 30–0 seasons, 88 consecutive victories, 38 straight NCAA tournament victories, 20 PAC-10 championships, and 10 national championships in which seven of these championship victories were won consecutively.

Considered one of the finest teachers the game has ever known, Coach Wooden’s approach was centered on conditioning, skill, and teamwork. Coach Wooden’s principles both on and off the court dictated his success in creating what is certainly the greatest dynasty in basketball history. I urge all Members to honor this dedicated and inspiring teacher by passing H.R. 4646. And I want to wish Coach Wooden a speedy recovery and a return back to his home.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from California (Mr. SHERMAN), the author of this resolution.

Mr. SHERMAN. Mr. Speaker, it is fitting and proper that included March Madness, the NCAA Championship playoff for men’s basketball, that we reflect upon the great success of a man I think is the greatest coach of all time in any sport. That is the Wizard of Westwood, Coach Wooden, a man who meant so much to basketball players, fans, to sport in general, to our society, and especially to us in his home area, the San Fernando Valley.

Coach John Wooden graduated from UCLA and graduated in 1975. I was there for 3 years. And in just my 3 years, I saw in the 1972–1973 sea- son a 30–0 record, National Champion- ship, and Coach John Wooden named Coach of the Year.

Then in my next year at UCLA, Coach John Wooden achieved a record of 26–4, reached the semi-finals in the national tournament, and coached the great Bill Walton in his final season.

And to this day, not in Bill Walton’s final season, but in Coach John Wooden’s final season at UCLA, 1974–1975, a record of 28–3, and a National Championship. What a way to end a coaching career; a coaching career that included ten National Championships.

Coach John Wooden was the first individual inducted to the Basketball Hall of Fame as both a player and a coach, and in fact, only three individ- uals have been so inducted. He is now 95 years old, has been a resident of my district for the 10 years that I have served with Congress, and for far longer than that.

He was born in 1910. He went on to Purdue University, where in 1932, he was National Player of the Year and led his team, the Boilermakers, to the National Championship.

In the 1940s, he came to us at UCLA, having first served his country as lieu- tenant in World War II. There at UCLA, he led us to 10 National Champions- hips, including 7 in a row. Under his tutelage, UCLA had 7 perfect 30–0 seasons and won 19 conference championships. His teams once won 88 games in a row, the longest streak in basketball history and I believe the longest streak in any major sport. He also won a record 38 consecutive NCAA tournament games.

Coach Wooden was the NCAA Basketball Coach of the Year six times. He was named Man of the Year By Sporting News in 1970, and by Sports Illustrated in 1973. When he reached retirement at UCLA in 1975, his total record was 620 wins against 147 losses.

But his leadership was not just on the court. He inspired so many by his testament to leadership, to success, to dedication, and to sportsmanship. He wrote several books, including The Wooden On Leadership, also including My Per- sonal Best: Life Lessons From An All- American Journey, and even a chil- dren’s book, Inches and Miles: the
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Journey to Success. He was famous for his Pyramid of Success which inspired so many in their adult lives to focus on team spirit, competitiveness, and teamwork.

In conclusion, I cannot think of a better way to honor Coach John Wooden in the San Fernando Valley than naming a Federal building in Reseda, the Reseda Post Office, after Coach John Wooden. Reseda is the community located immediately adjacent to Coach John Wooden’s home community of Encino.

Just a few years ago, we named the Encino Post Office after another basketball luminary, Chick Hearn, the most famous basketball broadcaster of all time. And so now we will have two post offices located just a few miles apart honoring the two greatest basketball names in the history of the San Fernando Valley. Coach John Wooden’s daughter, Nancy, lives in Reseda with her husband, as does his grandson-in-law Bill, who currently honored at a celebration that I was able to attend—the Walk of Hearts, where we honor in Canoga Park the great teachers of the San Fernando Valley. Of course, just a few years earlier, the first woman so honored was Coach John Wooden himself.

Coach John Wooden means so much to our area, so much to sports fans around the county and around the world. I thank the gentleman for yielding in such a way that I think we should move forward with this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join with my colleagues in consideration of H.R. 4646, legislation naming a postal facility in Reseda, California, after Coach Wooden. This measure which was introduced by Representative SHERMAN on December 18, 2005, and unanimously reported by our committee on March 30, 2006, enjoys the support and co-sponsorship of the entire California delegation.

John Wooden, a native of Indiana, actually began his love of the game by playing basketball at Martinsville High School in Martinsville, Indiana. He was an All-State selection in high school in basketball, and American guard at Purdue University.

After graduating from Purdue, he became a high school teacher and coach, gaining a record of 218 to 42 as a high school coach. After serving in World War II, John Wooden took a coaching position at Indiana State University prior to becoming the head coach at the University of California at Los Angeles.

Well, we have heard of the things that he did in California, but those of us who were not from California were actual admirers of John Wooden through the whole period of watching him direct his teams, knowing that in all likelihood they were going to win, that it was virtually impossible to defeat them. So I can understand the kind of feeling that Representative SHERMAN and all of the people of that great area where he lived and spent the last days of his life, and still is there, and he is, indeed, an icon.

So I join with you, Mr. SHERMAN, in urging passage of this resolution, and I commend you for bringing it before us and putting it before the House.

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

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to Mr. SHERMAN for bringing this legislation to the floor.

I just wanted to say a couple of words about Coach Wooden. I have known him personally for a long time and he has been ill. I hope he is watching today. Of course everyone has discussed his record, the seven straight national championships and 10 national championships in 12 years, which is remarkable, 68 straight wins. But the thing I think that is the most significant thing that I know about John Wooden is not his record, but it is rather the way he went about achieving that record.

One thing that I talked up from him that was important to me as a coach was that he never talked to his players about winning. You would think in a business that is so key on winning that you would frequently mention the word winning, but he never did. He always talked about process. He always talked about how you went about achieving excellence, starting with the way you put your socks on, the way you shot free throws, the way you passed the ball. He was a tremendous detail person, a great emphasis on fundamentals.

One quote that he had in one of his books that I thought was significant was he talked about Cervantes. Cervantes mentioned that the journey is more important than the end. What he was saying was that it is not the final destination but it is how you get there. Of course, we are in a business here that is very, very goal-oriented, and sometimes the end justifies the means. And so I have always appreciated what he was simply that he was simply what he taught his players and what he taught people in coaching in general about how to approach the game. So there could not have been a finer person chosen for this honor.

Thank you for so honoring him and we hope that he recovers quickly and is out of the hospital.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 4646. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed. On motion to reconsider was laid on the table.
WHEREAS methamphetamine and narcotics task forces, judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement officials, law school students and educators, community leaders, parents, and other dedicated to fighting methamphetamine have a profound influence within their communities;

WHEREAS the establishment of a National Methamphetamine Prevention Week would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; NOW, therefore, be it

RESOLVED that it is the sense of the House of Representatives that——

(1) a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; and

(2) the people of the United States and interested groups should be encouraged to observe National Methamphetamine Prevention Week with appropriate ceremonies and activities.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

I rise in support of H. Res. 556 offered by the distinguished gentleman from Washington (Mr. BAIRD). This resolution would recognize the importance of educating people of all ages about the dangers of methamphetamine.

Methamphetamines are highly addictive, dangerous stimulants that are sold in powder, pill and capsule forms and can be inhaled, swallowed or injected. The physical effects of methamphetamines include alertness, euphoria, appetite loss, elevated heart rate, and increased respiration. The most popular form of the drug, referred to as crystal meth, has become increasingly widespread and can result in overdose, causing both stroke and heart failure.

While the median age of the habitual meth user is 30 years, the drug is starting to strengthen its hold on younger generations. The number of teenagers who have reported using meth has increased dramatically over the past few years. It is extremely easy for young people to access Internet information outlining recipes and places to obtain ingredients for manufacturing the drug.

This legislation would help to increase awareness of this serious epidemic and educate the public about the dangers of meth use.

I urge all Members to come together and to commit to the task of educating our youth about the dangers of methamphetamines use by adopting H. Res. 556.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from Washington (Mr. BAIRD), the author of this legislation.

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from Georgia as well.

Mr. Speaker. I want to rise in strong support of H. Res. 556, a resolution I have introduced to establish National Methamphetamine Prevention Week.

As was mentioned earlier, methamphetamine is an addictive drug that has penetrated the smallest of communities and has reached epidemic proportions in this country and throughout the world. In fact, the United Nations Office on Drugs and Crime reports that more than 30 million people around the world use amphetamine-type stimulants, a number that surpasses the global use of cocaine and heroin combined.

Domestically, we have seen the number of meth lab seizures decline in some states while the last year, yet in increase in others as the epidemic has moved from west to east. For example, in 1999, California busted 2,579 meth labs domestically, while Missouri that year busted 439. However, by 2004, California had reduced their labs to 764, while Missouri increased to an astonishing 2,788.

The situation with methamphetamine is evolving, and as local police and drug task forces become more efficient in shutting down the local, clandestine labs, the supply shifts to become increasingly filled by finished product imported from Mexico and other countries, often in a more potent form.

In my home district in southwest Washington, for example, we have seen the purity of meth increase on the street by over 43 percent in just the last 4 years. This is a disturbing pattern. It’s history has taught us that as local police and drug task forces become more efficient in shutting down the local, clandestine labs, the supply shifts to become increasingly filled by finished product imported from Mexico and other countries, often in a more potent form.

Judge Woolard from Clark County in my home district has explained to me that the meth epidemic can be encapsulated in the following statistics: 90 percent of the kids in foster care in my home county have parents who are meth addicts; 80 percent of the criminal cases brought before the courts involve drug use; and 75 percent of the kids in juvenile detention are now involved with meth.

This is not a problem that is going away without a comprehensive plan for action.

My colleagues and I have recently addressed the issue of domestic supply with the passage of the Combat Meth Act which had overwhelming support in this body. We also continue to move forward on efforts to deal with the international supply of meth precursors and will soon insist that companies where these products are produced limit and track the shipment of methamphetamine.

We have to address the demand side as well, and we can do this by continuing to fund programs such as the National Youth Anti-Drug Media Campaign and Safe and Drug Free Schools. Additionally, we can encourage our communities to get involved in the fight against meth at the ground level. That is why National Meth Prevention Week is so important.

This bill will allow and encourage local communities in a nationwide effort to address all aspects of the meth problem, from prevention to intervention to treatment.

It will also provide us an opportunity to dedicate 1 week out of the year that should actually be a nationwide effort to engage students and children in discussions and activities that will underscore the importance of avoiding methamphetamine use.

I am pleased that the legislation has 63 bipartisan cosponsors, as well as the support of the National Association of Counties, National Narcotic Officers Coalition, National Criminal Justice Association and the Association for Addiction Professionals. I want to particularly thank the co-chairs of the Meth Caucus, Chairmen LAARSEN, BOWWELL, CANNON and CALVET, as well as Chairman SOUDER who has been a leader on this issue throughout the Congress. They have been tremendous allies in this fight, and I am happy to work with them on a bipartisan basis.

I also want to thank Chairman DAVIS, Ranking Member WAXMAN and Ranking Member CUMMINGS for their support of the bill.

Mr. Speaker, finally, I want to thank my own staff, Katie Stevens, for her work on this, as well as the law enforcement treatment and prevention professionals in my district who have done such an outstanding job combating this horrific drug.

I urge my colleagues to support the adoption of H. Res. 556 today. I hope the action will then be followed by the swift adoption of a companion bill in the other chamber, S. Res. 313, offered by my colleague and friend Senator CANTWELL.

Let us unite today to send a joint message to our local communities, as well as our friends and neighbors we acknowledge the devastating impact of this drug and are united in our fight against it.

I thank the gentleman for the time.

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may consume to the gentleman from the great State of Georgia (Mr. GINGREY), my friend and distinguished colleague.
Mr. GINGREY. Mr. Speaker, I thank my colleague, the gentleman from Georgia, as well as my colleague, Representative DAVIS from Illinois, and I thank Representative BAIRD from Washington for bringing this bill up, H. Res. 556.

I am a physician Member of the body, and I see, and I did in my practice, of course this has been 4 years ago, a lot of drug addiction unfortunately, and this methamphetamine issue, Mr. Speaker, has reached exponential and unbelievable proportions.

When some of us were in college, Mr. Speaker, I do not know if you remember this or not, but I certainly do, to study and cram for a test at the last minute, there were always these little pills floating around the fraternity house that you could take. It would literally allow you to stay up all night, and you had an accelerated sense of awareness and could not sleep, and sometimes you literally could go through this entire test and do a whole semester’s worth of work in one night and think that you were going to go in and ace the test. That rarely happened. That sense of euphoria was there, Mr. Speaker, but when you got that grade back, that A or a B, you got into this methamphetamine addiction and just about destroyed her life.

As Betty says in the book, so many of this young lady, her daughter Jennifer’s friends did lose their lives, either by getting too much or mainlining something, this can lead to respiratory depression or whatever.

I am just shocked when I read some of the statistics, Mr. Speaker, the fact that the United Nations Office on Drugs and Crime reports that more than 30 million people around the world use methamphetamine-type stimulants, a number that eclipsed the combined global use of cocaine and heroin.

That is the problem that Representative BAIRD is so aware of and why this H. Res. 556 is such an important thing to do, so that people like Betty Brady that are out there in the trenches struggling to make youngsters aware, this will be a week where they can really bring that focus and get into the schools and let people know that this is highly addictive. This is not just the speed that truck drivers used to take so they could drive to the west coast without stopping. This is something that is a very, very serious drug.

I thank the gentleman from Georgia, my colleague, Representative WESTMORELAND, for letting me take a few minutes and just talk about this, and I commend Representative BAIRD.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentlewoman from Maryland (Ms. CUMMINGS), the ranking member of the Subcommittee on Drug Policy and the former Chair of the Congressional Black Caucus.

Mr. CUMMINGS. I want to thank the gentleman for yielding, and I want to thank Mr. BAIRD for this resolution, which I strongly support.

As the ranking member of the Drug Subcommittee of the Government Reform Committee, I have traveled, along with Coach Woodruff throughout this entire country, and we have had an opportunity to go to many, many places that are usually rural in nature, and we have seen the effects of methamphetamine use. We have heard drug court judges, we have listened to foster care parents, we have listened to wonderful people like the lady that was just mentioned who have seen their children go through being addicted to methamphetamine.

While I am from an urban area, if I were to close my eyes and if were we to substitute the name of this drug for crack cocaine or cocaine, a lot of the same types of stories I have heard from many, many years in the 7th Congressional District of Maryland are the stories Mr. SOUTER and I heard all over urban areas throughout our country.

Drugs are a major damaging element in our society. I have seen so many families destroyed. And by the way, it is not just the person who uses the drug but their families are affected, their communities are affected and their children are affected. So often the property values go down in neighborhoods because of the use. Methamphetamines fall right in that category.

Methamphetamines are easy to produce. As a matter of fact, you can find the ingredients to do it and make them on the Internet, and that is one of the things that is so frightening about this. When I think about some of the addicts that live in my district, they often have a hard time getting hold of the cocaine or getting hold of the cocaine. When I think about methamphetamines, however, it seems as if this is one of the things that folks could do and find it might be a little easier and a little bit cheaper to get to.

That is one of the many reasons why we have to stand up and we have to do things like Representative BAIRD has suggested in this legislation. We have to make sure that parents are aware, that coaches, and that people in our communities are aware, neighbors and friends are aware so that perhaps we can prevent some of this.

As we traveled throughout the United States in our subcommittee, we had people come and testify and show us pictures of how they looked before using methamphetamines. And when we would see them, sometimes maybe a year later after using them, maybe 7 months later, they looked like ghosts of themselves.

As one young man said to me, and I shall never forget it as long as I live, it is embedded in the DNA of every cell in my brain, he said, when I went out there to simply get a high, I went and I got high over and over again. I would stay up for days. Stay up for days. And he said, I got high. Man, I thought I was on cloud nine. He said, then there came a time when I tried to get off and it was very difficult to do it. He said, but I finally licked it. But he said, then I walked up to him and I asked, do you think you would do it again? And I said, self, will you forgive me? And he said self said back to him, yeah, I forgive you. And then he said something...
that is embedded in the DNA of every cell of my brain. He said but my body wouldn’t forgive me. My body that now looked about 10 or 15 years older with all kinds of sores all over his body.

So we must continue this fight. It is a very important fight. It is a fight for the soul of America. So often what happens is that people look at the drug war, if you want to call it that, the efforts to stop drugs, as a negative issue. But let me tell you something, there are too many lives that are being robbed every day from much potential.

When we think about our children and we think about people who are living a wonderful family life and doing well, the one thing that can suck the blood out of them, suck the life out of them and their communities is drugs.

So I applaud Mr. BAIRD and all of our colleagues who have made this methamphetamine war effort their effort. For I have often said that our children are the living messages we send to a future generation. And, really, we are looking at three things.

And so I would hope that all of the Members of this great House will vote in favor of this legislation and that when methamphetamine week comes around that we will not just think of the rural areas and what is going on there with methamphetamines, but we will think of our efforts dealing with drugs, all kinds of drugs, and remind ourselves that we are determined to make sure that this element, that this negative element, that this poison of death does not invade our communities. And if it does, that we will stand up and fight with everything we have got, as if our lives depended on it, because they do.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to my colleagues from the State of Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I too would like to add my congratulations to Congressman BAIRD for H.R. 556.

First of all, the good news. In many parts of the country, cocaine and heroin are being diminished rather rapidly. The bad news is that the reason in many cases this is happening is simply because methamphetamine has come in. Methamphetamine is cheaper. It is more powerful. And when you couple that with every fiber that we had here to get about two-thirds of that funding back, it wasn’t enough.

So we have to make sure that the Byrne Grants are fully funded, because again, in the White House budget, they have been zeroed out this year. We absolutely have to have those.

And the last issue is treatment. It has been proven that drug courts are much more effective than throwing people in prison. We have so many people who are simply addicted and they are sent to prison. A drug court enables them to be tested twice a week, they get treatment, and they can usually hold their families together and pay taxes. So we think these are all things that we have been proven that are.

Mr. DAVIS of Illinois. Mr. Speaker, may I inquire as to how much time I have left?

The SPEAKER pro tempore (Mr. BOOKMAN). The gentleman from Illinois has 2 minutes and 13 seconds.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. DAVIS) for giving me time to speak in favor of H.R. 556. I would like to especially thank one of my own constituents, way in the past, back in the early 1950s, I think, when Congressman BAIRD served in the Third Congressional District. I want to thank him for his leadership in this arena.

Mr. Speaker, an epidemic is sweeping our great Nation. It is an epidemic that affects people in all congressional districts. But especially those congressional districts that are mainly rural. It has no regard for gender, race, economic status or where you live. Of course, I am speaking about the use of methamphetamine. This drug is easy to make, easy to get, and easy to fall victim to.

We have all seen the ways in which meth transforms individuals, from soccer moms to addicts living on the streets. Mr. Speaker, I fully support the efforts of my colleagues to support H.R. 556. I am a cosponsor of this important resolution.

I am a believer in the old saying that an ounce of prevention is worth a pound of cure, and it is clearly understood that for every dollar that the Federal Government spends in prevention programs, it saves the Federal Government $7 in cure. By passing this important resolution and expressing our support for the National Methamphetamine Prevention Week, we take an important step towards eliminating meth.

As we are having this debate, I want to raise awareness of other actions, as our previous speaker talked about. I have joined my colleagues in urging the Budget Committee to restore funding for the JAG-Byrne Grants and the COPS programs. Both of these funding streams aid local law enforcement agencies in their work to eradicate meth from our neighbors. This money goes towards paying the cost of investigating, prosecuting, and cleaning up peddlers of meth and their highly toxic labs. We cannot stop idly by and watch this important funding disappear.

Mr. Speaker, today I urge my colleagues to support H.R. 556 and support restoring funding for other important law enforcement tools as we take up the budget this week.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers at this time, and I would observe the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I want to thank Mr. SALAZAR, Mr. CUMMINGS, Mr. OSBORNE, and Mr. GINGRICH for their thoughtful remarks.

Just to close my portion of this commentary, people sometimes ask why I am so committed to this. Before I was in Congress, I spent 23 years as a clinical psychologist and I studied people who have been devastated by meth. Since coming to Congress, I visit every high school in my district, I try to do it every 2 years, and last fall, I visited
Ms. WATERS. Mr. Speaker, I rise in support of H. Res. 556, a resolution expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that dangerous drug.

Methamphetamine is a growing problem in the United States and one that is destroying lives, families and towns. I agree that the United States must face this problem head-on. However, there are many drugs that are equally as damaging and should not be overlooked.

Crack cocaine has ravaged our cities for more than 20 years. Crack is very addictive, and even after a small amount of use can cause significant damage to a user's health. One way the U.S. Government attempted to fight the crack epidemic was to impose mandatory minimum prison sentences. Under the terms of these mandatory minimum sentences, some one caught carrying just 5 grams of crack received an automatic 5-year prison sentence. By color, the same quantity of powder cocaine, a person must be caught with 500 grams of powder cocaine under current law.

As Families Against Mandatory Minimums (FAMM) notes, mandatory minimum sentences are applied in three ways: More arrests for drug crimes, overall increases in the severity of drug sentences, and harsher treatment compared to white arrestees.

This sad fact is clearly revealed in our Nation's prison statistics: Two-thirds of the 2 million Americans in jail or prison are African American or Hispanic. African Americans make up approximately 12 percent of the population and are 13 percent of the drug users, yet they constitute 38 percent of all drug arrests and 59 percent of those convicted of drug offenses. Nationwide, African American males sentenced in State courts on drug felonies receive prison sentences 52 percent of the time, while white males are sentenced to prison 34 percent of the time.

Mr. Speaker, let me commend all those who have spoken on this issue, and I commend Mr. BAIRD for bringing it before us.

Drug abuse is one of the major problems facing our country today, not in any one part of the country but all over America. I happen to live in a county where there are 800,000 drug users, where there are 300,000 who admit to using drugs on a regular basis.

I admit it is a large county. It is the second largest county in the Nation. But even with it being the second largest county in the Nation, 800,000 people, that is an awful lot. Much of the crime that exists in our county is associated with drug use and abuse. We have to make sure that we provide the resources for prevention. We also have to make sure that we provide the resources for treatment. I am an advocate for something called treatment on demand where we try and make sure when people who are addicted are ready for treatment, they are ready for treatment being provided for them. I commend the gentleman from Washington for introducing this legislation, and I urge its passage.
emerged in recent years as a leading national drug control policy challenge. Coordination between all levels of government is needed if the challenge of curbing methamphetamine use is to be met and fulfilled. Public awareness and involvement is also important to effectively preventing the use of methamphetamine within our communities.

Guam is no exception to the alarming trends in methamphetamine use. The trafficking and use of methamphetamine on Guam has risen in recent years and directly affected the youth of our community. Today methamphetamine-related arrests on average constitute three quarters of the adult drug-related arrests on Guam each year. The Guam Department of Customs and Quarantine has seized more grams of amphetamines than any other illegal narcotic over the past several years. Additionally, more than half of the individuals admitted for substance abuse treatment on Guam are methamphetamine users.

The increase in the abuse of the drug spans all ethnic, cultural, and age groups. There are currently no national observances or coordinated programs dedicated to the fight against methamphetamine despite the alarming national and local trends. A “National Meth Prevention Week” would be the first of its kind. I strongly support H. Res. 556 for this reason and know that such an undertaking would facilitate a national dialogue for communities to share information on what programs, methods and initiatives work best for combating methamphetamine use.

I look forward to promoting National Meth Prevention Week on Guam. I thank my colleagues from Washington, Mr. BAIRD, and our colleague from Indiana, Mr. SOUDER, for their leadership on national drug control policy and in particular for the efforts in promoting national awareness of the dangers associated with methamphetamine abuse.

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

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 556, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House concur in the resolution and agree to the resolution, H. Res. 556. The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS’ MEMORIAL SERVICE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 360) authorizing the use of the Capitol Grounds for the National Peace Officers’ Memorial Service.

The Clerk reads as follows:

H. CON. RES. 360
Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS’ MEMORIAL SERVICE

(a) In General.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the ‘sponsor’), shall be authorized to sponsor a public event, the 25th Annual National Peace Officers’ Memorial Service (in this resolution referred to as the ‘event’), on the Capitol Grounds, in honor to the law enforcement officers who died in the line of duty during 2005.

(b) Date of Event.—The event shall be held on May 15, 2006, on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) In General.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be:

1. Free of admission charge and open to the public; and
2. Arranged not to interfere with the needs of Congress.

(b) Expenses and Liabilities.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5(b)(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. HIGGINS) each will control 20 minutes.

The Chair acknowledges the gentleman from Pennsylvania.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in the event

(a) in general.

(b) Expenses and Liabilities.

The sponsor shall assume full responsibility for all expenses and liabilities associated with the event.

SEC. 5. EVENT PREPARATIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5(b)(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. HIGGINS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 360.

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

There was no objection.

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

I am pleased to join the gentlewoman from the District of Columbia (Ms. NESMITH), who was honoretly appointed by the Fraternal Order of Police the guards. We were to battle it out on the gridiron. I thank Mr. Renzi for his help in organizing the fund-raiser and thank the 33 Members of Congress who participated. Some would say it was a wonderful experience despite the rain, but I would say it was a wonderful experience because of the rain.

The idea of a football game fund-raiser was conceived by the gentleman from Arizona (Mr. RENZI). It was a takeoff of the movie “The Longest Yard” with Members of Congress acting as the inmates and the Capitol Hill Police the guards. We were to battle it out on the gridiron. I thank Mr. Renzi for his help in organizing the fund-raiser and thank the 33 Members of Congress who participated. Some would say it was a wonderful experience despite the rain, but I would say it was a wonderful experience because of the rain.

Those 33 Members of Congress, all of us washed-up athletes, were able to
play the much-superior Capitol Police Force to a 12–12 tie. For us it was a great joy. But most importantly, we were able to raise nearly $60,000 for the Capitol Police Memorial Fund. I look forward to next year and for the match-up to continue to honor these brave men and women, and also for the National Peace Officers’ Memorial Service, which will be held on Monday, May 15. I support this measure and urge my colleagues to do the same.

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

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

House Concurrent Resolution 360 authorizes the use of the Capitol Grounds for the 25th annual National Peace Office-

Mr. Speaker, on average, one officer is killed in the line of duty every hundred days. Approximately 23,000 are injured every year, and thousands more assaulted. Sadly, 155 names will be added to the memorial wall this year, including the names of five women who were killed in the line of duty. The fallen officers come from 32 States, the Federal Government, and Puerto Rico. Their average age was 38 years and 7 months. The youngest officer was 21 years old.

The memorial service is a fitting tribute to the State and local police officers who gave their lives protecting our families, our homes, our places of work. They serve every day on the front lines in the battle to keep our communities safe. They sacrifice so much, and for the most part we are all, each of us, eternally grateful.

It is in this spirit of appreciation that in my hometown, Buffalo, Police Officer Greg O’Shei initiated the public recognition of fallen officers by memorializing their names on signs posted throughout the city of Buffalo. Officer O’Shei’s efforts have reminded us every day in Buffalo and throughout the Nation of these brave sacrifices that are made daily.

The ceremony to be held on May 15 is the 25th anniversary of this memorial service which was established as a national event by President Kennedy in 1962. Consistent with all Capitol Hill events, the memorial service will be free and open to the public. I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen peace officers.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I urge all of my colleagues to support this measure and thank my colleague from New York for his tribute to those fallen officers and people who serve and protect us every day.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Con. Res. 360, a resolution to authorize use of the Capitol Grounds for the National Peace Officers’ Memorial Service on May 15, 2006.

In October 1962, President Kennedy proclaimed May 15th as National Peace Officers’ Memorial Day. Each year on this date we, as a Nation, have an opportunity to honor the dedication with which peace officers perform their daily task of protecting our families, co-workers, friends, and ourselves. The 2006 event marks the 25th anniversary of the Capitol Hill event. In the post September 11 environment, the work of selfless police and firemen has become our model of courage and moral strength.

There are approximately 700,000 sworn law enforcement officers serving the American public today. Ten percent of the police force officers are women. Law enforcement officers include those that work not only for states, counties and the federal government, but also military police, correction officers, and peace officers in the U.S. territories. In 2005, 155 officers were killed on the job; 5 of these officers were women. The leading cause of death was gunfire.

It is most fitting and proper to honor the lives, sacrifices, and public service of our brave peace officers. I urge my colleagues to support H. Con. Res. 360.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 360.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING AND CONGRATULATING MINNESOTA NATIONAL GUARD ON THE 125TH ANNIVERSARY OF THE 34TH DIVISION

Whereas during a critical moment in the Battle of Gettysburg on July 3, 1863, 262 soldiers of the First Minnesota Infantry, along with other Union forces, bravely charged and stopped Confederate troops attacking the center of the Union position on Cemetery Ridge;

Whereas only 47 men answered the roll after this valiant charge, earning the First Minnesota Infantry the highest casualty rate of any unit in the Civil War;

Whereas the Minnesota National Guard was the first to volunteer for service in the Philippines and Cuba during the Spanish-American War of 1898, with enough men to form three regiments;

Whereas one of the three Minnesota regiments to report for duty in the War with Spain was the 15th Volunteer regiment, under the command of Major General Arthur MacArthur, saw among the heaviest fighting of the war in the battle of Manila and suffered more casualties than all other regiments combined during that key confrontation to free the Philippines;

Whereas after the cross-border raids of Pancho Villa and the declared instigation of a war between the United States and Mexico, the border was secured in part by the Minnesota National Guard;

Whereas the Minnesota National Guard was mobilized for duty in World War I, where many Minnesotans saw duty in France, including the 151st Field Artillery, which saw duty as part of the famed 42nd “Rainbow” Division;

Whereas the first federally recognized Air National Guard unit in the Nation was the 109th Observation Squadron of the Minnesota National Guard, which passed its muster inspection on January 17, 1921;

Whereas a tank company of the Minnesota National Guard from Brainerd, Minnesota was deployed to the Philippines in 1941 to shore up American defenses against Japan as World War II neared;

Whereas these men from Brainerd fought hard and bravely as American forces were pushed into the Bataan Peninsula and ultimately endured the Bataan Death March;

Whereas men of the Minnesota National Guard’s 175th Field Artillery, as part of the 34th Division, became the first American Division to be deployed to Europe in January of 1942;

Whereas when the 34th Division was shipped to North Africa it fired the first American shells against the Nazi forces;

Whereas the 34th Division participated in six major Army campaigns in North Africa, Sicily, and Italy, which led to the division being credited with taking many of the enemy-defended hills in the European Theater as well as having more combat days than any other division in Europe;

Whereas the Minnesota National Guard served with distinction on the ground and in the air during Operations Desert Shield and Desert Storm;

Whereas Minnesota National Guard troops have helped keep the peace in the former Yugoslavia, including 1,100 troops who have seen service in Bosnia, Croatia, and Kosovo; and

Whereas the Minnesota National Guard has participated in keeping America safe after September 11th, 2001, in numerous ways, including airport security;

WHEREAS during the Civil War the First Minnesota Infantry regiment saw battle at Bull Run, Antietam, and Gettysburg;
Whereas as of March 20, 2006, Minnesota National Guard troops are serving in national defense missions in Afghanistan, Pakistan, Kuwait, Qatar, Oman, and Iraq; whereas the 406 Minnesota National Guard troops have been deployed to Afghanistan in Operation Enduring Freedom; whereas members of the Minnesota National Guard, alongside the 1st Stryker Brigade Combat Team of the 34th Infantry Division, have been part of the State’s largest troop deployment since World War II, with more than 2,600 citizen soldiers called to service in support of Operation Iraqi Freedom; whereas the Minnesota National Guard has greatly contributed not only to battles but to the violent riots, such as the 1947 national meat processors strike, the Red River flood in 1997 in which they organized search and rescue missions, helped shelter people who were left homeless, ran logistics, and helped sandbagging efforts; and whereas on April 17, 2006, the Minnesota National Guard will celebrate its 150th anniversary along with its historical and recent accomplishments: Now, therefore, be it

RESOLVED by the House of Representatives of Representatives (the Senate concurring), That Congress—

(1) honors and congratulates the Minnesota National Guard for its spirit of dedication and service to the State of Minnesota and the Nation on its 150th anniversary; and

(2) recognizes that the role of the National Guard, the Nation’s citizen-soldier bargaining militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.  

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution’s consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H. Con. Res. 371 honoring and congratulating the Minnesota National Guard on its 150th anniversary. Since Minnesota’s early days as a frontier territory, Minnesotans have stepped forward to protect and defend their fellow citizens.

Tracing their origins back to the Territorial Pioneer Guard, today’s National Guardsmen continue to proudly serve the State and Nation in times of crisis and need. It is this dual service that makes the National Guard unique among our Nation’s military services. Whether it is reinforcing levees along the Red River that borders Minnesota and North Dakota, patrolling New York City 9-11, Minnesota National Guard troops have been deployed to Afghanist in Operation Enduring Freedom; and Chaco Canyon, New Mexico 9-11, Minnesota National Guard has assumed key stabilization missions throughout the world.

Though the treaty that ended years of conflict in the Balkans bears the name of an Ohio city, soldiers from the Minnesota National Guard played a large role in implementing that peace. In 2003, over 1,000 soldiers from Minnesota took over peacekeeping operations in Bosnia, performing vital missions as collecting weapons and identifying mine fields to protect the civilian population.

The Balkan peacekeeping mission was expanded in 2004 when 1,000 members of the 34th Infantry Division, the famed “Red Bulls” deployed to neighboring Kosovo. I was privileged to witness the great work performed by Major General Erlandson and his Minnesota Guardsmen who served on the KFOR mission in Kosovo.

The camaraderie and experience gained in Bosnia and Kosovo has lived on as those two previous deployments helped those who have served.

In 2005, members of the Minnesota Guard were again called to the scene of a major natural disaster, and the aftermath of Hurricane Katrina soon developed into our Nation’s largest evacuation operations. Residents of western Minnesota remember the destruction wrought by the floodwaters, later described as a once-in-500-years event; but they also recalled that Minnesota’s citizen soldiers were there to assist them throughout the disaster.

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The Minnesota National Guard traces its origins to the founding of the State of Minnesota and to the unique American concept of the citizen-soldier. In the words of President Andrew Jackson, “The man who is to fight and the man who is to pay must be one and the same.” That this is the case is attested to by the traditions of the National Guard, with its long and proud history of service to the nation and state.

As we honor the Minnesota National Guard today for 150 years of service, we would do well to heed the words taken from a speech Lieutenant Timmerman wrote for the Lake Benton High School Veterans Day Ceremony in 2003: “Show respect to those who have served. Most important of all, show your gratitude by enjoying the freedoms and rights that so many service members have fought and died for. Don’t let their deaths be in vein. Exercise your right to vote, your right to free speech, and be happy for your freedom to do as you wish.”

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 371, honoring and congratulating the Minnesota National Guard for its dedication and service to the State of Minnesota and to the people of this Nation. The role of the National Guard has continued to be extremely important to the security and freedom of the United States, and it is especially appropriate that we recognize this great organization. And so I join my colleague from the other side of the aisle in supporting this measure.

I would also like to recognize the gentlemen from Minnesota, Mr. KLINE, and Mr. CLAY, and Mr. KENNEDY, and Mr. KLINE, for bringing this resolution forward today.

Mr. Speaker, the National Guard represents the spirit of our Founding Fathers and our country’s citizen-soldiers who formed the Guard before there was an Army. And the Minnesota National Guard traces its origins to...
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the formation of the Pioneer Guard in the Minnesota territory in 1856, 2 years before Minnesota became the 32nd State in the Union. The 1st Minnesota Infantry was among the first regiments in the Nation to respond to President Abraham Lincoln’s call for troops in April 1861; these courageous soldiers volunteered for 3 years of service during the Civil War.

Since then, the Minnesota National Guard has served our Nation in countless ways. Its historical accomplishments are too numerous to list, and its recent contributions have been extraordinary.

Today, Mr. Speaker, we are a Nation at war. Since the September 11 terrorist attacks, members of the Minnesota Guard have been keeping America’s airports and waterways safe, and over 11,000 members have been called up for full-time service.

More than 600 troops have been deployed to Afghanistan for Operation Enduring Freedom. More than 2,600 citizen soldiers have been sent to Iraq. Other members of the Minnesota Guard are conducting important national defense missions in Pakistan and Kuwait and Qatar and Oman.

And I would like to honor the family members who have stood by our Guardsmen and women during times of peace and war.

The men and women of the National Guard have contributed to the freedom and security of this country from their heroism in the Civil War to their service today in Iraq.

The Minnesota National Guard was key in ensuring victory for the Union forces at Gettysburg in the battle in the Spanish American War, World War I, World War II, Afghanistan, and Operations Desert Shield and Desert Storm.

These brave men and women have also worked to help and keep the peace in Bosnia, Kosovo and Croatia.

Since September 11, over 11,000 members of the Minnesota National Guard have been activated to help serve and protect Minnesota and the United States. Today the members of the National Guard are keeping us safe within the State and around the world.

In Minnesota, members of the National Guard are critical to helping Minnesotans protect their businesses, their homes and their schools. And they are prepared to stand with them to help these very same citizens rebuild their lives after the flooding recedes in the Red River Valley.

Just last month, I had the honor of attending, along with Congressman Collin Peterson, a send-off celebration for over 2,600 members of the Minnesota National Guard. They were being deployed to Iraq from Camp Shelby, Mississippi.

And I also had the privilege of attending a deployment at St. Paul Holman Field. It was wonderful and a very special moment to be with these men and their families, these women and their families as they were deployed, because the sacrifices these men and women are making to keep our country, and being separated from their families and loved ones is truly something that we as Americans should honor and respect.

It has also been my privilege to work closely with the Minnesota National Guard and our state to maintain the Arden Hills National Guard training site, as well as the Air Guard’s Holman field facility. These two facilities are essential to keeping our community strong and the Guard prepared and Minnesota and our country safe.

Mr. Speaker, the history of Minnesota’s National Guard is a proud and distinguished history. Farmers, factory
workers, policemen, students, doctors, business owners, for the past 150 years, have become citizen soldiers serving their country and their community.

Every Minnesotan, and all of America, owes a debt of gratitude to the brave men and women who serve our country and our community. And today, we send them our thoughts and our prayers for a speedy return home and a very safe return home.

And I would like to take a second to honor a veteran from Minnesota who is on the floor, Mr. KLINE, and his family for the service that they have given our country, for the active duty are also standing side by side.

Mr. KLINE. Mr. Speaker, I want to thank the gentlewoman for her kind words. And now I yield 4 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I too pay tribute to Colonel Kline for your heroic service to the country that we all love.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 371, to honor, congratulate and thank the brave men and women of the Minnesota National Guard on its 150th anniversary.

The Minnesota National Guard represents the very best of duty, honor and country. I join the people of the Third Congressional District of Minnesota in thanking each and every Guard member, past and present, for their dedicated service.

Mr. Speaker, as has been pointed out by previous speakers today, the Minnesota National Guard traces its origins to the Pioneer Guard of the Minnesota territory in 1856, formed 2 years before Minnesota became the 32nd State. The 1st Minnesota Infantry was among the very first regiments to respond to President Lincoln’s call for troops during the Civil War.

In fact, the 1st Minnesota Infantry had the highest casualty rate of any unit in the Civil War. The Minnesota National Guard went on to serve bravely in the Spanish-American War, World War I, and World War II. The Minnesota National Guard also served with great distinction on the ground and in the air during Operations Desert Shield and Desert Storm, and Minnesota Guard troops have helped keep the peace in the former Yugoslav republics.

Following the September 11, 2001, attacks by the terrorists on our country, the Minnesota National Guard provided airport security and the 148th Fighter Wing flew F-16 security patrols over United States cities for a longer time than any other air defense unit.

Today, Mr. Speaker, Minnesota National Guard troops are serving in the war on terror in Afghanistan, Iraq, and elsewhere. More than 3,000 citizen soldiers are deployed at times in support of Operation Iraqi Freedom, and our thoughts and prayers are with each of those Minnesota troops. In addition, Minnesota National Guard troops are serving in national defense missions in numerous other countries as well.

Off the battlefield, Mr. Speaker, the Minnesota National Guard has provided countless services to our communities, consisting citizens devastated by natural disasters and maintaining law and order.

Mr. Speaker, great moments and triumphs in American history require valor, bravery, and selfless service, and the brave men and women of the Minnesota National Guard have led the charge for 150 years.

To the men and women of the Minnesota National Guard, congratulations on your 150th anniversary, and thank you. Thank you for your service to Minnesota and your service to our Nation.

Mr. BUTTERFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Transportation and Infrastructure Committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I join my colleagues. Mr. Speaker, in congratulating the Minnesota National Guard on its 150th anniversary. As my colleagues from Minnesota and our floor manager on the Democratic side have mentioned, this Minnesota National Guard has had a great and distinguished career of service to the Nation.

There is no greater public service than that of military duty. There is no longer a tradition than that of the citizen soldier. It goes back to the very beginnings and foundation of our Nation and of our fight in the Revolutionary War for independence.

Our National Guardsmen served in the Civil War, Gettysburg. They served in the Spanish-American War and World War I, World War II, at Wood Lake, Philippines, Meuse-Argonne in France, and Bataan, North Africa, Sicily, in Korea, in Vietnam, in Kuwait, in Iraq. They have served in Bosnia and Kosovo. And after September 11 it was our Minnesota Air National Guard that flew cover for months over our Nation’s capital. Our Guard unit from my district, from Duluth, put in endless and wearying hours. We could hear those aircraft in the wee hours of the morning, citizens soldiers, the few, the unknown or terrorist attack that we could not imagine, and they did it without complaint but with enormous professionalism.

This coming Saturday Croquet E Battery, the 216th Air Defense Artillery Unit, will return to us against the backdrop of Operation Iraqi Freedom in support of Operation Iraqi Freedom, and our thoughts and prayers are with each of those Minnesota troops.

I have been, as many of my colleagues have already attested in their own experience, to both send-off and return ceremonies. The most impressive is the open arms, the love with which our citizen soldiers are received on their return, the grateful hearts, the admiration of friends and family for the service that they have performed so selflessly, the tears that are shed, the joy of returning home, but also the anxiety about returning to their job, their place of employment.

After two or three displacements, some have had concerns. Fortunately, employers in most cases have been responsive to their duty to their National Guard, and as they return home and continue their citizen soldier service to America, as we provide for those in the field the necessary body armor, equipment, support services to carry out their duties in the field, we must provide for them as they eventually become veterans and assure that they are treated with the respect of our World War II vets, our Korean vets. And we have learned a great deal from the Vietnam veterans. They have taught us great lessons, and those lessons must not be lost upon this body nor upon the American public as we welcome home the Iraqi veterans and incorporate them again into society and accord them the support services that they will need, that they deserve and have truly earned.

I join my colleagues in the delegations saluting our Minnesota National Guard on its 150th anniversary, and I join my colleague, Ms. McCollum, in congratulating the gentleman from Minnesota, manager of the bill on the floor, for his service to our country in the Marine Corps.

Mr. KLINE. Mr. Speaker, I thank the gentleman for his kind remarks.

I would like now to yield 4 minutes to a real historian of this famous Minnesota National Guard, my colleague from the First District of Minnesota, Mr. Gutknecht.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding.

I am very pleased to be here and join my colleagues from Minnesota. I want to thank my colleague from North Carolina for his kind remarks as well.

Like the mighty Mississippi River, the tradition and pride of the Minnesota National Guard is long and deep. For 150 years Minnesotans have proudly taken their places in that long line of citizen soldiers, that long line that has never failed us.

Much has been said already today and I will try not to be redundant, but I do want to share some of the history of this very historical Guard. As has been mentioned, they were organized before Minnesota even became a State. Now, 150 years is a long time and many things have changed in our State, in our Nation, in our world. But there has been one constant, and that is the professionalism and the sense of service that we take for granted from our own National Guard.

As was mentioned, in April of 1861, it just so happened that the Governor of
the State of Minnesota, Governor Ramsey, was here in Washington, D.C., on other business when we heard of the firing on Fort Sumter. And President Lincoln put out a call for troops, and Governor Ramsey became the first Governor of the Union which sent men to the White House and volunteer troops to serve to defend the Union. And it then fell upon the Minnesota 1st Infantry to be the first regiments volunteered to serve in that battle for the Union. And the story has been told that when they marched off to war, they were 1,066 strong, but by the end of the day of fighting of July 2, 1863, only 47 could answer the call. They suffered on the late afternoon of July 2, 1863, the highest percentage of casualties of any unit that fought in that tragic war. But they held the line that day. And to this day many people believe that they deserve to be called the saviours of our country because of their sacrifices.

Many years later the colonel who led that regiment, Colonel William Colville, was asked what he thought about as they charged down that hill that day, and he said, “Gad, I thought of Washington.” They knew what the stakes were, and they knew that they had to hold the line. Earlier in the day that pivotal battle was fought, General Hancock rolled by on other business when we heard of the firing on Fort Sumter. And President Lincoln's call to duty. And the story has been told that when they marched off to war, they were 1,066 strong, but by the end of the day of fighting of July 2, 1863, only 47 could answer the call. They suffered on the late afternoon of July 2, 1863, the highest percentage of casualties of any unit that fought in that tragic war. But they held the line that day. And to this day many people believe that they deserve to be called the saviours of our country because of their sacrifices.

So, once again, I rise to congratulate the men and women of the Minnesota National Guard on this historic anniversary, and thank all of them for their service to the State of Minnesota and their service to the country. I know that they will make us proud, as they always have.

Mr. BUTTERFIELD. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume just to the men and women of the Minnesota National Guard who have answered the federal call to duty. Today, more than 2600 Minnesota National Guard members are in or en route to Kuwait for final preparations before they head to Iraq. The 1st Brigade Combat Team will be deployed to Iraq and is expected to be the only National Guard Brigade Combat Team in Iraq—all others are from active duty Army. This is the largest deployment of the Minnesota Guard since World War II. These brave men and women are serving our State and our country in a dangerous place, it is extremely important that we do our part to support them and their loved ones during and after the mission in Iraq. We must provide a strong network of support for families of deployed soldiers, and assist those families and soldiers during the difficult transition period following deployment.

I rise today in support of this resolution, in recognition of the Minnesota Guard’s rich history, and in gratitude to those Minnesotans who have answered the federal call to duty.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion disagree by the resolution from Minnesota (Mr. KLINK) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 371. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.
Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 755 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 755

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House H. R. 513 to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as ordered. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Fort Lauderdale (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only. (Mr. DREIER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. DREIER. Mr. Speaker, House Resolution 755 provides 60 minutes of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration. The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on House Administration, modified by the amendment printed in the Rules Committee report, shall be considered as adopted.

Mr. Speaker, I rise today in full support of H. Res. 755 and the underlying bill, H. R. 513, the 527 Reform Act of 2005.

Mr. Speaker, I have had the privilege of working on the lobbying and ethics reform effort currently underway in the House. Having worked so closely with so many Members on both sides of the aisle, I am very confident that there is a shared goal to protect the integrity of Congress and to uphold the public trust by implementing bold reform.

The Lobbying Accountability and Transparency Act is moving, as Speaker HASTERT directed, through regular order, and it is being considered by five different committees. One way or another, many of the provisions of the bill focus on outside sources of influence which have rightly been the targets of good government reform for decades, and I am very proud that we have provided leadership in that effort over the years.

As Members know very well, the current reform process has looked at everything from travel rules, to gift limits, to lobbying disclosure, a wide range of things. However, this entire good faith effort and the bipartisan effort that we are working on would come up woefully short if we did not address an area where outside influence in the form of unlimited contributions continues to play an enormous role. So today we are considering H. R. 513, the 527 Reform Act. Congress tried to limit big money in campaigns for many, many years. In fact, I will tell you, I wrote my senior thesis in college on the issue of campaign finance reform on the 1974 act, which was the first big Campaign Reform Act implemented in the post-Watergate era.

As colleagues who were here in 2002 will remember very well, we had a very spirited debate on the Bipartisan Campaign Reform Act. Among other goals that were put forward, this bill aimed to get rid of soft money. That was the goal that was stated by those who were champions of the Bipartisan Campaign Reform Act. They wanted to do everything possible to ban soft money contributions from political parties, getting it out of the political process altogether.

Along with many of my colleagues, I expressed very strong reservations about banning soft money from parties. But now it is going to 527s instead of to political parties.

Mr. Speaker, the money involved is enormous. In the 2003-2004 election cycle, 527 committees raised $242 million, nearly half a billion dollars. That is $273 million more than before the Bipartisan Campaign Reform Act was enacted. As predicted, the soft money that used to go to political parties found its home in the so-called 527s. In fact, the top 25 individual donors gave more than $1.146 million in 2004. As I said, it is a very small group of people, from my perspective, exercising their first amendment rights. But with limits that the court has upheld, I think we have no response other than to respond. Twenty-five individuals, 25 individual donors, again, $146 million in 2004.

During the current election cycle, Mr. Speaker, that trend has already continued, and we have already seen more than $38 million expended by the 527s.

Now, we are not talking about a leaky roof here where just a little soft money is dripping into the system. We...
are talking about half the roof missing, and money is literally pouring in to this political system.

Since the Bipartisan Campaign Reform Act failed to take soft money out of politics, as even the bill’s original authors admitted, it is our duty to correct a flaw in the 2002 law. After all, if we are going to have Federal regulation of campaign finance, it better be fair, it better be consistent and it better be effective.

H.R. 513, the 527 Reform Act, restores balance and fairness to the system by making 527s register with Federal Election Commission and by subjecting them to the same Federal campaign finance laws as political parties, political committees and other political organizations. They would be allowed to raise a maximum of $25,000 per year for their non-Federal accounts and $5,000 for their Federal accounts.

Under this bill, 527s will still be able to engage in their political activities, such as Vote and voter registration drives. They will just be subject to the hard dollar requirements for their spending. For instance, they will be required to spend only hard money for ads that refer to Federal candidates and at least 50 percent hard money for ads that refer to a political party.

Mr. Speaker, I have offered an amendment to H.R. 513 that removes the limit on the amounts parties can spend in Federal elections that is with their own candidates. This was a bipartisan effort that was put together. Parties and their candidates should be free to work together to promote the issues they believe in and the arguments that they support. This change will increase transparency in campaign spending by allowing them to work together, rather than continuing the charade that the two entities don’t know each other. There is no danger of corruption when a political party supports its own candidates.

527 reform has the backing of Democracy 21, Campaign Legal Center, the League of Women Voters, Common Cause, Public Citizen and U.S. PIRG.

Mr. Speaker, this bill is not revolutionary; it is common sense. We are simply closing an enormous loophole by extending existing Federal campaign laws to 527s.

Opponents of this legislation claim that the problem now going to 527s would simply be funneled to other groups, such as the 501(c)9s, yet there is a huge difference under the Tax Code and in real life between 527s and the 501(c)3s. Namely, 527s are organized for political purposes. They exist for the purpose of influencing campaigns. 501(c)3s are not established for that purpose. In fact, as a matter of Federal law, 501(c)3s are not allowed to engage in political activity as their primary mission.

If, as opponents contend, soft money is funneled to 501(c)3s and if politics becomes their major purpose, they will be in violation of the law.

I will add, if it becomes clear that further reforms are needed, Congress will act. Just as we are taking action now to tighten the existing law, we will be ready to act again. We all know, we have said it time and time again, reform is an ongoing process, and we are very proud to lead the effort for reform.

As long as the Bipartisan Campaign Reform Act remains the law of the land, we must ensure that its provisions are applicable to all groups engaged in political campaigns. Now, some opponents of H.R. 513 also argue that subjecting 527s to campaign finance regulations limits free speech. I have to ask, where was this first amendment devotion during the 2002 debate? When I and others were making the point in 2002 that free speech would be violated, supporters of BCRA were awfully quiet on that issue.

Regardless of how one feels about that issue, the United States Supreme Court has numerous occasions that limiting political donations is constitutional. Most recently, they did it when they upheld the Bipartisan Campaign Reform Act in McConnell v. FEC. So critics of this bill, Mr. Speaker, the very same people who predicted the demise of our democracy if soft money was allowed to flow to parties, now seem to have no trouble opposing a bill that allows soft money to flow to the 527s.

Just to be clear, some Members on the other side of the aisle want the very groups that spent more than $320 million on behalf of their candidates and policies in 2004 to be the only ones that can influence elections without dollar limits.

To be consistent, opponents of this bill would have to also oppose the Bipartisan Campaign Reform Act ban on soft money going to parties. You cannot just pick and choose who is worthy of soft money. If it is bad, if it corrupts the system, if it silences the average voter, if it allows the wealthy to buy influence, all things that they argued in 2002, then it is not who receives soft money that is the issue; soft money itself is the issue.

Are my friends on the other side of the aisle saying they made a mistake in 2002? Have they reversed their position? Do they now support the utilization of so-called soft money? Do they wish to reenact provisions that were included in the Bipartisan Campaign Reform Act? I suspect not.

I would urge my colleagues to be consistent with their past positions on campaign finance reform and oppose any dual system for free speech where one group has more protections than another.

Mr. Speaker, as with our entire reform effort, we are simply seeking to attain a proverbial level playing field, to make rules fair, to make them effective, and to make sure that they are enforced. We have an opportunity to patch a hole in the Bipartisan Campaign Reform Act that would go a long way toward getting big money out of campaigns, as The Washington Post editorialized just this morning, to close the biggest remaining loophole in the campaign finance system. This is something that supporters in the Bipartisan Campaign Reform Act believed strongly in 2002. They have a chance to reaffirm their support today with this up or down vote on this simple issue. And for Members like myself who support BCRA, we can support H.R. 513 because the legal challenges to the original reforms have been settled, and the shortcomings that we predicted have in fact come to pass.

Mr. Speaker, altogether, this should result in a strong bipartisan vote for transparency, disclosure, accountability, and reform.

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

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

Mr. Speaker, I thank the chairman of the Rules Committee, my very good friend, the gentleman from California (Mr. Sherman), for his leadership.

Mr. Speaker, I rise today in strong opposition to this closed rule, which blocks every single Member in this body from offering an amendment to the Bipartisan Campaign Reform Act of 2006. This bill would amend the Federal Election Campaign Act of 1971, and require, among other things, certain political organizations involved in Federal election activities to register with the Federal Election Commission.

Yesterday, during the Rules Committee hearing, the majority on the committee reported out a closed rule. In doing so, this limited any opportunity for the House to fully vet this important issue. If Congress is the place for true deliberation of all points of view, then I ask, why are the Republicans so hasty to ramrod this bill through without opportunities to amend? Surely the majority realizes that abolishing spending limits is a move that intentionally pushes aside the interests of women, minorities, and other voters who may not be a part of the Republican base and therefore apparently are not worthy of regard. Or is it simply a maneuver to deny us serious debate about viable alternatives, such as one from Massachusetts offered by Representative TIERNEY? Representative TIERNEY’s amendment, had it been made in order, would have completely eliminated the ability of industries and interest groups to truly influence elections. His idea? The full public financing of elections. This proposal, which Republicans have blocked from consideration, is the only one that I have heard to date that completely protects the integrity of our elections and public policymaking process.

I am equally disappointed that my very good friends, Representatives
WYNN and FENCE, were denied an opportunity to offer their bipartisan proposal before the House. Let us force candidates to get themselves elected based on the merits of their argument rather than the depth of their campaign accounts, which have been padded heavily by the richest of U.S. industries.

One can only imagine what the Medicare bill would have looked like if the pharmaceutical industry hadn't contributed the hundreds of millions in campaign contributions to the President and Republican candidates. What about the energy bill, reeking with billion dollar tax breaks for energy companies? What would that bill have looked like if it weren't for campaign contributions to Members of Congress?

If we want to get serious about corruption in Congress, then we have to get serious about corruption in our elections. For those in America, myself included, who believe that outside influence must be curbed, then curbing the so-called 527s, which have been padding political campaigns, is the only way to bring this corrupt process to order. But the implication of what we have learned is that we have an obligation to protect the rights of candidates to register people to vote, bring them to the polls, and engage them in needful debate.

We should take heed from those who are now only establishing free and fair elections in some parts of the world. They found out the hard way that once freedom of speech eroded, it began a slippery slope that soon crushed their liberties as well as their governments. Any time the majority wants to get serious regarding campaign finance and the unbridled spending of money in our elections, it creates a needless barrier between parties and their candidates. The underlying legislation.

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

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COLE), a very able member of the Rules Committee and a great champion and understanding of the issue of campaign finance and campaigns in general.

(Mr. COLE of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. Speaker, Oklahoma, Mr. Speaker, I rise to speak in favor of the 527 Reform. This bill will help impede that process.

527s. This bill will help impede that process. The underlying legislation.

One of the most important provisions in this bill is the elimination of the limit on expenditures coordinated between party committees and candidates. That limit as it currently exists is particularly one of the worst features of our campaign finance system. It creates a needless barrier between parties and their candidates. The first step towards a better, cleaner campaign reform system that places can balance in control of their own campaigns is repealing that provision as this bill does.

Mr. Speaker, political parties, other than perhaps the candidates themselves, are the most accountable actors in our campaign finance system. They have the answer to their members, to their donors, to the media, and most importantly of all, to the voters. Their activities are disclosed and well-documented. National parties in particular seldom violate either the letter or the spirit of the law. They are responsible participants in the political process, unlike many 527s.

Additionally, parties serve a very useful role in our political process. One essential thing they have historically done is to rechannel factions of narrow special interests into broader, more public-minded coalitions. Although not foreseen by our Founders, it is impossible to imagine the success of our democracy without the vital role parties have played.

As Clinton Rossiter, the scholar of American politics, once put it, "No America without democracy, no democracy without politics, and no politics without parties.

Past efforts at reforming the campaign finance system often have had the unintended consequence of weakening political parties. The understandable desire of citizens to influence the outcome of elections does not go away with campaign restrictions.

Instead, the money they contribute sometimes flows from candidates and parties to unaccountable actors like 527s. This bill will help impede that process.

In 2004, after the passage of the McCain-Feingold bill, there was more money in politics than ever before, with just 25 wealthy individuals accounting for $146 million raised by 527 groups to influence that year's elections. That is not removing big money from politics. That is the manipulation of the political process by a wealthy elite.

Mr. Speaker, I want to say a word to those who spoke so eloquently in favor of the Bipartisan Campaign Finance Reform Act of 2002. If that law was not intended to limit the influence of money from unaccountable actors like 527s, then what was its purpose? And those who voted for the success of the McCain-Feingold bill will today vote against reforming 527s. That is, to put it politely, inconsistent.

Mr. Speaker, to paraphrase a fine American, many of the opponents of 527 reform are effectively saying: "I voted for campaign finance reform before I voted against it." Today, the supporters of the McCain-Feingold bill have an opportunity to pass real reform in a bipartisan way. McCain-Feingold supporters can choose between the principles they profess to hold or they can vote for what many believe is to their own short-term, partisan political advantage. And if they vote for the latter, after previously claiming to seek to oppose, they will set off a political finance "arms race" that will flood the American political system with tens of millions of dollars from a few fabulously wealthy individuals.

That is an outcome we should all seek to oppose.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.
Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 10 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, my very good friend. (Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida.

At a time when this Congress is embroiled in a serious scandal in a generation, when a culture of corruption has swept over this body with no sign the Ethics Committee is addressing it, this body should be devoting the precious few days it has here to reforming its own culture and practices.

Today, the Republicans are doing what they so often do. They are trying to gag their opponents and further empower their supporters. They again abuse their legislative power to assault their adversaries. This is not reform. It is retaliation.

It is ironic that so many of the Republican leadership in opposing campaign finance reform argued so strenuously against campaign expenditure limits but now advocate limitations, not because of principle but because of political power and the abuse of that power.

The Republican leadership has chosen to take on political organizations in a cynical attempt to appear serious about reform and divert attention from its own ethical failures.

Mr. Speaker, the problem confronting us today is not independent groups whose political activities are legal and are disclosed regularly to either the IRS or the FEC. We know who spends this money. The public can tell and see while people are collecting the money, through instant disclosure to be able to tell and see while people are collecting their money and spending it to decide. In other words, disclosure. These are disclosed.

Mr. Speaker, I think the gentleman still has time.

Mr. HOYER. I yield the gentleman from California.

Mr. DREIER. Mr. Speaker, the gentleman will yield, I respond by saying, we stand by our commitment to first amendment rights. We stand by our position of the Bipartisan Campaign Finance Reform Act, but that is the law of the land. We live with it.

We are simply trying to implement exactly what you said on June 19, 1998, when you said there should be even-handed regulation.

Mr. HOYER. Mr. Speaker, reclaiming my time. I yield no time. The gentleman has just said, he stands by what he said but he is going to adopt what I said to support this legislation. As usual, we have somewhat of an Alice in Wonderland approach.

This bill is about politics. This bill is about getting opponents that they presumed who have outraised them in the last election, but until the last election they did not want regulation. Why? Because their opponents would raise more money. But they found out that their opponents who disagreed with their failed policies for this country were communicating with the American public, then they said, oh, my goodness, we have to do something about that. They had this included in lobbying legislation, which we need to reform, as I have said, but guess what, they have taken it out, for political reasons, not for principle, I tell my friend from Massachusetts, not for principle, but for political reasons to try to undermine their opponents.

Today, we are missing an opportunity to look inward and expose ugly truths about the devolution of the legislative process from the one that the Framers had in mind when they created Article I of the Constitution.

I challenge the other side to explain to me why, 15 months into the 109th Congress, nothing, nothing has been done by this House to come to terms with the culture of corruption.

I challenge the other side to explain how H.R. 513 will increase the public’s faith that elected representatives are acting and advancing the strictest ethical code and will pay an appropriate price if they veer from it.

I would suggest that today’s debate underscores the extent to which a party that came to power 12 years ago, promising a bold new direction, has become insensitive to the issues that really matter in our Nation in 2006.

This bill is about politics. This bill is about a fear of losing power. This bill is about trying to buy the voice of opposition in this country. This bill results from a fear that those who are opposing policies bad for the United States, bad for our people, bad for our families, undermining the security of our home and abroad will somehow be communicated correctly to the American people.

It was not until the last election, not until then, did those 176 people who on principle said we should not constrain the legislative process, we should not approve the lobbying legislation, which we need to reform, as I have said, testify before the House Administration Committee, including Speaker Gingrich at one point...

Mr. DREIER. Mr. Speaker, if the gentleman will yield, I respond by saying, we stand by our commitment to first amendment rights. We stand by our position of the Bipartisan Campaign Finance Reform Act, but that is the law of the land. We live with it. We are simply trying to implement exactly what you said on June 19, 1998, when you said there should be even-handed regulation.

Mr. HOYER. Mr. Speaker, reclaiming my time. I yield no time.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, very, very briefly, not to get into the issue of the dueling quotes, but let me quote from 1998 in the debate on this issue from my friend Mr. HOYER, who loves to carry in his pocket Dreier quotes. I do not regularly carry this one, but this was just provided to me.

In the CONGRESSIONAL RECORD on June 19, 1998, my friend said, “In my view, genuine reform must purge from Federal elections unregulated soft money which has become so pervasive. The issue ads, which are so clearly intended to influence elections, must be covered.” That was the statement made.

Let me say also, I completely stand by exactly what I said in that 2002 debate and I do by that vote as my colleagues stand by that vote.

If the gentleman had heard my opening statement, I refer to the fact that we were not supporters of the Bipartisan Campaign Finance Act. We were concerned about first amendment rights. We still are concerned about first amendment rights, but across the street, the United States Supreme Court upheld BCRA when they chose in McConnell v. FEC.

Mr. HOYER. Mr. Speaker, reclaiming my time. If you will yield yourself some time, I will be glad to have some debate with you.

Mr. DREIER. I thank my friend for yielding.

Mr. HOYER. I would be glad to have a debate with you but you need to yield some of the time.

Mr. DREIER. I think the gentleman still has time.

Mr. HOYER. I still have time, thank you very much.

Mr. DELAY said in another quote, “Those who want to regulate through government the participation in the political process, I respect them trying to do that; I disagree with it.” That is the way he voted, as you have pointed out. “We ought to let the voters decide through instant disclosure to be able to tell and see while people are collecting their money and spending it to decide.” In other words, disclosure. These are disclosed.

My view is, in light of the fact they are disclosed, you will vote “no” on this bill. My obvious supposition is you are not going to do that.

Today, this bill is about politics. You have changed your principle, in my opinion, which is wrong, and addressed to me by that point of view. That is why you are voting differently than you did on campaign finance reform.

We then had a vote on campaign finance reform by the same folks who are offering this bill to reform, and Mr. HASTERT voted “no,” Mr. BOEHLER voted “no,” Mr. BLUNT voted “no,” Mr. DELAY voted “no,” and, yes, Mr. HOYER and my colleague from California (Mr. DREIER) voted no.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, the gentleman will yield, I respond by saying, we stand by our commitment to first amendment rights. We stand by our position of the Bipartisan Campaign Finance Reform Act, but that is the law of the land. We live with it. We are simply trying to implement exactly what you said on June 19, 1998, when you said there should be even-handed regulation.

Mr. HOYER. Mr. Speaker, reclaiming my time. I yield no time. The gentleman has just said, he stands by what he said but he is going to adopt what I said to support this legislation. As usual, we have somewhat of an Alice in Wonderland approach.

This bill is about politics. This bill is about getting opponents that they presumed who have outraised them in the last election, but until the last election they did not want regulation. Why? Because their opponents would raise more money. But they found out that their opponents who disagreed with their failed policies for this country were communicating with the American public, then they said, oh, my goodness, we have to do something about that. They had this included in lobbying legislation, which we need to reform, as I have said, but guess what, they have taken it out, for political reasons, not for principle, I tell my friend from Massachusetts, not for principle, but for political reasons to try to undermine their opponents.

Today, we are missing an opportunity to look inward and expose ugly truths about the devolution of the legislative process from the one that the Framers had in mind when they created Article I of the Constitution.

I challenge the other side to explain to me why, 15 months into the 109th Congress, nothing, nothing has been done by this House to come to terms with the culture of corruption.

I challenge the other side to explain how H.R. 513 will increase the public’s faith that elected representatives are acting and advancing the strictest ethical code and will pay an appropriate price if they veer from it.

I would suggest that today’s debate underscores the extent to which a party that came to power 12 years ago, promising a bold new direction, has become insensitive to the issues that really matter in our Nation in 2006.

This bill is about politics. This bill is about a fear of losing power. This bill is about trying to buy the voice of opposition in this country. This bill results from a fear that those who are opposing policies bad for the United States, bad for our people, bad for our families, undermining the security of our home and abroad will somehow be communicated correctly to the American people.

It was not until the last election, not until then, did those 176 people who on principle said we should not constrain the legislative process, we should not approve the lobbying legislation, which we need to reform, as I have said, testify before the House Administration Committee, including Speaker Gingrich at one point...
in time, and said that it was disclosure that was the issue, not constraint. It was not until the last election that that opinion was changed, that this bill came to the floor to undermine and gag those who oppose the policies being pursued.

Mr. DREIER. Mr. Speaker, let me yield myself such time as I might consume to respond to some of the arguments of my friend Mr. HOYER.

First of all, let me make it very clear, our position has not changed one iota in what it was. We still believe in transparency and disclosure. We stand by the testimony that was provided before the House Administration, our concern, our opposition to the Bipartisan Campaign Reform Act. So the gentleman is wrong in concluding that we somehow have changed.

What we are saying with this legislation is that we should not in any way allow loopholes to exist. All we are trying to do is close a loophole which addressed my concern that my colleague raised when he talked about the need to get unregulated soft money out of the process. We know that every single one of us in our individual campaigns and political parties is forced to comply with the Bipartisan Campaign Reform Act, and yet we have seen $425 million, almost a half a billion dollars, expended in unregulated ways, providing an opportunity for them to influence Federal elections.

That is a complete abridgment of the goal of campaign reform, and that has been argued by the people who were the greatest proponents of campaign reform, Democracy 21, Common Cause, a wide range of groups, which worked closely and tried to implement the Bipartisan Campaign Reform Act.

On this issue of our having taken no action, on this very day, the House Rules Committee has actually been scheduled in the last hour to be marking up our bill H.R. 4975, the Lobbying Accountability and Transparency Act. The Judiciary Committee today marked it up. As the gentleman knows, we at the very early part of this year passed legislation designed to get at the access that registered lobbyists had to the House floor.

So I have had some experience with this issue, and I believe transparency is always the key. It is always the critical element.

I do believe that if we do not act now, the nauseating ugliness, negativity and hyperpartisanship that we saw in 2004 will only intensify in 2006 and 2008. We must protect our democratic electoral process and keep those who seek to influence our votes accountable. I urge my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, would you be good enough to tell both sides of the remaining amount of time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Massachusetts, my friend, (Mr. MEEHAN). Mr. MEEHAN. Mr. Speaker, I thank my friend from Florida.

Mr. Speaker, I rise to urge a “no” vote on the rule, although I have been listening to the debate. This will be an unusual vote for me as I believe that those who opposed campaign finance reform are opposed to 527 reform, and those who opposed campaign finance reform are for campaign finance reform. I guess everyone is changing around their positions, so we should have a very good time. Actually, I want to compliment the chairman of the Rules Committee. At least the debate is only going to last an hour, so it won’t be too tough on all of us.

For the record, this is basically a legal issue. 527s are political committees that are designed to influence an election, either the election or defeat of a candidate, The legal basis for regulation by the FEC comes from the reform act that was passed not in 2000 but after Watergate. That is where the legal basis is to regulate 527s.

The Federal Election Commission decided not to regulate 527s, hence there was a lawsuit that was filed in Federal District Court in Washington DC. There was a decision by Judge Sullivan recently in that case basically saying that the FEC did not have justification to not promulgate rules and regulations with regard to 527s. So regardless of what happens here today, ultimately, I think this court is clearly going to instruct the FEC to promulgate rules and regulations relevant to 527s.

In any event, I think we should have an open debate on this and discuss the merits of 527s and campaign finance reform. I am particularly troubled that this rule also allows the repeal of coordinated contribution limits, or a vote with the Digital Sunshine Award for our program to provide voters with more information on who was trying to influence the outcome of the election process.

So I have had some experience with this issue, and I believe transparency is always the key. It is always the critical element.

Mr. Speaker, I rise to urge a “no” vote on the rule, although I have been listening to the debate. This will be an unusual vote for me as I believe that those who opposed campaign finance reform are opposed to 527 reform, and those who opposed campaign finance reform are for campaign finance reform. I guess everyone is changing around their positions, so we should have a very good time. Actually, I want to compliment the chairman of the Rules Committee. At least the debate is only going to last an hour, so it won’t be too tough on all of us.

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

Appropriately, my good friend, and he is my good friend, from Connecticut was not mindful that there were 100 Members of the House of Representatives who wrote to the FEC asking that the McConnell v. FEC decision be upheld.

But I don’t want to get bogged down in all of these legal morsels. The simple fact of the matter is that if we intend to do something that is a difference, we could all support public financing. I challenge any of you to tell me that that would not cure the problems that we continue to talk about.

I also would urge my friend from Connecticut, who argues about loopholes, to ask the chairman what I say about the law that we pass here. You show me a law and I will show you a loophole. I have been involved in politics as long as anybody is in this room, and for the 41 years that I have been involved, I have had the Reform campaign finance by calling it campaign finance reform. Every time we reform it, the Republicans or the Democrats, the majority or the minority, somebody comes up with a way to get around the law.

So make this one, if you will, Mr. Chairman, and be mindful of all of the people that have spoken with reference to the myth that I think that you perpetuate. One of the biggest myths, the National Review says, is that this bill would level the playing field. That is language you used earlier, Mr. Chairman, ending the ability of the wealthy to fund propaganda. This is completely false, according to the National Review. Wealthy individuals would still be free to say whatever they want, whenever they want. The proposal would end only the ability of individuals of lesser means to pool their money to independently speak out on issues.

The simple fact is when you cite to the law, my recollection is you didn’t say anything at all about Buckley v. Valeo, which simply said in its holding that money is speech, and that is ultimately what happened here. Mr. Speaker, I will be asking Members to vote “no” on the previous question, so I can amend the rule to provide that immediately after the House adopts this rule, if it does, it will bring H.R. 4662, the Honest Leadership and Open Government Act under a completely open rule that gives all Members of this body the opportunity to be heard on this matter.

I urge all Members of this body to vote “no” on the previous question.

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

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Let me just say that my friend is correct in saying we should look at loopholes and do everything we can to close them, and the Republican Party is the party of reform. We are very proud of the fact that we have been and continue to be the party of reform. This is a loophole that needs to be closed so we can get to the kind of fairness that Mr. Hastings of Florida is champion of campaign finance reform, talked about. He and I still disagree to this moment about the issue itself. I believe these kind of limits undermine first amendment rights, but the Supreme Court has upheld the Campaign Reform Act, and I look at the great champions of campaign reform, Common Cause, Democracy 21, and a wide range of other groups, they
and are strongly supportive of this measure. I believe we should support this.

**AMENDMENT OFFERED BY MR. DREIER.**

Mr. Speaker, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. DREIER:

On page 2, line 6, strike “printed in the report on Rules accompanying this resolution” and insert “numbered 1 for printing in the Congressional Record pursuant to clause 8 of rule XVIII.”

The material previously referred to by Mr. HASTINGS of Florida is as follows:

**PREVIOUS QUESTION ON H. RES. 755, THE RULE PROVIDING FOR CONSIDERATION OF H. R. 513, 527 REFORM ACT OF 2005**

At the end of the resolution the add the following new sections:

**Sec. 2.** Immediately upon the adoption of this resolution, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4682) to provide more rigorous requirements with respect to transparency of enforcement of ethics and lobbying laws and regulations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against the bill and amendments thereto are waived.

The previous question shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to be disposed of without intervention except one motion to recommit with or without instructions.

**Sec. 3.** If the Committee of the Whole rises and reports that it has come to no resolution except one motion to recommit with or without instructions, the Speaker shall, pursuant to clause 8 of rule XVIII, resolve into the Committee of the Whole House shall, immediately after the third reading of the bill, rise and report the bill to the House with such amendments as may have been adopted.

The Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

**THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS**

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is simply a procedural vote on such a rule—a special rule reported from the Committee on Rules opens the resolution to amendment and further debate. (Chapter 21, section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereafter.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda to offer an alternative plan.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

**THE SPEAKER pro tempore.** The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
Mr. HASTINGS of Florida. Mr. HASTINGS. I ask unanimous consent to have the record of today's activities read into the record.

The Clerk read the resolution, as follows:

Whereas the Washington Post has stated that Mr. Rudy’s plea bargain includes an admission of his role in conspiring with the House Republican Party to bribe public officials, including accepting money, meals, trips, and tickets to sporting events from Mr. Abramoff in exchange for official acts that influenced legislation to aid Mr. Abramoff’s clients;

Whereas The Washington Post has stated that Mr. Rudy’s plea bargain is part of a “far-reaching criminal enterprise operating out of the” Republican Leader’s office, “an enterprise that helped sway legislation, influence public policy, and enrich its main players.” (The Washington Post, April 1, 2006);

Whereas the press has reported that “court papers point out official actions that were taken in the (Republican Leader’s) office that benefited Abramoff, his clients or the
Mr. BOEHNER. Mr. Speaker, I move to table the resolution.

The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 198, answered “present” 5, not voting 11, as follows:

[Table of Aye and Nae votes]

ANSWERED”—9

Mr. GORDON changed his vote from “aye” to “no.” So the motion to table was agreed to. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

527 REFORM ACT OF 2005

Mr. EHLERS. Mr. Speaker, pursuant to House Resolution 755, I call up the bill (H.R. 513) to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD), Pursuant to House Resolution 755, the bill is considered read.

The text of H.R. 513 is as follows:

H.R. 513

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE. This Act may be cited as the “527 Reform Act of 2005”.

April 5, 2006

[Table of roll call votes]

[Table of roll call votes]

[Table of roll call votes]
SEC. 2. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) Definition of Political Committee.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended by adding at the end of subparagraph (B) the following:—

"(D) 'qualified non-Federal account' means any of the following:

(1) an organization described in subparagraph (A) or (B);

(2) a copy of the complaint shall be delivered to the Secretary of State, the Governor of the State in which the action is brought, and the United States District Court for the District of Columbia and shall be heard by a 3-judge court.

(2) Election or appointment of one or more candidates shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

(3) At least 50 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

(4) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, and refer to one or more clearly identified candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

(5) At least 50 percent of any administrative expenses of a political committee of a political party, paid from a Federal account, without regard to whether the committee is organized, operated, and makes disbursements exclusively for paying expenses that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

(6) At least 50 percent of the direct costs of a fundraising event, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization.

(c) Qualified Non-Federal Account.—For purposes of this section—

(1) In general.—(A) The term 'qualified non-Federal account' means an account which—

(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or non-connected committee from a qualified non-Federal account (as defined in section 325(c)).

(B) In general.—In the case of any disbursements by any separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with the regulations prescribed by the Commission, and

(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account from any one individual in any calendar year.

(b) Application.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or non-connected committees which are directly or indirectly established by a State maintained, or controlled by the same person or persons shall be treated as one account.

(3) Limitation on Individual Donations.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 325.

"(B) definitions.—For purposes of this section—

(1) Voter drive activity.—The term 'voter drive activity' means any of the following:

(a) special rules for actions brought on constitutional grounds.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission.

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986.

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee subject to section 329(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesigning paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

(c) receipts and disbursements from qualified non-Federal accounts.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(c) applies shall report each receipt and disbursement from a qualified non-Federal account (as defined in section 325(c)).

SEC. 4. CONSTRUCTION.

(a) Special Rules for Actions Brought on Constitutional Grounds.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission.

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986.

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee subject to section 329(e) of the Federal Election Campaign Act of 1971.

SEC. 5. JUDICIAL REVIEW.

(a) Special Rules for Actions Brought on Constitutional Grounds.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia, and shall be heard by a three-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Chairmen of the House of Representatives and the Secretary of the Senate.
(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal in accordance with the filing of a jurisdictional statement within 30 days of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTRODUCTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

(1) DECLARATORY RELIEF.—With respect to any action initially filed on or before December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date which is 60 days after the date of the enactment of this Act.

SEC. 7. DEFINITION OF VOTER DRIVE ACTIVITY.

For purposes of this Act—

(A) voter registration activity means a committee, a club, association, or group of persons that—

(i) has written notice to the Secretary of the Treasury under section 527(i) of the Internal Revenue Code of 1986 that it is to be treated as an organization described in section 527 of such Code; or

(ii) is not described in subparagraph (B); or

(B) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986; or

(C) an organization which is a committee, a club, association, or other group of persons described in this subparagraph which is soliciting funds for a State or local issue (regardless of whether a candidate for Federal office is also a candidate for such non-Federal issue).

(D) any applicable 527 organization.

(E) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot).

(F) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(G) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

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(J) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

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(M) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

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(R) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(S) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(T) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(U) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(V) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(W) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(X) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(Y) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

(Z) any public communication related to activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and complies with all applicable election laws of the State or local jurisdiction.

SEC. 8. RULES FOR ALLOCATION OF EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

'(a) IN GENERAL.—In the case of any disbursements by any political committee that is a separately segregated fund committee or a nonconnected committee for which allocation rules are provided under subsection (b), such disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission; and

'(b) the disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

"(2) APPLICABLE 527 ORGANIZATION.—
“(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—
“(1) IN GENERAL.—Disbursements by any separate segregated fund or nonconnected committee shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act if the only references to the candidate in the communications or activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid from funds from a Federal account, except that such references shall not apply to any fundraising solicitation or voter drive activities that refer to a political party, (A) 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid from funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

“(C) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

“(D) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

“(E) Unless otherwise determined by the Commission in its regulations, at least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that up to $5,000 for administrative expenses, or the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

“(F) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization. This paragraph shall not apply to any fundraising solicitations or any other activity that constitutes a public communication.

“(2) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of paragraphs (1), a public communication or voter drive activity shall not be considered a public communication or voter drive activity if the only references to the candidate in the communications or activities that refer to a political party is—

“(A) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

“(B) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue.

“(3) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be considered as referring to a political party if the only reference to the party in the communication or activity is—

“(A) a reference for the purpose of identifying a non-Federal candidate;

“(B) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

“(C) a reference in a manner or context that does not refer specifically to or in support of a Federal candidate or candidates and does not reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

“(4) QUALIFIED NON-FEDERAL ACCOUNT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘qualified non-Federal account’ means an account which consists solely of amounts—

“(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

“(B) with respect to which all requirements of Federal, State, or local law (including any law relating to contribution limits) are met.

“(2) LIMITATION ON INDIVIDUAL DONATIONS.—

“(A) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

“(B) AFFILIATION.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, maintained, or controlled by the same person or persons shall be treated as one account.

“(3) FUNDRAISING LIMITATION.—

“(A) IN GENERAL.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or of section 322.

“(B) FUNDS NOT TREATED AS SUBJECT TO ACT.—Excep as provided in subsection (a)(2) and this subsection, any funds raised for a qualified non-Federal account in accordance with the requirements of this section shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(C)(ii) shall be construed to infer that a limit other than the limit under section 315A(a)(1) applies to contributions to the account.

“(2) NONCONNECTED COMMITTEE.—The term ‘nonconnected committee’ shall not include a political committee that is—

“(A) VOTER DRIVE ACTIVITY.—The term ‘voter drive activity’ has the meaning given such term in section 301(28).

“(b) REPORTING REQUIREMENTS.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(e)) is amended—

“(1) IN GENERAL.—For purposes of paragraphs (3) and (4) as paragraphs (2) and (5); and

“(2) by inserting after paragraph (2) the following new paragraph:

“(3) REPEAL OF LIMIT ON AMOUNT OF PARTY EXPENDITURES ON BEHALF OF CANDIDATES IN GENERAL ELECTIONS.

“(a) REPEAL OF LIMIT ON AMOUNT OF PARTY EXPENDITURES ON BEHALF OF CANDIDATES IN GENERAL ELECTIONS.

“(1) The action shall be brought in the United States District Court for the District of Columbia, or any other court of the United States in which any action of this Act may be brought and may be heard by the court convened pursuant to section 2284 of title 28, United States Code.

“SEC. 4. CONSTRUCTION.

“Nothing in this Act, or any amendment made by this Act, shall be construed—

“(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission;

“(2) as establishing, modifying, or otherwise affecting the determination of political organization for purposes of the Internal Revenue Code of 1986; or

“(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

“SEC. 6. JUDICIAL REVIEW.

“Special Rules for Actions Brought on Constitutional Grounds.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

“(1) The action shall be filed in the United States District Court for the District of Columbia.

“(2) The court shall have jurisdiction to enter all re-
While BCRA was supposed to curtail the influence of soft money in Federal elections, it did not achieve that goal. In the 2004 election cycle, the first conducted under the rules imposed by BCRA, over a half a billion dollars in soft money was spent to influence the outcome. Just one individual alone spent over $73 million total.

**1700**

While BCRA was supposed to reduce the influence of special interests, it actually empowered these ideologically driven outside groups. The power these outside groups gained came at the direct expense of political parties which saw many of the activities they had traditionally performed limited by BCRA, and thence taken over by these new organizations, the 527s. Again, let me explain, the term 527 refers to the section of IRS Code which governs them, and we simply use that designation for them.

We now have a system where soft money continues to thrive. Our political parties, especially those at the State and local level, are increasingly unable to carry out core functions such as voter registration. We now have a system where the influence of billionaires is greatly enhanced. In some cases, representatives of 527s have made boasts about taking over the party. For example, Eli Pariser of MoveOn.org alluded to supporters after the 2004 elections stating, “Now it’s our party. We bought it, we own it, and we’re going to take it back.” What more evidence do we need of the corruption that has appeared here? This does not represent progress. Today we have an opportunity to reverse this negative trend, and this bill will help restore some balance to our system.

H.R. 513 would require 527 groups to spend their money to influence Federal elections to register as Federal political committees and comply with Federal campaign finance laws, including limits on the contributions they receive. Thus, 527 groups would be subject to the same contribution limits and source restrictions that are applicable to Federal political action committees. There would be no more $23 million soft money contributions allowed from a lone, extremely wealthy donor. When this bill passes, individuals will be limited to $10,000. In other words, soft unregulated money will be replaced by hard regulated money which will be reported to the Federal Elections Commission.

Those 527s that engage exclusively in State or local elections or in ballot initiatives would not be restricted by this bill. However, if they decide to engage in Federal election activity such as making public communications that promote, support, attack, or oppose a Federal candidate during the year prior to an election, they would have voter drive activities in connection with an election in which a Federal candidate appears on the ballot, they will be restricted by this bill. In other words, State and local activities would be free to continue as they have in the past. Those dealing with Federal candidates or issues will be restricted by the bill, and will have to use hard money. H.R. 513 would also impose new allocation rules on 527 groups regarding expenses for Federal and non-Federal activities. For instance, 100 percent of expenses for public communications or voter drive activities that refer only to a Federal campaign would have to be paid for with hard money. If both Federal and non-Federal candidates were mentioned, then at least 50 percent of such expenses would have to be paid for with hard money. In addition, under H.R. 513, at least 50 percent of a 527 group’s administrative overhead expenses would have to be paid for with hard money.

This bill, H.R. 513 has been endorsed by the Honorary Co-Chairman of the Campaign Legal Center, and other like-minded reform groups have sent several letters to House Members asking them to support H.R. 513. In a letter to the House from just the right-leaning groups argued that H.R. 513 is needed in order to “close the loophole that allowed both Democrat and Republican 527 groups to spend hundreds of millions of dollars in unlimited soft money to influence the 2004 presidential and congressional elections.”

Mr. Speaker, I will be including a copy of the letter for the RECORD.

Mr. Speaker, I know many of my friends on the other side of the aisle are usually interested in what The New York Times has to say on these issues, so I would like to include some editorials from The Times as well; and an editorial from today’s Washington Post also calls on the House to pass this bill.

Mr. Speaker, I will include these editorials in the RECORD.

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have been set up by people who used to work for our parties. They left to organize 527s to escape the restrictions BCRA placed on the parties. Had their candidate for the presidency won, many of them would be working in the administration. Would not they feel indebted to the millionaire donors who helped put them in office? Is not that what BCRA was supposed to stop? Let us stop pretending that these 527s are anything other than campaign organizations established to influence our Federal elections.

This is not the first time Congress has dealt with the 527 issue. In fact, some time ago, 6 years ago to be exact, Roll Call reported on the debate that was going on at the time and included a quote from a powerful congressional leader of the time. In 2000, 527s did not have any disclosure requirements, and a bill was pending to require them to disclose their donors. At an event held to rally support for the bill, this leader was quoted as saying, "Now more than ever, we need to assure the American people that we are not willing to let our system of government be put in jeopardy by wealthy special interests, unregulated foreign money, and, most importantly, a system of secrecy. It is time for disclosure." The leader who said these words was Minority Leader Richard Gephardt. We passed a disclosure bill then, but the problem of wealthy special interest money jeopardizing our system of government has only grown in the ensuing 6 years, and I suspect the minority leader would say the same thing today.

Not extending the contributions restrictions in BCRA to all 527s was a terrible mistake that we are today seeking to rectify. Today we can restore some sanity to our system. The status quo allowing 527 groups to raise unlimited amounts of soft money while our parties continue to lose power and influence is unacceptable. It threatens the heart and soul of American democracy.

We must subject 527s to the same regulatory requirements that are applicable to all other parties, candidates and committees. I urge my colleagues to support H.R. 513.

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

Ms. Millender-McDonald. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 513, the so-called 527 Reform Act of 2005 and the restriction that they are placing on the first amendment rights of Americans. 527s are named after a section of the Internal Revenue Code that specifies certain political organizations as tax exempt for tax exempt purposes under the Federal law.

Added to the Tax Code in 1975, 527 organizations have been legally recognized as operating entities for over 30 years. The Federal Election Commission implemented the original regulations of these groups, which are subject to rigorous Federal reporting and disclosure requirements.

Anyone with a computer can go online and see that millionaire Bob Perry gave $4.5 million to bankroll the Swift Boat Veterans.

How do I know this? 527 organizations regularly submit detailed financial information to the IRS. They have to disclose where they get their money and how they get it. In fact, last week, a Federal court remanded part of a case back to the FEC to present a more robust explanation for its decision that 527 organizations are more effectively regulated through case-by-case adjudication rather than general law.

I believe that FEC should be given a chance to review this matter before further legislation is introduced in this House. The Senate is providing leadership in this area. They set out to do what they wanted to do and that was lobby reform, unlike this House, which is demonstrating its inability to circumvent their lobbying reform bill that they do not have, and downplaying groups that had more voters than ever before in history outside demonstrating their democracy and getting the facts. This is what the BCRA bill was all about.

I voted for BCRA because it would sever the connection between Members of Congress in raising non-Federal funds,也就是 soft money, and to ensure that there were limits on what we did in terms of money. BCRA was necessary to cut the perceived corruption link between Members of Congress, the formation and adoption of Federal policy and soft money.

However, BCRA was not passed to impede legitimate voter registration and Get Out the Vote by those 527 community groups which did just that, but this bill impedes that democratic process. This is what the BCRA bill was about.

It is very interesting listening to the majority speak in favor of campaign finance reform after they did everything they could to defeat the Bipartisan Campaign Reform Act of 2002. Also interesting is watching the Republicans avoid any discussion about the activities of 501(c)(4)s and those organizations that have no disclosure requirements, and yet are running television ads designed to directly reelect a Senator from Pennsylvania. Unfair and impartial regulating 527s is a step in the wrong direction for political speech.

Mr. Speaker, I would like to put in the Record a statement by the National Review magazine, which is a conservative magazine, and the National Review states, One of the biggest myths about this bill is that it would level the playing field ending the means of pool their money to propaganda. This is completely false. Wealthy individuals will still be free to say whatever they want whenever they want. This proposal would end only the ability of individuals of lesser means to pool their money to independently speak out on issues.

One of the biggest myths about this bill is that it would level the playing field ending the ability of the wealthy to fund "propoganda." This is completely false. Wealthy individuals would still be free to say whatever they want whenever they want. The proposal would end only the ability of individuals of lesser means to pool their money to independently speak out on issues.

We must get the system fixed and the ability of individual citizens to form groups precisely for speech that is controversial. To suppress views of those we dislike will inevitably risk suppression of our own.

We who oppose such a proposal want to continue to freely debate our ideas in the public arena. We want Americans to hear all sides—and to decide for themselves who's right.

When you were sworn into office, you took an oath to "support this Constitution." We should be faithful to that oath by rejecting H.R. 513, S. 1053, and any other bill that restricts political free speech.

Sincerely,

Pat Toomey, President, Club for Growth;
John Berthoud, President, National Taxpayers Union; Thomas A. Schatz, President, Council for Citizens Against Government Waste; Russ Feingold, Chairman, American Conservative Union; Grover Norquist, President, Americans Tax Reform; Paul M. Weyrich, National Chairman, Coalition for America; Matt Kibbe, CEO and President, Freedom Works; James Bopp, Jr., General Counsel, James Madison Center for Free Speech; Bradley A. Smith, President of Law, Capital University Law School, and former Chairman, Federal Election Commission; Fred Smith, President, Competitive Enterprise Institute.

Mr. Speaker, unfairly regulating 527s is a step in the wrong direction for political speech. I believe this legislation will have a negative impact on the voices of the voices of women, the elderly, and the poor who are left out of the political dialogue just because of the perceived notion that a few millionaires are funding all 527s.

In fact, thousands of Americans gave to 527s through small donations of $25, $50 and the like because they believe, Mr. Speaker, in the message of 527 organizations.

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Through the first amendment, Americans are playing an ever increasing role in holding public officials accountable for their actions, through the debate of public policy, and the shaping of this American democracy. Their voices should not be silenced. The additional time I need to put in the RECORD again the statement by Assistant U.S. Attorney General Alice S. Fisher when she stated upon the plea
agreement of Mr. Rudy of his crimes involving illegal favors and lobbying activities which lasted from 1997 to 2004, and she says, “The American public loses when officials and lobbyists conspire to buy and sell influence in such a corrupt and brazen manner. By his admission in open court today, Mr. Rudy paints a picture of Washington which the American public and law enforcement will simply not tolerate.”

The American public, Mr. Speaker, will want to outlaw those groups who enable the public to not criticize or even ask for accountability because they want to outlaw those groups who engage in the type of public speech, the public that we ought to Criticize us or ask for accountability.

This is what they are trying to muffle. They are trying to muffle the voices of the American people who spoke through 527s. They are independent groups. The majority should not be in the business of legislating for independent groups. The majority should ask for accountability.

I urge support for this bill. Ms. MILLENDER-MCDONALD. Mr. Speaker, contrary to the last speaker, he has a bill that wants to repeal all hard money limits, and this is what this bill is all about, the flow of unregulated amounts of money. This is what the American people do not want, Mr. Speaker.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. LOFGREN of California. Mr. Speaker, yesterday former majority leader TOM DELAY announced that he is resigning from the House. His former aides, Michael Scanlon and Tony Rudy, have pled guilty to crimes for their involvement in the Jack Abramoff corruption affair, and other aides to Mr. DELAY and even other current Members of this body remain under investigation.

Last November, Republican Congressmen Duke Cunningham resigned from Congress for $2 million in bribes from a defense contractor. He is now serving an 8-year prison sentence for his crimes.

The House Ethics Committee is broken and has done no work in the past 15 months. The committee managed to have its first meeting of the 109th Congress last week. On Sunday, The Washington Post said, “The panel’s inactivity in the face of scandal is itself scandalous.”

Today’s bill is characterized as important campaign finance reform by the House Republicans. The question is, what effect would this bill have on the uncountable scandals that are currently engulfing Washington? The answer is nothing.

This bill does nothing to address those very serious charges of corruption. It would do nothing to prevent another Jack Abramoff or Duke Cunningham scandal.

In addition to doing nothing, the bill actually makes it easier for scandals to occur by opening up the flood gates and removing all limits on State and national party committee spending in the Federal races.

Since this bill does nothing to reverse the Republican culture of corruption, let us look at this bill on the merits to see what it actually does.

What this proposal would do is curtail the free speech rights of millions of Americans. The bill would limit the ability of average citizens to band together and speak out about issues, both during and beyond election. It limits participation in the electoral process.

In 2004, 527 organizations helped to educate and register voters across the country. Now in 2002, the Shays-Meehan-McCain-Feingold bill actually was real reform with a clear purpose. It took Members of Congress out of the business of asking lobbyists and special interests for large, unregulated donations.

527 organizations, however, are not made up of elected officials. In fact, 527s are barred from coordinating with...
office holders, candidates or public officials. By law, these groups are independent, and I am not aware of any allegations that there was any illegal coordination between 527s and political parties in 2004. If there is, I would urge people with the knowledge to go to the Attorney General or to the FEC and report on this conduct. If there is some, there are mechanisms for enforcement, but the remedy to a non-problem in that area is not to shut down free speech.

In the case of Buckley v. Valeo, the Supreme Court upheld limitations on contributions as appropriate legislative tools to guard against the reality or appearance of improper influence stemming from candidates' dependence on large campaign contributions. Buckley also invalidated limitations on independent expenditures, on candidate expenditures from personal funds, and on overall campaign expenditures. The Court ruled that these provisions placed direct and substantial restrictions on the free speech rights guaranteed in the first amendment.

This bill directly contradicts the Buckley ruling. It violates the first amendment and will not withstand scrutiny by the Court.

Why are we considering this bill today? I suspect this is a last ditch effort for Republicans to keep their hold on power. They have read the polls. They know that most Americans are going to support Democrats this November, and the Republicans are losing on issue after issue. So they are going to try and change the rules which will keep them in power against the wishes of a majority of Americans.

Let me finish by reviewing the ethics rules that this Congress has passed this year. At the beginning of the year, shortly after Jack Abramoff pled guilty, House Republicans boldly pushed through their reform plan for Congress. What is their plan to knock down on ethics do? It banned former Members from lobbying in the House gym and on the House floor. So America, you can rest easy knowing that at least the cesspool of corruption at the Stairmaster is no more.

Today's bill is really a travesty. It is a joke. The country really should be embarrassed by the efforts this Congress is making, by the corruption that has been shown and I fear the corruption that is yet to be exposed in this body.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Ms. GINNY BROWN-WAITE). Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman very much.

If this bill becomes law, let us speculate about exactly what will happen. What would elections and politics be like if the Federal Election Commission in 2006 were to recommend the 527s to report, well, I suggest 501(c)6s. Right now, in the State of Pennsylvania, one of those organizations is actually running ads. I say, you want the same rhetoric, you want 527s to report, well, I suggest 501(c)6s.

So as we have scandals swirling around this institution, Members resigning, Members pleading guilty, you once again go whistling past the graveyard on the chance to do real reform and play partisan politics. I do not know what tune you are singing right now, but you will come to know that tune this November.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Illinois (Mr. EMANUEL). Mr. EMANUEL. Mr. Speaker, in the wake of the Jack Abramoff scandal, we have seen multiple indictments. Members of Congress resigning under a cloud of scandal, congressional approval at an historic low, and a public demand for reform. You would think that this would be our top priority. I would want to get these scandals behind them, but it is clear they do not.

What is the first stage of grief? Denial and isolation. So here we are today discussing a bill that doesn't do anything to address the problems of the scandals facing this Congress, this institution, which require an institutional solution to an institutional problem.

Nope, this bill doesn't do anything to stop the pay-to-play policies of the party in power. Nope, it doesn't. Doesn't do anything to shut down the K Street Project, rewarding lobbyists who show party loyalty, or to slow the revolving door. Nope, it doesn’t do that.

Many of you will recall our former colleague, Mr. Tauzin, who negotiated a million dollar lobbying job with the pharmaceutical industry at the same time that he was rewriting the Medicare prescription drug bill. This legislation doesn't affect that.

Now, take a hypothetical for a moment. What if a Member just resigned, middle of a term, and was thinking of working for companies and sitting on boards. This legislation doesn't change what would happen. It happened when Mr. Tauzin was out here on the floor.

And then what are they trying to do; take the legislation regarding the 527s, and my colleagues on the other side voted the McCain-Feingold campaign finance reform of 2002. That reform leveled the playing field for both parties. This legislation does not intend to do that. This legislation intends to do a very partisan thing to the campaign finance laws affecting 527s.

I introduced to affect 501(c)6s. Right now, in the State of Pennsylvania, one of those organizations is actually running ads. I say, you want the same rhetoric, you want 527s to report, well, I suggest 501(c)6s.

The amendment was not allowed. Why? Because it would actually have leveled the playing field. It would have applied to both parties, not one party. So in the name of reform, once again, we have partisan tactics.

Now, all the while, you are going to go home and wonder why the American people have such low esteem for the Congress. It is quite obvious why they have such low esteem: College costs at a record high, 38 percent and going up; health care costs are up 58 percent; energy costs are up 70 percent; medium incomes are down; middle incomes are down. All that Congress hasn't paid attention to.

So as we have scandals swirling around this institution, Members resigning, Members pleading guilty, you once again go whistling past the grave yard on the chance to do real reform and play partisan politics. I do not know what tune you are singing right now, but you will come to know that tune this November.

Mr. REYNOLDS. Mr. Speaker, I find it such an ironic message that my colleague from Illinois chose about his remarks. As he talks about so many problems in Washington, he failed to mention any on his side of the aisle. We kind of nicknamed that the culture of hypocrisy. It is a hypocrisy of attack the Republicans, slash and burn, no debate, no real issues, just the party
of “no” from the Democrats on the other side of the aisle.

When you look at some of the discussions he talked about, with lobbying reform and others, he must remember that the colloquy between the majority leaders and the minority would also show clearly that the majority leader fully intends to bring reform legislation to this body for debate and for final solution.

I also want to say that while I confess I did not think that BCRA was the solution, and I do not even recognize it, and voted that way on both the House Administration Committee and on this floor, I accepted it as the law of the land. It was legislation passed by both bodies, signed by the President, affirmed by the Supreme Court. But as I was listening to those who are pro-BCRA, that wanted this law as it sits today, they found a loophole, called 527s.

And all the debate on leveling the playing field was get the big money out of politics. Well, four individuals on the Democratic side had over $80 million; four Republicans had over $23 million as they were engaged in obscene, big money, unregulated in campaigns influencing potential, congressional, and referendum votes.

So when we look at some common sense, I think the American people are going to, quite frankly, think this makes sense. Let us get unregulated big money out of the campaigns by having a level playing field across the system, universal, in the money you give to your political party.

As we level the playing field, all we are asking is that rich individuals who want to express themselves in the same rights extended to them that individuals who want to give to the political party, whether it is the Democratic National Committee or its subordinate parties or the Republican National Committee and its subordinate parties, that same amount of money and 527s as they invest in the opportunity to express themselves however they want, with the same reviewed Supreme Court aspect of having a level playing field across the entire system.

Mr. Speaker, doesn’t it count for this that supported BCRA is a hypocrite. Anyone on the other side that doesn’t recognize that this is a loophole in the law, and they have a chance to at least level the field under the law we are going to live under, misses the point. I urge that you support this legislation that is before us today.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 12½ minutes to the gentleman from Illinois, Mr. EMANUEL. There must be something in the water here in Washington. To remind my colleague and my friend from Buffalo, the first vote of the Congress by the majority party was to strip the Ethics Committee that investigates Members of its authority to do that, which is why after 15 months in this Congress, the Ethics Committee has not met until last week.

Since that time, one Member stepped down with a guilty plea, another Member stepped down with a cloud of ethics, and others are under Federal investigation at this point. And why? Because the first vote by the Republican majority was to strip the Ethics Committee of its authority.

The second thing. In fact, the majority party did vote this Congress that when a Member of their party was indicted, they were allowed to hold their party position. You have told that as a basic element of your own party, let alone your quick criticisms of this institution.

Mr. Speaker, this isn’t the first time the Congress has debated the effects of public campaign discourse. Let me take you back to 1798, when about 20 or so independent newspapers aligned with Thomas Jefferson started openly criticizing the policies of John Adams, the President. Adams used his power and influence to have Congress pass the Alien and Sedition Acts, which declared that the publication of false, scandalous, and malicious writing was punishable by fine and imprisonment. By virtue of this legislation, 25 editors were arrested and their newspapers were forced to shut down.

The first amendment was established to ensure that citizens are able to protect themselves from government, not so that government can protect itself from the people. If this bill passes, we will be standing here having the same debate in a couple of years on how to regulate 501(c)4 organizations. 501(c)4s require no disclosure and have no contribution limits. They will surely become the 527s of 2008 if this legislation passes.

This legislation, H.R. 513, simply compounds an existing problem. Loopholes will always exist, because there will always be money in politics. Instead of stifling speech and forcing it to go underground, we ought to be lifting up other players in the political system and provide more freedoms with greater transparency and more accountability.

Where will this lead? That is the question. If Republicans happen to lose in November, lose the majority, what happens when Democrats try to level the playing field by applying the so-called fairness doctrine to radio talk shows? Surely the Democrats will make the same arguments about Rush Limbaugh that Republicans are making about George Soros.
Back to the implications of the Alien and Sedition Acts, Americans were smart enough to realize what President Adams was using. He was using the powers of government to stifle free speech and they reacted accordingly. Public opposition to the Alien and Sedition Acts was so great that a large reason Adams was defeated by Thomas Jefferson a few years later. This is history worth remembering, Mr. Speaker.

Mr. EHlers. Mr. Speaker, I yield 5½ minutes to the gentleman from Connecticut (Mr. SHAYS), the author of this legislation.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a surreal debate because it is a debate that has consequences and yet it seems to almost be like a game. When we passed campaign finance reform, it passed primarily with Democratic support and there wasn’t any talk about loopholes because Democrats made the proper argument. They made the argument that this was about letting people have their speech and not being drowned out by the wealthy.

That is what the Democrats said: Don’t let the wealthy drown out people who don’t have a lot of resources.

So what the Democrats are now arguing is that for instance 25 individual donors should be able to contribute $142 million, or 56 percent of all of the individual contributions to 527 groups in the 2004 election. That is what Democrats are saying. They are saying we want the wealthy to be able to dominate. But that was not their argument when they voted for campaign finance reform, and it was not my argument.

Our argument was that we wanted to have a level playing field. Our argument was we wanted to enforce the 1907 law that banned corporate treasury money and to enforce the 1947 Taft-Hartley Act that banned forced union dues money, and we wanted to support the 1974 campaign finance law that said you could not make unlimited contributions to federal campaigns. That is what Democrats argued for and supported. And they blamed Republicans for being against campaign finance reform.

The amazing thing is once the campaign finance reform bill passed Democrats suddenly started to break the law. They were looking to get around the law. That is what I find so amazing about this debate.

So what this amendment does is it just enforces the law that you, my fellow colleagues on the other side of the aisle, voted for. It enforces the Campaign Finance Reform Act of the McCain-Feingold bill, the bill you all supported.

Now why do we have to pass this bill before us? Because unfortunately when we gave it to the Federal Elections Commission, they did not believe in the law, decided not to enforce the law. They are happy to have loopholes. They are the ones who introduced the whole soft money issue in the first place.

So what do we have? We have a loophole that needs to be closed, and the way you close it, is to pass this bill that requires 527s to come under the campaign finance law. This is because their primary activity, in fact their only activity, is campaigns.

And the law is clear. Mr. MEEHAN and I brought forward a case against the FEC. We threw out 14 of their regulations because they did not abide by the law, and that we proceeded to take a court action against them on enforcing the law and put 527s under their jurisdiction.

The court made a decision that Mr. MEEHAN and I were right, that 527s should be under the law. In fact, the judge said not putting them under the law circumvented the law. So what we are doing is simply making the law consistent. And frankly, this talk of (c)(3)s, (c)(4)s and (c)(5)s, is not on point. Their primary responsibility and activity is not campaigns. And because of that, you are not going to have the same problem that you have with 527s.

If in fact their primary activity becomes campaigns, then they will come under it.

This bill is consistent to the law. It is imperative it passes. It is consistent with what my colleagues voted for, and I applaud my side of the aisle for, in spite of the fact of not voting for the law, be willing to abide by the law.

Mr. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman who just spoke, this is not what we voted for. We did not vote to transfer 527s to 501(c)s. That is dishonesty. I oppose those who say this is an obscene bill, 527s are not obscene.

What they are trying to do now here with this bill would provide each national and Senate committee to be free from any limits in spending on behalf of its candidates and the spending would take place at any time for the primary or general elections.

This is the flow of money that the American people are saying take out of campaigns.

Mr. EHlers. Mr. Speaker, I reserve the balance of my time to close.

Mr. MILLENDER-MCDONALD. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I want to clarify that the 527s have been and must always file with the Internal Revenue Service. They have to do quarterly reports. Unlike what has been said, that they do not have disclosure and they do not have reporting, that is not true, and I include for the RECORD the IRS filing dates so that can be placed in the RECORD.

Mr. Speaker, this bill, H.R. 513, will have a chilling effect on tax exempt 501(c) organizations. Despite a provision exempting nonprofit charities and social service organizations, this bill, H.R. 513, regulates the same activities that such entities are permitted to engage in.

Should this bill become law, a precedent may be set that all nonprofit activities should be heavily regulated, leading to significant new restrictions on 501(c)5s. H.R. 513 thus may represent a trend with chilling implications for the nonprofit sector.

Mr. Speaker, I include for the RECORD a statement from the CATO Institute, a conservative think tank.
CARSON, \textit{et al. v. FEC}.

For this reason, Justice Blackmun found that the contribution limits were not only irrational, but that they were so irrational as to be essentially arbitrary. The "absence of prearrangement and coordination of an expenditure with the candidate," he wrote, "alleviates the danger that expenditures will be given as a quid pro quo to that candidate." Independent spending is not corrupting. Likewise, contributions to organizations that engage in independent activity do not corrupt because "the principal message expressed by contributions to a committee that makes only independent expenditures . . . poses no threat of corruption." The court found that "the relationship of McConnell far too tenuous and unsuitable to support the anti-circumvention rationale of \textit{McConnell} for the purpose of stemming the otherwise permissible independent expenditures of section 527 organizations." The court found that section 527 organizations were "limited and coordinated" ways to circumvent the anti-circumvention limitations of the First Amendment. Therefore, the court found that the contribution limits were unconstitutional.

Forcing political committee status on the organizations is a matter for courts, not the Constitution. If the court had found that the organizations were engaged in "illegal" activity, it might have justified the independent expenditure limitations. But the court found that the very same "rules governing the political activity of the corporation and the person claiming to use a corporate form to evade them" applied to the federal candidate and his corporation. The court found that the independent expenditures of the organizations were not "limited to the amount of money required to ensure the election or re-election of an officeholder" and that they were not "limited to the amount of money required to ensure the adoption of a policy or any other" than the independent expenditures.

Forcing PACs on citizens is a matter for courts, not the Constitution. The court found that the contribution limits were not "limited to the amount of money required to ensure the election or re-election of an officeholder" and that they were not "limited to the amount of money required to ensure the adoption of a policy or any other." In fact, the court found that the limits on independent expenditures did not present a danger of corruption or appearing to corrupt officeholders, and that the independent expenditures were not "limited to the amount of money required to ensure the election or re-election of an officeholder." Therefore, the court found that the contribution limits were unconstitutional.

More speech is what is needed, not less. Studies indicate that campaign spending diminishes neither trust nor involvement by citizens in elections. Indeed, spending increases public knowledge of candidates among all groups in the population. Higher campaign spending produces more knowledge about candidates, whether measured by name identification, association of candidates with issues, or ideology; and setting the information discussed by campaign expenditures is not necessarily less than the information discussed by campaign expenditures. Unlimited spending does not confuse the public, and the benefits of campaign spending are broadly distributed among all groups alike. That is, as incumbents are challenged by spending, both advantaged and disadvantaged groups gain in knowledge.

And so-called negative advertising campaigns do not demobilize the public, as many have alleged.

Razing speech to the same level. Yet many others inside the beltway believe that 527s should be regulated to protect the idea of a two-party system, or that 527s should be regulated to protect the idea of a two-party system. Republican Party chairman Ken Mehlman is outspoken in support of 527 regulation, declaring that Congress "must respond." Democrats, so the


"political race through a 527 organization." This is true of section 527 organizations that engage in wholly independent activity. The same cannot be said of 527 organizations that make coordinated expenditures, it is not clear that the court would approve limits on organizations that engage in wholly independent activity. As Justice Blackmun noted in \textit{MCFL} and 527 organizations, it is not present, the anti-circumvention rationale of McConnell is also not furthered by a limit on contributions to organizations that engage in wholly independent activity. That even though the contribution limit applies to the independent spending of political committees that also contribute to candidates or make coordinated expenditures, it is not clear that the court would approve limits on organizations that engage in wholly independent activity. As Professor Bruffaup, the McConnell Court's treatment of this issue related to BCRA's application of contribution limits to the activities of political parties. Federal candidates and officeholders enjoy a special relationship with political parties. Federal candidates and officeholders enjoy a special relationship with political parties. 52 Senator Trent Lott
Amendment.

of others is wholly foreign to the First

restrict the speech of some elements of our

And

constitutional political system in America.

where that trying to manipulate groups

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chusetts (Mr. MEEHAN), the other spon-

minutes to the gentleman from Massa-

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RECORD the material I previously re-

and put it in place and enforce it.

law we passed a few years ago. That

plain and simple is the issue here.

I urge the body to adopt the bill and

The proposition of the bill is very

The FEC ignored 30 years of congress-

actions and Supreme Court ju-

prudence in allowing 527s to evade

FEC because after Watergate in 1974

this Congress passed a law that said if

You know what is interesting, just

last Wednesday the U.S. District Court

position that the FEC had failed to

present a reasonable explanation for its

decision in 2004 not to regulate 527s.

Judge Sullivan remanded the case back

to the FEC and said either you articu-

late a reason for not regulating 527s or

promulgate a new rule. A new rule that

regulates 527s is called for under the

law. That is all we are seeking to do

here. That is all we are seeking to do.

One way or the other, the court is

going to rule in favor. This is one way

for us to do it quickly.

Mr. EHLERS. Mr. Speaker, I yield myself

the balance of my time to close.

I just have to say, I am a little dis-

appointed in this debate. In fact, I am

greatly disappointed in this debate. I

am just a simple person who grew up in

a small town, and I grew up in an area

where we said what we meant, and we

meant what we said.

I have heard so much diversionary

discussion on this topic from the mi-

nority today, it is very disappointing

to me.

The proposition of the bill is very

simple: unlimited spending of soft

money was intended to be banned under

BCRA. A diversionary tactic has
developed which allows the expenditure

tures of huge amounts of money, un-

regulated soft money, and this bill

today is an attempt to stop that prac-
tice which is being carried out by peo-

ple who are violating the intent of a

law we passed in favor. That

plain and simple is the issue here.

I urge the body to adopt the bill and

stop the abominable practice of huge

amounts of unregulated, unreported

money influencing elections. Let’s get

back to the original intent of BCRA

and put it in place and enforce it.

Mr. Speaker, I include for the

RECORD the material I previously re-

ferred to.

[From the New York Times, Dec. 29, 2001]

ging THE SOFT MONEY BOMBING

It’s encouraging to see signs of life in

Washington, particularly on the Republican

side of the aisle, over the obvious need to

plug the newest subterranean pipe for

unregulated campaign funds from big labor,

big corporations and just plain big money.

Of all the subplots in the presidential elec-

tions, 527s were as important as the Demo-

crats’ pioneering “527” groups—named for the

section of the tax code that governs them. The

527’s were intended to circumvent the law’s

strictures against having unlimited soft

money flood into political races. The Demo-

crats built these new shadow-party advocacy

groups to attack the president early in the

campaign season and build voter-turnout

machines. Then they watched Bush partisans

adapt the same financing device to float the

campaign’s most notorious and devastating

attacks on John Kerry’s heroic war record and his antiwar

activities after he returned from Vietnam.

Dollar-wise, the Democrats proved better

at milking the 527 strategy, spending more

than three times as much as the Republicans

in stealth-party ads favoring their

presidential ticket. But the Republicans wielded

their ads like a rapier once the Federal Elec-

tion Commission, true to its track record,

shirked its responsibility by deciding that

the new breed of advocacy groups should not

be regulated under the campaign finance re-

form laws.

A commission majority endorsed the fic-

tion that the 527’s are independent. The

truth is that they were strategically linked to the

candidates and perfect targets for ag-

gressive F.E.C. regulation and spending lim-

itations.

The 527 fund-raisers were the V.I.P. toast

of the party conventions last summer, rais-

ing money in luxury suites with a wink and

a grin.

After this year’s election drubbings, you

would think the Democrats would now see

the folly of the 527 committees. But, no,

ranking Democrats are determined to make

their permanent campaign coffers, with

no dollar caps on the corporations, labor

unions and fat-cat partisans who spent more

than $550 million on such committees in this

year’s races.

President Bush condemned the 527’s and

promised a crackdown when the Democrats

first exploited them and caught the G.O.P.

short. But later in the campaign, he failed to

condemn the Swift boat ads when Senator

John McCain did so and pointedly asked for

the president’s support. Now Mr. Bush has an

opportunity to put some politi-

cal weight behind Mr. McCain, who is deter-

mined to use the coming Congressional ses-

sion to pass legislation that would force this

blatant crook-genie back into the bottle.

Senator McCain overcame whatever past

bad feeling there was between himself and

the president and became a dogged Bush

campaigner this year. We hope the president

repays him by explicitly backing the McCain

fight to stop the 527 gamesmanship as an

abuse of fair elections. And it’s equally im-

portant for the president to enlist the sen-

ator’s campaign to overhaul the election

commission. The F.E.C. is a transparent ex-

ample of what happens when money is

taken to members of Congress who are more con-

cerned with their own incumbency than the

public interest.

[From the Washington Post, Apr. 5, 2006]

CLOSE THE 527 LOOPHOLE

CONGRESS SHOULD REACH THE SWIFT BOATS AND

GEORGE NOROIS, TOO

The House plans to take up legislation

today that would close the biggest remaining

loophole in the campaign finance system.

It would require the political groups known

as 527s to play by the same rules as other com-

mercial organizations that aim to influence

elections. The House ought to pass the measure,

sponsored by Reps. Christopher Shays (R-

Mr. MEEHAN. Mr. Speaker, I thank

the gentleman for yielding me this time.

Mr. Speaker, basically this is a legal

issue. 527s are legally established be-

cause their primary purpose is to influ-

ence the election of a Federal Candidate.

They have to file with the

FEC after Watergate in 1974

to have officeholders every bit as much

as a gen-

erice voter registration drive conducted by a

state party.”, a position adopted by the

McConnell majority.41 Preventing circum-

vention of applicable contribution limits and

source prohibitions was the rationale em-

ployed by the Court in McConnell. The

rationale was not to foster egalitarianism.62

conclusion was not to foster egalitarianism.62

42 Buckley long ago rejected the argument

that permeating the political marketplace do so with exactly

the same rules as other com-

mercial organizations that aim to influence

elections. The House ought to pass the measure,

sponsored by Reps. Christopher Shays (R-

Mr. Speaker, I yield back the balance

of my time.

Mr. EHLERS. Mr. Speaker, I yield 1½

minutes to the gentleman from Massa-

chusetts (Mr. MEEHAN), the other spon-

sor of the bill from the minority side.

April 5, 2006

CONGRESSIONAL RECORD—HOUSE

H1525
Conn.) and Martin T. Meehan (D-Mass.), and shut down the kind of 527 “soft money” operation that flourished during the 2004 campaign, like Democrats’ America Coming Together and Republicans’ Swift Boat Veterans for Truth.

These committees, named after the section of the tax code under which they’re established, are supposed to influence elections “through expenditures” rather than “by contributions, unions and rich individuals. The parties are now barred from accepting such money. But non-tax-exempt groups are stepping in, accepting soft money and taking over voter mobilization.

It’s incredibly ironic that George Soros is trying to create a more open society by using an unregulated, under-the-radar, shadowy, soft-money group to do it,” Republican National Committee spokeswoman Christine Iverson said. “George Soros has purchased the Democratic Party.”

In past election cycles, Soros contributed relatively modest sums. In 2000, his aide said, he gave $122,000, mostly to Democratic causes and candidates. But recently, Soros has grown alarmed at the influence of conservative groups, whom he calls “a bunch of extremists guided by a crude form of social Darwinism.”

Neonconservatives, Soros said, are exploiting the attack on terrorism to promote a preexisting agenda of preemptive war and world dominion. “Bush feels that on September 11th he was anointed by God,” he said. “I fear that the U.S. is going down the road toward a vicious circle of escalating violence.”

Soros said he had been waking at 3 a.m., his thrills shaking him “like an alarm clock.” Sitting in his robe, he wrote his ideas down, longhand, on a stack of pads. In January, PublicAffairs will publish them as “The Bubble of American Supremacy.”

Soros believes that a Preventive Action campaign, which promotes a “preemptive security, increased foreign policy, democratic approach to security, increased foreign aid and preventive action.”

“It would be too immodest for a private person to set himself up against the president,” he said. “But it is, in fact”—he chuckled—“the Soros Doctrine.”

His campaign began last summer with the help of Morton H. Halperin, a liberal think tank whose major purpose is to influence federal elections. They also support the League of Women Voters, Public Citizen, and American Progress.

We will be watchdogging him closely, but it is necessary to close the FEC-created loophole that allowed both Democratic and Republican 527 groups to spend a total of millions of dollars in unlimited soft money to influence the 2004 presidential and congressional elections.

The organizations include the Campaign Legal Center, Common Cause, Democracy 21, the League of Women Voters, Public Citizen and U.S. PIRG.

Under H.R. 513, the 527 political groups would be able to continue to undertake activities to influence federal elections, but would do so under the existing campaign finance laws that apply to candidates, political parties and other political committees whose major purpose is to influence federal elections.

Much of the soft money contributed to 527 groups to influence the 2004 federal elections came from a relatively small number of very wealthy individuals. According to campaign finance scholar Anthony Corrado, just 25 individuals accounted for $146 million raised by Democratic and Republican 527 groups that spent money to influence the 2004 federal elections.

In order to qualify as a 527 group under the Internal Revenue Code and receive tax-exempt status, Section 527 groups must be “organized and operated primarily” to influence elections. They are, by definition, “political organizations,” not “issue groups,” and they can be operating campaign finance laws when they are spending money to influence federal elections.

Soros will continue to recruit wealthy donors for his campaign. Having put a lot of money into the war of ideas around the world, he has learned that “money buys talent, and an advocate who can get his views out there.”

At home in Westchester, N.Y., he raised $15,000 for Democratic presidential candidate Howard Dean. He also supports Democratic congressional candidates John F. Kerry (Mass.), retired Gen. Wesley K. Clark and Rep. Richard A. Gephardt (Mo.).

In an effort to limit Soros’s influence, the RNC sent a letter to Dean asking, in seeking to veto legislation that would expand U.S. power and the partisan appeals.

Soros could do more.

Malcolm, its president. They were proposing a broader umbrella organization, bringing to $15.5 million over the past seven years. Soros has backed altering campaign finance, an aide said, donating close to $18 million over the past seven years. “There’s some irony, given the supporting role he played in helping to end the soft money system,” Wertheimer said. “I’m sorry that Mr. Soros has decided to put so much money into a political effort to defeat a candidate.

Robert Boorstyn and Carl Pope. They were proposing a broader umbrella organization, bringing the $15.5 million

45x661]s influence, the

Soros has become as rich as he has, the aide said, because he has a preternatural instinct for a good deal.

Asked whether he would trade his $7 billion fortune to unseat Bush, Soros opened his mouth. Then he closed it. The proposal hung in the air: Would he become poor to beat Bush?

He said, “If someone guaranteed it.”

April 4, 2006

DEAR REPRESENTATIVE: The House is scheduled to consider this week H.R. 513, legislation sponsored by Representatives Chris Shays (R-CT) and Marty Meehan (D-MA) to require that 527 groups spending money to influence federal elections comply with federal campaign finance laws.

Our organizations support H.R. 513, which is necessary to close the FEC-created loophole that allowed both Democratic and Republican 527 groups to spend a total of millions of dollars in unlimited soft money to influence the 2004 presidential and congressional elections.

The organizations include the Campaign Legal Center, Common Cause, Democracy 21, the League of Women Voters, Public Citizen and U.S. PIRG.

Under H.R. 513, the 527 political groups would be able to continue to undertake activities to influence federal elections, but would do so under the existing campaign finance laws that apply to candidates, political parties and other political committees whose major purpose is to influence federal elections.
As the Supreme Court stated in the McConnell case upholding the constitutionality of the Bipartisan Campaign Finance Reform Act, Section 527 groups “by definition engage in political activity.” The Court stated in McConnell that 527 groups “are, unlike §501(c) groups, organized for the express purpose of engaging in partisan political activities.” Section 527 groups are treated differently under campaign finance laws than Section 501(c) groups because they are fundamentally different entities. Section 527 groups, by definition, are organized and operated “primarily” to influence elections. This standard has long been used to determine whether groups are engaged in advocacy and must comply with federal campaign finance laws. Section 527 groups have the same organizing principle as candidate committees, political party committees and PACs—theyir primary purpose is to influence elections—and should be subject to the same campaign finance laws.

Section 501(c) groups, by contrast, are prohibited by their tax status from having a primary purpose to influence elections. Although 527 groups (and similar charitable groups) are permitted to spend some money for political purposes, tax laws impose constraints on the political activity they engage in while similar constraints are not imposed on 527 groups.

The 2004 election demonstrated widespread soft money abuses by 527 groups, which spent hundreds of millions of dollars to influence the presidential and congressional elections without complying with the federal campaign finance laws. H.R. 513 addresses this problem.

As noted in our letter yesterday, an amendment may be offered by Representative Mike Pence (R-IN) to repeal the existing aggregate limits on contributions that an individual can give to all federal candidates and political parties in a two-year election cycle. The Pence amendment would repeal an essential Watergate reform that was enacted to prevent corruption and the appearance of corruption, and was upheld as constitutional on this basis by the Supreme Court.

We strongly oppose the Pence proposal, which would allow a President, Senator or Representative, and a single donor to contribute, a total of more than $5,000,000 for the officeholder’s party and the party’s congressional candidates in a two-year election cycle.

We urge you to vote against the Pence “poison pill” amendment and also urge you to vote against H.R. 513 if it includes the Pence proposal or any variation of it.

Another proposal may be made to repeal section 441a(d) of the campaign finance laws, a provision which imposes limits on spending by political parties in coordination with their federal candidates.

We oppose repealing the limits on coordinated party spending with candidates.

Under current rules, a political party can spend an unlimited amount of hard money in a federal candidate’s race, independent of the candidate, even if the party has reached its limit on coordinated spending with that candidate in the race.

Thus, repeal of the limits on coordinated spending would not change the total amount of money a political party can spend in a given race, but rather will change the amount that can be spent in coordination with the party’s candidates in the race.

Supporters of repealing the limit argue that this is a more effective way for parties to assist their candidates. We oppose repeal of the spending limit, however, since it provides a constraint on parties serving as a vehicle for individual donors to evade the limits on contributions from individuals to candidates.

H.R. 513 is based on the simple proposition that a 527 group that spends money to influence elections should be able to use the same set of rules that apply to other political groups whose purpose is to spend money to influence federal elections. There is no basis for legislation to claim the advantage of a tax exemption as a “political organization” under the tax laws, while at the same time failing to comply with the different legal requirements of the federal laws that claim it is not a “political committee.”

We strongly urge you to vote for H.R. 513, provided it does not include the Pence “poison pill” proposal to repeal or undermine the aggregate limit on individual contributions.

Chairman, Committee on House Administration, House of Representatives, Washington, DC.

Dear Chairman Ehlers:

In recognition of the debate on the，the Committee on the Judiciary hereby waives consideration of the bill. There are provisions contained in it that exceed the rule X jurisdiction of the Committee on the Judiciary. Specifically, section 5 provides for judicial review of certain constitutional challenges to the legislation. This provision implicates the rule X(1)(d)(1) jurisdiction of the Committee on “the judiciary and judicial proceedings, civil and criminal.”

The Committee takes this action with the understanding that by foregoing consideration of H.R. 513, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 513 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. James Sensenbrenner, Jr.,
Chairman,

U.S. House of Representatives,
Washington, DC, April 4, 2006.

Hon. James Sensenbrenner,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Dear Chairman Sensenbrenner:

Thank you for your letter regarding your Committee’s jurisdictional interest in H.R. 513, the 527 Reform Act of 2005, scheduled for floor consideration this week. I acknowledge your Committee’s jurisdictional interest in Section 5 of the bill, and agree that your decision to forego further action on it will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you again for your assistance.

Sincerely,

Vernon J. Ehlers,
Chairman.

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

Mr. BLUMENAUER. Mr. Speaker, throughout my career, I have consistently and strongly supported sensible campaign finance reform. As introduced, H.R. 513, the 527 Reform Act, was a measure I could have supported. In the long run, it would have been politically neutral; not giving an advantage to either Republicans or Democrats.

However, with the changes that have been made to the bill by the Republican leadership, this bill would needlessly allow unlimited contributions from party committees to coordinate campaigns and thereby dramatically raise the amount of money spent on elections, not reduce it. This provision alone would dramatically undermine the campaign finance reforms we worked so hard to put in place in 2002. The bill is neither necessary nor fair and would increase the role of money in campaigns and elections.

Mr. VAN HOLLEN. Mr. Speaker, today I voted against H.R. 513, the “527 Reform Act of 2005” introduced by Congressmen Shays and Filner. As a strong and long-term supporter of the Shays-Meehan/McCain-Feingold campaign finance reform legislation, I want to take this opportunity to explain my decision to vote against H.R. 513 today.

On the surface, H.R. 513 appears to be simple. It would require “527 groups,” which represent individuals or groups that are not directly affiliated with political party organizations, to register and report with the Federal Election Commission in the same manner as political committees. I support that part of this bill.

However, the Republican Leadership inserted a poison pill into the bill. In the dark of night, the Republican-controlled House Rules Committee added an amendment to roll back limits on campaign committee spending in supporting a candidate in a House general election. In 2006, Congressional committees are limited to spending a maximum of $79,200 in a Congressional race. This amount is set by law and adjusted for inflation. Congressional campaign committees possess the authority to spend unlimited amounts on a campaign. Congressional committees must currently borrow and use the limits assigned by law to each party’s national committee and each state party committee. The bill would lift current caps and upset the balance of spending.

A second killer amendment eliminates Congressional campaign committee limits on party spending for Congressional candidates. This bill allows each party to accept transfers from other committees within the party structure when spending for a candidate. This change will enable the National Republican Congressional Committee to accept unlimited transfers from the Republican National Committee for use in spending on any Congressional campaign. It is not a coincidence that Republicans outspend Democrats 5:1.

We have just seen the former Republican Majority Leader resign from Congress in disgrace. Another prominent member of the major party is in jail for accepting tawdry bribes while selling his office. Prominent administration officials have been arrested or are under indictment. This is not a time to be playing parliamentary games with the ethical process.

And that is why I voted against this shamefully amended version of H.R. 513 today.

Mr. CASTLE. Mr. Speaker, I am proud to join my colleagues in strong support of H.R.
513, the 527 Reform Act of 2006. H.R. 513 takes an important step in closing a “soft-money” loophole by requiring 527 groups to comply with the same federal campaign laws that political parties and political action committees must follow.

In the Bipartisan Campaign Finance Reform Act of 2002, Congress established a FECA-created loophole that allowed 527 groups, of both parties, to spend hundreds of millions of dollars in unlimited soft money to influence presidential and congressional elections without complying with campaign finance laws. During the last election cycle, 527 groups raised $426 million. Likewise, much of the soft money came from a relatively small number of very wealthy individuals. According to campaign finance scholar Anthony Corrado, just 25 individuals accounted for $146 million raised, and Republican 527 groups that spent money to influence the 2004 federal elections. And, we are already seeing an increase in the rate at which 527s are raising money this election cycle.

If the primary role of 527 groups is to influence elections, which it clearly is, they must play by the same set of rules that apply to other political groups whose purpose is to spend money to influence federal elections. There should be no exception.

At a time when the public is calling for transparency and accountability, no longer can we tolerate a loophole that allows this type of money from the wealthy few to unfairly influence the political process.

If you voted for the Bipartisan Campaign Finance Reform Act of 2002—240 of us did—it would be wholly out of step to not support H.R. 513.

I urge all my colleagues to vote in favor of H.R. 513.

Mr. HOLT. Mr. Speaker, I would like to commend the efforts of my colleagues Chris Shays, Marty Meehan, and McCain to strengthen elections in this country. However, I oppose the measure they offer today because it seeks to weaken the ayes appeared to have it. Pursuant to House Resolution 755, yeas 218, nays 209, not voting 6, as follows:

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<th>Yeas 218</th>
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<td>Lucas</td>
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Mr. WATT changed his vote from “yea” to “nay”.

MESSRS. FORBES, OSBORNE, WELDON of Florida, MANZULLO, and POE changed their vote from “nay” to “yea”.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS FOR THE CONTRIBUTIONS AND SACRIFICES THEY MADE TO THE UNITED STATES NATIONAL SECURITY PROGRAM IN THE MARSHALL ISLANDS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 692.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 692, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

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CONGRESSIONAL RECORD — HOUSE
April 5, 2006

H1530

The Clerk read the title of the bill.

A motion to reconsider was laid on the table.

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFERENCE REPORTERS ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. CARDIN. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing reports of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the provisions of section 102 (relating to extension and modification of research and development credits), and section 103 (relating to extension and modification of credits for school lunches and breakfasts), and section 104 (relating to extension and modification of credits for elderly people); and

(2) to agree to the provisions of section 106 of the Senate amendment to the bill (relating to extension and increase in minimum tax relief to individuals); and

(3) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise expire at the close of 2006, and to add a provision to increase the amount of the debt limit as required by law.

ANNOUNCEMENT OF INTENTIONS TO OFFER MOTION TO INSTRUCT CONFERENCE REPORTERS ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, the pension protection conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions of title VII of the bill (relating to provisions contained in title VII of the bill as passed by the Senate); and

(2) to agree to the provisions of section 106 of the Senate amendment to the bill (relating to extension and increase in minimum tax relief to individuals); and

(3) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise expire at the close of 2006, and to add a provision to increase the amount of the debt limit required by law.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore, Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote was objected to under clause 8 of rule XX.

Record votes on postponed questions will be taken tomorrow.

Provisions. Motions to suspend the rules postponed earlier today will also resume tomorrow.

CONGRATULATING NASA ON THE 25TH ANNIVERSARY OF THE FIRST FLIGHT OF THE SPACE TRANSPORTATION SYSTEM

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Con. Res. 366) to congratulate the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people.

The Clerk read as follows:

H. CON. RES. 366

WHEREAS, like the explorers Lewis and Clark, who explored our great Nation and who opened up the West, John Young and Robert Crippen opened a new era of human exploration beyond our planet Earth.

WHEREAS, the successful return to flight of the Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people.

WHEREAS, the very specialized and highly valued Shuttle workforce.

WHEREAS, the Space Shuttle Columbia was the first reentry spacecraft to land on a conventional runway.

WHEREAS, the Space Shuttle program has allowed the United States to partner with other nations and to inhabit the International Space Station.

WHEREAS, the Space Shuttle program has been instrumental in ensuring the Nation’s preeminence in space exploration for 25 years.

WHEREAS, the very specialized and highly valued workforce of the Space Shuttle program will contribute greatly to the Vision for Space Exploration as we return to the Moon and beyond.

WHEREAS, like the explorers Lewis and Clark who explored our great Nation, John Young and Robert Crippen opened a new era of human exploration beyond our planet; and

WHEREAS, heroes such as John Young and Robert Crippen are a great inspiration to our next generation of Americans as they stimulate interest in the study of math and science; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) that:

(1) congratulates the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System.

(2) honors Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight; and

(3) commends the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people.

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 366. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, I yield.

Mr. CALVERT. Mr. Speaker, I yield. I rise today to commemorate the 25th anniversary of the first flight of the Space Shuttle.

On April 12, 1981, Commander John Young and Pilot Robert Crippen launched from the Kennedy Space Center in the Space Shuttle Columbia. Their successful 3-day test flight of the manned spacecraft marked the beginning of a long career for the Space Shuttle that continues today.

Because of the design of the Shuttle, the spacecraft is uniquely qualified to help America build and supply the International Space Station. As we work with our international partners to complete the Space Station, the Shuttle will help us achieve that goal. For 25 years, the men and women of our Shuttle program have done a remarkable job returning the Shuttle to flight year after year to continue the importance of the space program. This resolution not only commends the first flight of the Shuttle, but it also recognizes and honors these dedicated citizens who work every day to this singular goal.

The Shuttle has seen glory and it has seen tragedy. The loss of Challenger and Columbia remind us that space travel is difficult and dangerous. Astronauts are today’s Columbus and Magellans—and their mission is a fragile and dangerous one. And yet, the Space Shuttle program continued on because of the men and women dedicated to the important work of the space program—work that benefits all sectors of society and improves the quality of all our lives.

America now has a new Vision for Space Exploration. We have already achieved the first step in the new Vision for Space Exploration when the Space Shuttle returned to flight last summer. Commander Eileen Collins and her crew successfully executed the 14-day mission into outer space and delivered more than 6 tons of needed supplies to the Space Station. Like many of my colleagues, I am eagerly anticipating the Shuttle’s next flight this summer.

I am also looking forward to our next step in the process—the development of a new vehicle to replace the Shuttle. We need to make sure that the transition between these two spacecrafts is as seamless as possible because we cannot afford to lose the very specialized and highly valued Shuttle workforce.

We also need to make sure that the new spacecraft includes a crew escape system because our astronauts demand as much safety as possible. I am pleased that NASA will require this system on the new crew exploration vehicle, and I will be continuing to monitor that development.

America leads the world in space exploration, and this is due, in large part, to the men and women of the Space Shuttle program. And this is only the beginning. With astronauts like the ones who traveled over the years on the Space Shuttle, and specialists and staff at NASA, America will continue to push frontiers and lead the world in space exploration and discovery.

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

Mr. Speaker, on April 12, 1981, two American heroes, Commander John Young and Pilot Robert Crippen were strapped into their seats in the Space Shuttle Columbia and took off into history, orbiting the Earth for 54 hours, 20 minutes, and 53 seconds. This was the boldest test flight in history.

The space shuttle was the first reusable spacecraft to be flown into orbit without the benefit of previous unmanned orbital test flights, and was the first spacecraft to land on a conventional runway at Edwards Air Force Base in my home State of California.

Like the explorers Lewis and Clark who explored our great Nation and who opened up the West, John Young and Robert Crippen opened a new era of human exploration beyond our planet Earth.

Today as a Nation, we want to pay tribute to the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the space shuttle. We want to honor Commander John Young and Pilot Robert Crippen, who flew the first Space Shuttle Columbia, on April 12–14, 1981, on its first orbital test flight. We want to commend the men and women of NASA and our aerospace industry for the roles they play in inspiring the American people. This is what provides the inspiration to our next generation to study math and science. This is what keeps our Nation competitive.

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

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

Mr. Speaker, I want to commend my colleague and rise in strong support of H. Con. Res. 366, a resolution to commemorate the first flight of the Space Shuttle STS-1 and to honor its crew, Commander John W. Young and Pilot Robert Crippen.

It is hard to believe now, but 25 years have passed since the Space Shuttle Columbia took off on its maiden voyage.
on April 12, 1981. The space shuttle was the first and remains the only reusable crewed orbital spacecraft in the world, and its design represented a dramatic step towards human space flight.

Parenthetically, I might say I was talking to some of my younger staff today, and we who have been around for a while remember that flight well. But when you try to explain to young people, or to anybody for that matter, that those people were landing in this enormously large bird that had never been tested, and it had no power, never been tested in this kind of conditions and it had no power, you understand the undertaking that these courageous crew members had set themselves up for.

This vehicle, of course, had the capacity to carry twice the crew members of its predecessors, to launch large scientific instruments such as the Hubble Space Telescope, the Compton Gamma Ray Observatory, as well as interplanetary probes like Galileo and Ulysses.

On that same subject, I must say that, personally, I believe the deep space image of Hubble is something that struck me as powerful as the first images we saw of Earth in the early Apollo days. When that telescope looked off into the heavens at a tiny speck and saw thousands of galaxies, it is an awe inspiring sight that I think the entire world should perhaps contemplate what it means to us.

More recently, of course, the shuttle has served as a workhorse for the assembly of international stations, and on April 12, 1981 those accomplishments were still in the future.

On that day as the space shuttle crew carried two intrepid astronauts, John Young and Robert Crippen, into the heavens on that courageous journey, we all held our breath because therein lay the future of manned space flight and womaned spaced flight as we would later see on shuttles.

We should not underestimate the magnitude of that task. STS was not the first time that the space shuttle would carry a crew of astronauts; it was the first time the space shuttle would be flown into space, period. The willingness of these brave commanders to accept this mission shows that they certainly had the right stuff and it is entirely fitting that this Congress commemorate their accomplishments on this, the 25th anniversary of the first flight of the space shuttle.

It is also appropriate to express our appreciation to all of the individuals, whether civil servants or contractors, who have worked so hard over the many years on the space shuttle program and over, particularly, the last quarter century.

Mr. Speaker, I urge my colleagues to support the adoption of H. Con. Res. 366. I hope that action will be followed by speedy adoption in the other body.

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

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), a champion of America’s space program.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, 25 years ago, America and the world were introduced to a new generation of heroes, and a new era of human imagination. The moment the Space Shuttle Columbia first launched into low-Earth orbit, every other mode of space transportation was rendered obsolete.

The shuttle was then, and remains today, the most dependable and most technologically advanced spacecraft in the world.

In the last quarter century, the shuttle has become a global icon of American ingenuity and American courage. Since Commander John Young and Pilot Robert Crippen took the shuttle’s maiden voyage, dozens of men and women, scientists, soldiers and school children, have flown in NASA’s mission to conquer the unknown. And in that time, 14 shuttle astronauts have been lost in the pursuit of that noble mission, men and women whose names we remember and whose valor we can never forget.

Where I come from, the space shuttle is more than a symbol. It is part of our community. The shuttle’s managers, engineers, astronauts, contractors and designers have long called the Houston region their home. They are the people who have made our Johnson Space Center America’s “laboratory of the impossible,” and for 25 years have stretched both the technological capacity and the collective imagination of the American people.

It is an honor to represent such heroes in this House and it is an honor to cast my vote in favor of this resolution honoring the American people.

Mr. Speaker, I rise today in support of H. Con. Res. 366 to congratulate NASA on the 25th anniversary of the inaugural Space Shuttle mission.

Twenty-five years ago on April 12th, all Americans were riveted to the activities taking place at Kennedy Space Center. The excitement was even more palpable in my Congressional District—America’s Space Coast.

How proud Americans were that day when, after 2 years of training and preparation, Space Shuttle Columbia lifted into space, boosted not only by 7 million pounds of thrust but more importantly, by the ingenuity and imagination of the American people.

America had selected two incredibly capable astronauts for this first shuttle mission—Bob Crippen, a decorated Naval aviator, and John Young, a veteran of the Gemini and Apollo programs. Our Nation needed the best astronauts for this mission since the risks were immense. As the most complex spacecraft ever built, the Shuttle Columbia had countless possibilities for error and serious disaster.

STS-1 served as a 2-day test flight of the first reusable piloted spacecraft’s ability to go into orbit and return safely to Earth. NASA’s goal was to herald in a new era of spaceflight and it succeeded.

The astronauts are obviously the most visible face of Space Shuttle today, but I, like everyone else, extend the utmost praise to Young and Crippen for their extraordinary talent and boldness, it was the highly skilled and competent NASA and contractor workforce that made this shuttle mission possible. As with the astronauts, America needed its best and brightest to build and launch the Space Shuttle back in 1981 and it remains so today.

From the scientists and engineers to the launch crews and contractor personnel, each and every individual has a reason to celebrate the pride that the people of the Space Coast feel as honored to be America’s space launch center as they did 25 years ago.

And as a representative from America’s Space Coast, I share in the feelings of pride in past achievements as well as the expectations of success in the new NASA missions that will launch from our community.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. Speaker, I rise in support of H. Con. Res. 366 to congratulate NASA on the 25th anniversary of the inaugural Space Shuttle mission.

Mr. WELDON of Florida. Mr. Speaker, I rise in support of H. Con. Res. 366 to congratulate NASA on the 25th anniversary of the inaugural Space Shuttle mission.

Ms. EDDIE BERNICE JOHNSON of Texas.
Res. 366, legislation honoring the 25th anniversary of the first flight of the Space Transportation System at NASA. It is hard to believe that 25 years have passed since Space Shuttle Columbia took flight. Columbia was the first manned, reusable spacecraft flown into orbit.

The heroic courage of Columbia astronauts and the NASA scientists and engineers on the ground has inspired a generation of future scientists, engineers and mathematicians.

NASA and the Johnson Space Center have had a tremendous impact on the Texas economy. This partnership has led to the development of many new technologies and is an economic powerhouse for our State.

The Johnson Space Center’s combined workforce accounts for 16,000 Texas jobs. The total economic impact of the Space Center on the State of Texas exceeds over 26,000 employees with personal incomes of over $2.5 billion and total spending exceeding $3.5 billion.

NASA also provides $72 million for grants and contracts to Texas universities and colleges, as well as $344 million to Texas non-profit organizations.

Mr. Speaker, NASA touches every State in our great Nation, and I believe it is fitting to honor this milestone in NASA’s history.

My warm congratulations go to NASA and the Space Shuttle Columbia, its crew and team on the ground.

I support this bipartisan legislation and urge my colleagues’ support.

Mr. WU. Mr. Speaker, I rise to honor all the men and women who have made the shuttle program possible. I would like to commend Commander John Young and Pilot Robert Crippen for being pioneers in their field. With the lift-off of the Space Shuttle Columbia on April 12, 1981, we were launched into a new era of space flight and exploration. The importance of their mission to our Nation cannot be overestimated.

Our desire to explore space, to go beyond this world, is rooted firmly in a human desire that has existed since the first of us stared at this world, is rooted firmly in a human desire that has passed through human history and has not been underestimated.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 366.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

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

HONORING RECIPIENTS OF NOBEL PRIZES IN PHYSICS AND CHEMISTRY FOR 2005

Whereas on October 10, 2005, the Royal Swedish Academy of Sciences awarded the Nobel Prize in Physics for 2005 to Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hänsch for their pioneering discoveries in the field of optics;

Whereas their contributions to the quantum theory of optical coherence and development of laser-based spectroscopy, including the optical frequency comb technique, has led to improvements in the accuracy of precision instruments such as GPS, atomic clocks, and navigation systems;

Whereas John L. Hall recently retired from a long career with the National Institute of Standards and Technology (NIST) Quantum Physics Division, and was one of the founding fellows of the JILA, a joint Federal lab/university cooperative effort supporting research and post-graduate training;

Whereas the NIST, founded in 1901, and its laboratories and collaborations with academia have contributed to the achievements of present and past Nobel Prize winners by supporting research that strengthens the global economic competitiveness of the United States through the development of technologies, measurement methods, and standards;

Whereas John L. Hall is one of three NIST researchers to have received the Nobel Prize;

Whereas on October 10, 2005, the Royal Swedish Academy of Sciences awarded the Nobel Prize in Chemistry for 2005 to Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock for their pioneering discoveries in the field of organic chemistry;

Whereas their research on metathesis reactions and the development of the metathesis method in organic synthesis has resulted in a major advance for “green chemistry” and the development of pharmaceuticals that can be made through methods that are more efficient and generate fewer hazardous wastes; Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hänsch;
(2) recognizes and honors Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock; and
(3) acknowledges the importance of National Institute of Standards and Technology research and its contributions to the United States industry, academia, and government.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 541, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes. The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 541, the resolution now under consideration.

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

I am very pleased that we are considering the resolution on the winners of the 2005 Nobel Prizes in chemistry and physics. This is especially a pleasurable experience for me because I
know two of them personally and have worked with one of them rather closely for a period of over a year.

Our Nation has a long, proud history of pushing forward the boundaries of human knowledge, and few awards bestow a greater honor and recognition on those who devote their lives to this quest than does the Nobel Prize. As a fellow scientist, I offer to each of the laureates my congratulations and heartfelt appreciation for your outstanding contributions to your fields.

I am particularly honored to offer congratulations to Dr. John Hall for his commendable contributions to the field of laser-based precision spectroscopy. His careful and dedicated work has resulted, among other things, in improved accuracy in vital navigation systems such as the GPS. John’s long and noteworthy career includes a founding role as a fellow of JILA, formerly known as the Joint Institute of Laboratory Astrophysics, which is a joint research institute of the National Institute of Standards and Technology and the University of Colorado in Boulder.

It was at that institution where I worked with him doing research in atomic physics, a little nuclear physics and also in science education. I am proud to say that Dr. Hall is a wonderful scientist, and I was delighted to work with him.

I am most pleased as the chairman of the Science Committee Subcommittee on Environment, Technology and Standards, where I oversee NIST, the National Institute of Standards and Technology, to offer John congratulations and wishes for many more years of exciting discovery.

I would also like to point out that this is the third Nobel Prize awarded to scientists at the National Institute of Standards and Technology, which is basically a standard-setting organization, and involves a lot of work on standards; but in spite of the restriction on the research, three individuals from that outstanding organization have now been awarded Nobel Prizes.

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

Mr. BAIRD. Mr. Speaker, I yield myself such time as I might consume, and I wish to begin by thanking Dr. EHLLERS for his distinguished leadership on the committee and the work of the subcommittee, and it has been a privilege to serve with him. It is nice to have a fellow scientist on the Science Committee who can speak so eloquently to these matters and actually understand the kind of research that these Nobel Prize winners have conducted.

Mr. Speaker, I want to rise in strong support of H. Res. 541, a resolution I introduced along with a number of my colleagues to honor the 2005 Nobel Laureates in the fields of physics and chemistry, as well as to acknowledge the importance of National Institute of Standards and Technology, its research and its contributions to the United States industry and the academic world and government.

On October 10, 2005, two of America’s finest scientists, Richard H. Grubbs and Richard R. Schrock, along with Yves Chauvin of France, shared in the Nobel Prize in Chemistry. The basic research of these scientists was recognized by the Royal Swedish Academy of Sciences as “a great step forward for green chemistry,” reducing potentially hazardous waste through smarter production.

Their research on metathesis reactions and the development of the metathesis model in organic synthesis has served as an important tool in the creation of new pharmaceuticals, including drugs that will help fight many of the world’s major diseases, including cancer, Alzheimer’s and AIDS. They also use to develop herbicides and new polymers and fuels.

Another scientific prize was also conferred on October 10, 2005. As Nobel Laureates, this time Roy J. Glauber and John L. Hall, along with Theodor W. Hansch of Germany, shared the Nobel Prize in physics.

Their pioneering research in the fields of optics and contributions to the quantum theory of optical coherence and development of laser-based precision spectroscopy, including the optical frequency comb technique, has led to improvements in the accuracy of precision instruments such as GPS locators, atomic clocks, and navigation systems.

It is true this year, as in preceding years, that research conducted at such well-respected universities such as MIT, Harvard, and CalTech has produced Nobel Prize-worthy research. However, what is rarely acknowledged is the work of Federal labs and the additional Federal investment that supports and produces such prize-worthy results from such outstanding scientists.

Such is the case with the work of the National Institute of Standards and Technology, or NIST. Their collaboration with the University of Colorado at Boulder resulted in the third Nobel Prize awarded to an NIST scientist, John Hall, a scientist emeritus from the NIST Quantum Physics Division.

Interestingly enough, NIST was founded in 1901, around the same time as the Nobel Prize Foundation in 1901. Since that time, both institutions have served a similar purpose in supporting research that produces, in the words of Dr. Alfred Nobel, “the greatest benefit to mankind.”

NIST, with its laboratories and collaborations with academia, has contributed to the achievements of present and past Nobel Prize winners by supporting research that strengthens the global economic competitiveness of the United States through the development of technologies, measurement methods, and standards.

Today, I am pleased to have the opportunity to honor the work of these scientists representing academia and research labs from across the globe.

It is my hope that the passage of this bill and continued support for the Nobel Prizes in the fields of chemistry and physics will inspire a new generation of students to eagerly pursue careers in math and science.

Additionally, I believe we must continue our investment in our research infrastructure if we hope to take advantage of the innovative potential emerging from our basic research laboratories.

I am happy that the Optical Society of America, the American Chemical Society and other organizations have supported this bill. These organizations provide a vital service in supporting peer collaboration and career development important for scientific advances and innovation.

I would like to particularly thank our chairman BOEHLERT, and Ranking Member GORDON for their leadership, and Mr. HOULP, as well as my colleagues Mr. UDALL of Colorado, Mr. EHLLERS, Mr. HOULT and Mr. WU for their cosponsorship.

Mr. Speaker, I urge support of H. Res. 541 and urge my colleagues to join me in supporting and honoring the 2005 Nobel Laureates.

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

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

This resolution and honors Drs. Roy J. Glauber, John L. Hall and Theodor W. Hansch for being awarded the Nobel Prize in physics for 2005, and Drs. Yves Chauvin, Robert H. Grubbs and Richard R. Schrock for being awarded the Nobel Prize in chemistry for 2005.

As I mentioned earlier, John Hall is a personal friend of mine, and I have worked with him. Theodor Hansch was also a colleague of mine for some time several years ago, even though we did not work together, and we were not addressing the same issue.

Additionally, the resolution acknowledges the importance of the National Institute of Standards and Technology research and its contributions to U.S. industry, academia and government.

On October 10, 2005, the Royal Swedish Academy of Sciences awarded the Nobel Prize in physics for 2005 to Drs. Roy J. Glauber, John L. Hall and Theodor W. Hansch for their pioneering discoveries in the field of optics. Their contributions to the quantum theory of optical coherence and development of laser-based precision spectroscopy, including the optical frequency comb technique, has led to improvements in the accuracy of precision instruments such as GPS locators, atomic clocks, and navigation systems.

I would love to spend another 10, 15 minutes explaining exactly what that means, but I risk boring you, Mr. Speaker, and the rest of the audience, but let me say it is a fascinating field of research. It has led to great improvements, and people who ask me
member for this opportunity to speak and thank them for bringing this resolution forward.

I think it is important that this Congress take a stand and make noteworthy the achievements of many men and women of science who in this case have been accorded the highest award of a Nobel Prize in physics and in chemistry. It is manifestly clear that this country needs to put forth an emphasis on scientific achievement.

It is this emphasis on scientific achievement which characterized the Kennedy administration, which gave America vision to shoot for the stars, and it is an emphasis on scientific achievement which will cause more Nobel Prize winners in future to come forward from the United States, not only in physics and chemistry but in economics and literature.

We need to emphasize our quest for knowledge, and in this resolution we are helping to confirm our belief that the quest for knowledge needs to be recognized nationally.

I want to add one more note. Recently the Nobel Prize winner for economics and peace a few years ago, Joseph Stiglitz, made an assessment of standards. NIST was founded in 1901, and its laboratories and collaborations with academia have contributed to the achievement and past Nobel Prize winners by supporting research that strengthens the global economic competitiveness of the United States through the development of technologies, measurement methods and standards. NIST used to be known as the National Bureau of Standards and received its more modern name somewhat recently.

John L. Hall is one of three NIST researchers that have received the Nobel Prize.

On October 10, 2005, the Royal Swedish Academy of Sciences awarded the Nobel Prize in chemistry for 2005 to Drs. Yves Chauvin, Robert H. Grubbs and Richard R. Schrock for their pioneering discoveries in the field of organic chemistry. Their research on metathesis reactions and the development of the metathesis method in organic synthesis has resulted in a major advance for “green chemistry” and the development of pharmaceuticals that can be made through methods that are more efficient and generate less hazardous waste.

This is an outstanding advancement, and we must concentrate greater efforts on green chemistry, in other words, chemistry that provides results in fewer residuals that endanger the environment. The Science Committee, I might add, has developed a new bill on this topic, and I am very eager to see that passed into law.

This resolution recognizes and honors Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hansch, Yves Chauvin, Robert H. Grubbs and Richard R. Schrock, and acknowledges the importance of National Institute of Standards and Technology research and its contributions to United States industry, academia and government.

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

Mr. BAIRD. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the Chair and the ranking
Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today supporting H. Res. 541, legislation honoring the 2005 winners of the Nobel Prizes in Physics and Chemistry.

The Nobel Prize represents the pinnacle of achievement in any academic area. The 2005 Prize in Physics was awarded to three scientists in the field of optics.

Dr. Roy Glauber was awarded half of the Prize for his theoretical description of the behavior of light particles.

Dr. John Hall and Theodor Haensch share the other half of the Physics Prize for their development of laser-based precision spectroscopy. The work has enabled the determination of the color of the light of atoms and molecules with great precision.

The 2005 Nobel Prize in Chemistry was won by American Richard R. Schrock, American Robert H. Grubbs, from California, and Dr. Yves Chauvin, Richard Schrock and Robert Grubbs for their work in the area of metathesis.

Metathesis is important to the chemical industry, mainly in the development of medicines and of certain types of plastic materials. The Nobel Laureates' work has enabled chemical synthesis to be simpler, more efficient, and more environmentally friendly.

Mr. Speaker, I congratulate the recipients of the Nobel Prizes in Physics and Chemistry and urge my colleagues to support H. Res. 541.

Mr. CALVERT. Mr. Speaker, H. Res. 541 commends the great American ingenuity and level of excellence represented by our National Laboratories, particularly the National Institute of Standards and Technology (NIST), whose work is so consistently stellar that it is often taken for granted. American John Hall, who is one of the three scientists sharing the Nobel Prize for Physics, is the third NIST scientist to win a Nobel Prize. He is sharing the Prize for Physics with American Roy J. Glauber and German Theodor W. Haensch. Their studies reversed the earlier belief that the quantization of the behavior of particles did not describe the behavior of particles of light. These scientists, in fact, have changed the modern understanding of the behavior of light. Their discoveries could allow better GPS systems, better space navigation, and even better digital animation.

The 2005 Nobel Prize for Chemistry was won by American Robert H. Grubbs, from Southern California's California Institute of Technology, American Richard R. Schrock, and Frenchman Yves Chauvin. They made great breakthroughs in their work with olefin metathesis. This is a chemical reaction describing the changing of bonds between atoms.

Their work has great commercial potential in areas like pharmaceuticals, the biotechnology industry, and the foodstuff industry. The great work that these scientists produce contributes to our competitiveness and to our great standard of living.

I want to commend all of these outstanding scientists for their contributions to physics and chemistry and to the Royal Swedish Academy of Scientists for their recognition of their achievements, and to NIST and its laboratories who have supported research that strengthens our global competitiveness through the development of groundbreaking technologies.

Mr. EHlers. Mr. Speaker, I am pleased to yield back the balance of my time.

The SPEAKER pro tempore (Mr. WESTMORELAND). The question is on the motion offered by the gentleman from Michigan (Mr. EHlers) that the House suspend the rules and agree to the resolution, H. Res. 541.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM SENIOR LEGISLATIVE ASSISTANT OF HON. SAM FARR, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communications from Troy Phillips, Senior Legislative Assistant of the Honorable Sam Farr, Member of Congress:


Hon. J. Dennis Hastert, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

TROY PHILLIPS,
Senior Legislative Assistant.

COMMUNICATION FROM THE HON. J. GRESHAM BARRETT, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communications from the Honorable J. Gresham Barrett, Member of Congress:


Hon. J. Dennis Hastert, Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the Court of Common Pleas for Anderson County, South Carolina, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

J. GRESHAM BARRETT,
Member of Congress.

PARTY OF THE ONE PERCENT

Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. MCDERMOTT. Mr. Speaker, it is budget week. Over the past 5 years, the number of Americans falling on hard times has soared. A new analysis of major Federal Government programs by USA Today confirms the gut-wrenching truth.

Republicans in the White House and the Congress have wielding their political power like a club on America's low income and America's middle class. The single largest increase came in Medicaid, which added 15 million Americans on the President's watch from 2000-2005. Medicaid is the health care program for the poor. It speaks volumes about how the Republican Party has treated low and middle income Americans during this administration.

At a time when the wealthiest Americans have been left behind by the Republican Party and the Republican budget, this is a party of the 1 percent. The Republican Party deals with what is good for the 1 percent at the top, not what is good for everybody else. This is not conjecture, it is a grim statistic. Despite this administration's watch, the poverty rate has grown dramatically, as has the budget deficit. Over the last 5 years, the very rich got very much richer. At the same time, the Republicans were giving millionaires new $100,000 tax breaks, the poverty rate in the United States was climbing to 12.7 percent.

This is a time to think about what the budget says about your priorities. Remember, they are the party of the 1 percent.

Republicans love the top one percent. They cater to them. They coddle them. They kowtow to them. Republicans are the One Percent Party.

The other 99 percent of America does not matter to the Party of One Percent. You need proof? Look at health care. Over the last five years, another 15 million Americans have been forced onto Medicaid.

And the Republican health care proposal is the One Percent illusion. Republicans want everyone to have a Health Savings Account, so you can save all the money that Middle America does not have, to pay for all those health care expenses Middle America cannot possibly afford.

That is the Republican Solution to America's health care crisis.

Last year, they wanted to privatize Social Security to destroy the safety net under our most distinguished citizens.

This year, the President and Republican Party want to anesthetize the Middle Class, so they don't know Republicans want to amputate their financial security with a plan meant to benefit only the rich.

The One Percent Party created Health Savings Accounts because these are new tickets to an all expense-paid tax holiday for the wealthy. They get to save tens of thousands of dollars tax free. The Middle Class gets to watch.

It's like standing outside the window looking in, except we are standing in the middle of a country that is losing its Middle Class.

The nation's number one reason for personal bankruptcy is unpaid medical expenses, but the Republican Party of One Percent can't be bothered with providing every American access to affordable health care.

Republicans have middle class Americans on their knees, and they are praying for change this November.
The Republican Party of One Percent can't respond to the other 99 percent of America.

When hurricanes destroy lives and property in the Gulf Coast, Republicans send condolences instead of competent leaders.

While more vulnerable American children and families fall into poverty, Republicans call for more military spending in the wealthiest parts of the country.

When distinguished Americans need help paying for prescription drugs, Republicans have drug companies write the legislation, and forbid the federal government from negotiating cheaper prices for distinguished Americans, every man and woman, like my Mom.

The Republican Party of one percent has done more to undermine America's financial security than any administration in history. The Republican Party of one percent uses the word security every chance it gets.

But our Ports are not secure, our environment is not secure, our financial future is not secure, our most vulnerable children are not secure, and America's Middle Class is anything but secure.

The Republican One Percent Party has spent the last five years concerned with only one thing—the top one percent of America.

Poverty is up.

Middle Class wages are down in real dollars.

Health care costs are up.

The number of Americans with health care coverage is down.

Every day, America's Middle Class hurts a little more, and every day the top one percent earn a lot more.

That's Republican math. Divide a nation into the very wealthy and nobody else.

That's the Republican Party of One Percent.

Not all of my Republican colleagues think this way, but they have to vote the way they're told by the White House.

Independence is another one percent illusion.

And that is precisely why the Republican One Percent Party has to receive a one-way ticket out of power this November. They're out of touch with 99 percent of America.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

H.R. 4808, THE UNFAIR CHINESE AUTOMOTIVE TARIFF EQUALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to submit in its entirety for the RECORD a letter from the United States Business and Industry Council at the conclusion of my remarks, but I will be reading from parts of this letter.

Mr. KILDEE and myself have introduced H.R. 4808, the Unfair Chinese Automotive Tariff Equalization Act. I am going to read several paragraphs from this letter that I will submit. It is a letter to me from Mr. Kevin Kearns, President of the United States Business and Industry Council.

"Dear Representative JONES: On behalf of the 1,500 U.S. companies comprising the U.S. Business and Industry Council, I am writing to express our strong support for H.R. 4808, the Unfair Chinese Automotive Tariff Equalization Act.

"Equalizing U.S. and Chinese tariffs on passenger cars, as the bill would require, is an important and greatly overdue step toward creating equitable competition in both U.S.-China trade and global automobile trade. Such competition in turn is essential to restoring the health of the U.S.-owned automotive sector, which makes us such a large share of our economy and which has undergirded the American middle class for so many decades."

I am going to skip on with paragraphs, Mr. Speaker. Again, I have asked that this entire letter be submitted for the RECORD.

"In fact, according to the latest data available, imports have grabbed two-thirds of the domestic U.S. auto market in 2004, up from 50 percent just 7 years earlier. Small wonder that Ford and GM are downsizing as fast as they can.

"Much of the blame clearly falls on incompetent trade policies, many of course supported by Detroit itself in a triumph of shortsightedness. Presidents and Trade negotiators of both parties have signed numerous free trade agreements over the years. But despite the promises made to sell them to an increasingly skeptical public, they have manifestly failed to open foreign markets for U.S. producers, or even to limit predatory foreign commercial practices such as subsidizing, dumping, and exchange rate manipulation.

"In fact, the trade flows clearly shows that the main new accomplishments of these trade agreements have been to help U.S. and foreign-brand automakers alike supply the American market from low-wage export platforms like Mexico.

"As symbolized by the ludicrously unequal auto tariffs left in place by U.S. negotiators of China trade deals, U.S. policy on automotive trade with China is speeding down the same road and will likely produce the same results. The United States still runs a small trade surplus with China, but since 2000, Chinese auto exports to the United States have outpaced the United States vehicle exports to China by a four-to-one ratio.

"The Unfair Chinese Automotive Tariff Equalization Act can begin reversing this parity and help put the U.S.-owned auto industry and the domestic manufacturing base as a whole back on the path of high-wage growth not low-wage stagnation. And the time to pass it is now, before the Chinese export drive takes off.

"Mr. Speaker, the close on this letter is, 'We strongly urge prompt House and Senate passage, and we will do everything we can to help make it the law of the land.'"

Mr. Speaker, I also want to mention that the Chair of the caucus known as the House Automotive Caucus has urged Members of this House to support the bill that is signed by Mr. KILDEE and Mr. UPTON, and we are asking just fairness in this trade issue. That is all we are asking, is that the Congress send a message to the trade negotiators that we in this Congress want our manufacturers architects to be treated fairly. That is all we are asking in 4808 is to send a message.

If we could get this bill to the floor of the House and pass this legislation, we would say to our trade negotiators that if we need you, the trade negotiators, to make sure that we have fair trade as it relates to the American worker and the American manufacturers.

With that, Mr. Speaker, I want to thank you for the time you've given me today.

The SPEAKER pro tempore. Under a previous order of the House, the Speaker will be recognized for 5 minutes each.

April 5, 2006

CONGRESSIONAL RECORD—HOUSE

H1537
As symbolized by the ludicrously unequal auto tariffs left in place by U.S. negotiators of China trade deals, U.S. policy on automotive trade with China is speeding down the same road, and will likely produce the same result. The United States still runs a small trade surplus in autos with China. But since 2000, Chinese auto exports to the U.S. have outpaced U.S. vehicle exports to China by a frightening margin. Yet it is vital to realize that the development of China as an automotive export platform has only just begun. Vehicle makers from all over the world (Japan, Europe, the United States, and China itself) are building far more auto production capacity in the People’s Republic than the Chinese market can possibly absorb. And since China desperately needs to create jobs to keep politically explosive unemployment in check, Beijing has no interest in preventing or even slowing this production glut. Indeed, to reduce joblessness, it has every interest in encouraging overproduction and exporting the surplus. The United States, the world’s largest single national automotive market, and the most open major market by far, is the most promising destination.

Chinese auto makers, who frequently steal U.S. know-how outright or force their U.S. partners to do it, have already announced plans to sell hundreds of thousands of vehicles in the United States by 2012. And foreign auto makers in China (including U.S. multinationals) will jump on the export bandwagon as well.

The bottom line is that, without dramatic changes in U.S. trade policy, China’s inevitable emergence as an auto export power will either further undermine U.S.-owned, U.S.-based production or it will permit such production to survive only on a greatly reduced scale, and with a dramatically lower pay structure.

The Unfair Chinese Automotive Tariff Equalization Act can begin reversing this process, and help put the U.S.-owned auto industry and the domestic manufacturing base as a whole back on the path of high-wage growth not low-wage stagnation. And the time to pass it is now, before the Chinese export drive takes off.

We strongly urge prompt House and Senate passage, and we will do everything we can to help make it the law of the land.

Sincerely,
KEVIN L. KEAENS, President.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–406) on the resolution (H. Res. 376) establishing the congressional budget for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVINCING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 376, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–406) on the resolution (H. Res. 766) providing for consideration of the concurrent resolution (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, which was referred to the House Calendar and ordered to be printed.

A DYNASTY IS BORN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, for years, the University of Maryland Terrapin sports fans have advised our opponents that they should “fear the turtle.” Well, tonight, in my opinion, we can alter that formula on somewhat. They should “revere the turtle.”

Tonight, Mr. Speaker, I want to extend my congratulations to Coach Brenda Frese and her coaching staff and the University of Maryland Women’s Basketball Team on winning the national championship last night with an exciting, nail-biting 78–75 victory in overtime over a talented, courageous Duke University team.

Mr. Speaker, there is a deep, long-standing rivalry between University of Maryland, my alma mater, and Duke University. But I think anyone watching that game last night, regardless of who they were cheering for, had to be unbelievably impressed by the athleticism, the teamwork, the sportsmanship, the determination shown by the women of both teams, the University of Maryland and Duke, two great universities.

Quite simply, this was college athletics at its finest, and I might say, at least in the second half for me, the most entertaining. Who could not be impressed by this awesome display of basketball fundamentals, from shooting, to passing, to rebounding, to sound team defense.

In their come-from-behind win, the Terrapins erased a 13-point second-half deficit and one that had just 4 seconds left to play, and she hit that shot over an extraordinary center who plays for Duke who is 6 foot 7 fully extended, and she got that shot over her outstretched hand. Kristi is not lacking in confidence, you can tell.

Terp Marissa Coleman said, “We’ve played like this all year. Nothing gets us out. We never thought we were going to lose this game. That positive psychology led to victory.”

The Terps win caps a tremendous 34–4 season and makes Maryland only the fourth university in America, and the gentleman from Connecticut is here, and Connecticut is one of those universities who has had both of its men’s teams win the national championship and its women’s team win the national championship. They are two extraordinary programs, and women in Connecticut. Stanford is one of those four, and then there are two ACC schools that fit that category, the University of North Carolina and the University of Maryland. Our men’s team won the national championship just a few years ago in 2002.

The Lady Terps’ championship quest was not panned with ease, however. Before reaching the final matchup with Duke University, the team defeated Sacred Heart 91–80; St. John’s, an outstanding program, 81–74; and defending national champion Baylor 82–63; Utah in overtime 75–65; then perennial powers North Carolina, 81–70. And lastly, for the national championship, the extraordinarily good Duke team.

Mr. Speaker, this was a consummate team win for the most unselfish of teams. In this championship game, for example, three Terps scored 16 points each. One scored 12 points, and another scored 10 points. In other words, all five starters were in double figures.

And, what makes this championship win even more impressive is that the Terps have no seniors on their team. They started two freshmen, two sophomores, and one junior going to be around for a little bit of time. The Lady Terps are extraordinary young women, proud today, as they will be tomorrow when I think we are visiting the White House. They are: Charmaine Carr; Marissa Coleman; Shay Doron; Laura Harper, who was voted the most outstanding player of the tournament among a lot of outstanding players; Crystal Langhorne, an All American; Kristi Marrone; Kentra Crawford; Ashleigh Pearson; Aurelie Noriez; Jade Perry; Angel Ross; Kristi Toliver and Sa’de Wiley-Gatewood.

The coaching staff, in addition to Head Coach Frese, includes Jeff Walz, Erica Floyd, Joanna Bernabei, and Director of Basketball Operations Mark Pearson.

Let me say that Head Coach Frese deserves extraordinary credit for turning the Maryland women’s program around and getting us to this point. And what a great gain has been at Maryland. We got her from Minnesota. I know Minnesota is sorry to have lost her, but what a great gain for us. Brenda arrived in College Park in 2003 from the University of Minnesota after leading the Gophers to a 2–10 record in 2002 and being named the Associated Press National Coach of the Year.

In 2003, the Terps went 10–18 in a rebuilding year, and in both 2004 and 2005, just the next season, Brenda Frese saw her teams advance to the second round of the NCAA tournament with records of 18–13 and 22–10 respectively in those years.
Let me note the extraordinary leadership and vision of the University of Maryland’s athletic director, Debbie Yow, who recruited Brenda Frese to take the head coaching job.

My colleagues will be interested to know that some years ago one of the curmudgeons of the real characters, and I think one of the most popular Members of this body came up to me, the gentleman from North Carolina (Mr. COBLE) and he said to me, You are a friend of the President of the University of Maryland.

I said, Yes, I am.

He said, Well, you have considered a woman for Athletic Director. Her name is Debbie Yow. She is from North Carolina.

Now this curmudgeon does not always impress me as being a feminist, and I thought to myself if Howard Coble thinks this woman can be the Athletic Director, and I had never met her, but I knew she was an impressive lady.

The next day I picked up the phone and called the President of the College Park campus and said I don’t know Debbie Yow, but I will tell you this, in North Carolina she has a Congressman who thinks she is absolutely one of the best talents around, I think we ought to hire here. Within a week we hired Debbie Yow to be our Athletic Director. Shortly thereafter she brought Ralph Friedgen to lead our football team, and he had those 10-win seasons back to back and I thought we had not done too well the last 2 years.

But in closing, let me say that we are extraordinarily proud of the Lady Terps. As the father of three women in particular, I am proud of the extraordinary talent displayed and the courage displayed and the athleticism displayed by not just the Maryland team but by all of the young women who played the NCAA tournament.

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of remarks.)

HONORING NANCY TEMPLE

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to proceed at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado (Mrs. MUSGRAVE) to be recognized for 5 minutes?

Mrs. MUSGRAVE. Mr. Speaker, today I want to honor the memory of Nancy Temple. She was born September 20, 1959 to Milton and Pearl Tormohlen in Fort Morgan, Colorado. She was the only girl in a family of three and she was a delight to her family, especially her father.

Nancy was a tenacious spirit who had great love for the Lord. She was a dedicated member of her church and displayed a strong faith in the Lord and a strong commitment to her family. Nancy’s commitment to family was manifested in everything she did. She was especially fond of children and treated all of them as if they were her own, and they all adored her.

Nancy attended high school in her church and helped out in 4-H clubs and organized the After Prom and the After Graduation parties. She was a key leader in the booster club for both sports and academics at Fort Morgan High School. She worked at Pioneer Elementary School for almost 15 years, and was a leader in the teen parenting program. She received a scholarship to attend college for her involvement in the teen parenting program.

Her passion and her talent was often manifested in music. Nancy loved musicals, dancing and singing and she played the flute.

Nancy’s activity in the community began during her time in Fort Morgan High School, where she participated in the Morgan High Singers and the pom-pom squad. She also played volleyball, softball and later she continued to play in the city leagues.

She graduated from high school in 1977 with her classmate Keith Temple who would later become her loving husband. Keith Temple met Nancy Tormohlem while she was waiting tables at the Mouse’s House in Brush, Colorado, and their first date was dinner at her brother’s home. Keith and Nancy married on April 7, 1979. They would have been married for 27 years this year.

She loved all children and she was blessed to have two of her own. Tiffany was born on June 10, 1983, and Becki was born November 5, 1985. She gained a son-in-law when Tiffany married Matt Wulf, and on January 6, 2003, their grandson, Eric Alan Wulf was born. She was very close to her daughters and son-in-law and had a very special relationship with her little grandson. She brought a light into his life that will shine well beyond her time with him.

Nancy passed away unexpectedly on January 21, 2006. After she passed, members of the community recognized her commitment and honored her for it. Previously, in 2003, Nancy was one of the first recipients of the community’s Crystal Apple Award. One of her students commented that she was “my second mom.” Another young man serving in the Navy said “Nancy was the only one who kept in contact with me while I was out to sea.”

Mr. Speaker, I applaud Nancy Temple’s dedication to her community and urge my colleagues to join me in recognizing the legacy she left behind. She touched the lives of many with her caring spirit. The world was a better place for having known her. We will miss her dearly. We will always remember her zest for life, her loving heart and her inner and outer beauty. May God bless and comfort those who mourn her passing.

COMMUNICATION FROM EXECUTIVE ASSISTANT OF HON. THADDEUS MCCOTTER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Lisa Subrize, Executive Assistant to the Honorable Thaddeus McCotter, Member of Congress:

The Hon. J. DENNIS HASTERT, Speaker, U.S. House of Representatives, Washington, DC.

DEAR Mr. Speaker: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

LISA SUBRIZE, Executive Assistant.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE DELPHI MYTH

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, a number of Members of Congress from the Democratic side have come together in a process known as an e-hearing where we have solicited from people across the country their concerns in particular about the auto industry, trade law, labor law and Delphi Corporation filing for bankruptcy.

This evening, a number of us will come before this House to make a presentation on behalf of people who participated in the e-hearing and to make clear the direction this country must go in with respect to our trade law, labor law and with respect to the Delphi case.

I want to begin by thanking the gentleman from California (Mr. G. K. MITCHELL) who served on our committee for his work in helping to organize this hearing, and hopefully he will be here himself to participate.
but you will be hearing shortly from the gentleman from Ohio (Mr. RYAN) and the gentleman from New Jersey (Mr. HOLT) as well as other Members with respect to the results of our e-hearing.

Much of the talk surrounding the current crisis facing U.S. automakers revolves around the toll that wages, health insurance and pensions place on companies. A loss of these benefits would be a devastating blow for workers and their families. Consider what my constituent, Betty Payer of Parma, Ohio, said during our committee’s recent e-hearing.

She said, “The way the auto industry is going affects us in so many different ways. If my husband was to lose his job, we would not be able to raise our children properly. I don’t even know how we would be able to give them the proper education. We can barely afford to buy them clothes and get them the things they need the way it is. Without insurance, we would not be able to take him to the doctor when he needs the care. My oldest son is getting ready to turn 3 and he needs speech therapy and physical therapy the way it is. Without insurance, we would not be able to take him to the doctor when he needs the care. He has to go once a week until they see an improvement in him.”

That is from Betty Payer of Parma, Ohio.

But the discussion about the auto industry is not served when certain individuals mischaracterize the actual labor costs. There is a myth put forward by the CEO of Delphi about the overpaid American worker. He is claiming that $65 per hour is a typical wage Delphi pays for blue color labor. The problem is Delphi doesn’t pay $65 an hour. Rather, this figure is a creation of Delphi’s media consultants and it lumps together all of Delphi’s labor costs and payments to unemployed and retired workers, but falsely allocates them only to Delphi’s much smaller workforce. That inflates the average labor cost.

Actual average wage for current Delphi workers is about $23 per hour. So whatever Delphi’s financial problems, one thing that is not a cause is workers earning $65 per hour. And it is misleading of Delphi’s CEO to say otherwise.

But bad faith characterizes the Delphi CEO and is bad faith that he filed motions in bankruptcy court to break his labor contracts. Negotiations with the union had not reached an impasse.

Rather, the opposite was true. GM and Delphi had just reached an agreement with the union on a Special Attrition Program. And then Delphi’s CEO was allowed to file its petition in bankruptcy court to break his labor contracts and impose a wage scale that is more in line with that of China, then he has been greatly helped by the official policy of the United States, both in terms of trade law and labor law.

We have a trade policy that actually permits foreign based companies to export an infinite number of goods and services to the United States, with no expectation that goods and services made in the United States will find buyers. China and other nations locate in low wage countries, such as China, and export without limit to the U.S. Predictably, the U.S. is, in turn, suffering from a record-sized widening trade deficit with China and the world.

Our current trade policy is a disaster. Our export to the U.S. is $750 billion. Workers are threatened by plant closures, and plant owners can plausibly threaten they are going to move to Mexico where they can find lower wages, lower legal standards, and lower by the fact that what they used to manufacture in the U.S. What is needed is balance. There should be some kind of a balance between our imports and our exports. What we import from China, for example, should be roughly in line with what we export to China. Our trade policies should be guided by what you could call a principle of reciprocity.

We also have a labor policy that enables foreign-owned companies to threaten and intimidate American workers when they try to organize themselves into unions. The leading foreign automakers have plants in the U.S., but they are all non union, because of the absence of U.S. law. That gives them an unfair advantage over the unionized American auto companies. Why do we tolerate giving Honda and Toyota such an advantage in our own country? If workers were allowed to unionize, as they do in Canada, when a majority signed cards attesting to the fact that this is their wish, foreign auto companies would be less able to squash an organizing effort. Then GM and Toyota would be on a level playing field as far as labor costs were concerned.

Here in Congress, we cannot compel automakers to design cars people want to buy. We hope that they can find the people to design such vehicles. Clearly, the American industry has made some serious errors. Auto workers didn’t make the errors because they are told what cars to make.

But we can make sure that the playing field is level so there is fair competition in the auto industry.

Our trade policy, Mr. Speaker, and I am speaking of NAFTA, CAFTA, WTO, for starters, has had a consistent effect. Know what that effect has been? To deindustrialize the United States. We are losing our industry, not because of the laws of nature or the invisible hand, but due to trade policy established here in Congress.

Our labor law is also responsible. American-owned companies are losing market share to foreign-owned transplants because of the viciously anti-worker environment this Congress has unfortunately established.

Mr. Speaker, I look forward to hearing my other colleagues about what we can do to protect American industry and American auto workers.

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

Mr. McHENRY. Mr. Speaker, I would like to have Mr. McHENRY’s time, please.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the Gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today in special tribute to Sergeant Keith Matt Maupin, an Army reservist from Batavia, Ohio in my congressional district, who has been missing, captured in Iraq since April 9, 2004, 2 years ago this Sunday.

Matt Maupin’s convoy came under attack by Iraqi insurgents, and he has been missing ever since. Matt went to Iraq because he believed in the freedom of the Iraqi people, and to make America safer place. We are proud of him and his enormous commitment to the ideals of freedom and democracy.

I also represent Matt’s parents, Keith and Carolyn Maupin. Keith is a veteran, and Matt’s brother, Micah is a Marine. They are a tremendous family, and are an extraordinary example to all of us.

To support all families of the many brave servicemen in harm’s way, Keith and Carolyn Maupin lead a nonprofit organization called the Yellow Ribbon Support Network. Offering moral support, helping to raise morale and coordinating communication among families, the Network has literally sent thousands of packages to the military personnel overseas. As I am speaking here tonight, they are working back in Eastgate, Ohio, assembling packages for those brave men and women.

On this second anniversary, we honor Matt Maupin, Keith and Carolyn Maupin, Micah Maupin and the entire Maupin family, and offer our prayers for Matt’s safe return home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)
QUOTES FROM OHIO AUTO WORKERS

Mr. RYAN of Ohio, Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, as Mr. KUCINICH said earlier, we are continuing our Delphi E-hearing here, which we are going to share with the House of Representatives and the American people, stories that have come from families who are being affected by the shake-up in the auto industry in the United States of America.

I come from a district in Northeast Ohio, Youngstown, Akron, Warren, home of the original Packard Electric Company. I would like to share a few stories and make a few comments, Mr. Speaker, because today not only do we have a concentration of Delphi employees in my district, today at the local General Motors plant that has been in Lordstown, Ohio since the late 1960s, there was an announcement that 1,200 third shift employees would no longer be working at that facility, and it is tragic news for many, many families.

And so we want to bring attention to the United States Congress and to the American people about the communities that are being affected and how the policies here under the big dome aren't exactly addressing the needs.

Let me share with you, Mr. Speaker, a couple of stories from back home. This is a letter. First of all, thank you for letting me voice my opinion. I hope you have the chance to stop this injustice, this rape of the American worker in its tracks. I pray that God give you the courage and wisdom to do the right thing, to raise my daughter with no support from her father. My daughter is now 21 and in college. I do not live any support from her father.

Wooler.

I am writing to you, Mr. Speaker, because today at the local General Motors plant that has been in Lordstown, Ohio since the late 1960s, there was an announcement that 1,200 third shift employees would no longer be working at that facility, and it is tragic news for many, many families. And so we want to bring attention to the United States Congress and to the American people about the communities that are being affected and how the policies here under the big dome aren't exactly addressing the needs.

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hiring process I was given a package of benefits that I was entitled to. This included a pension package that the company said they would control and have for me upon my retirement. As I worked for the company, and union contracts were renegotiated, the pension package was not included. Now it seems, Delphi wants to take back the pensions and the contracts that were signed in good faith, while I and thousands like me, worked to make huge profits for the company. I felt my pension and benefits were secure all those years that I worked here.

Mr. Lauder of Somerset New Jersey wrote, “I have lived in the same area all my life except for the 4 years I served my country in the U.S. Navy on a military leave of absence from GM. I have worked at this facility for 32 years, starting at age 18. The hazards of these plants are well known. The industrial atmosphere that we work in holds many perils, such as dangerous machinery, extreme temperatures, hazardous chemicals, asbestos, etc. cetera. We were not always aware of some of the hazards and the effect on our health, but over the years, the unions and more responsible government representatives fought for information and protected us.

These are the types of jobs the American blue collar workforce took to feed, clothe and educate our family in the hopes of creating a better world for them. The deal was that we would do our part and corporations would take billions made off of our sweat and labor, and when our time was up we could look forward to a modest pension and medical benefits.”

“A living wage was also part of the deal so we could better the lives of our children so they could grow into healthy, educated, and productive individuals who become good citizens and not burdens on our society.

“That used to be the American Way,” the basis for the betterment of our great country and the world. Now it seems the Robber Barons are back.

“You can hear the pride and the patriotism that comes through in this testimony from these workers.

Writes another worker: “I’ve been on this job for 16 years and have been a loyal and dedicated employee from day one. The years there have been changes, but this kind of change is a harsh one to swallow. Delphi would like to take away our negotiated benefits and leave my family and me with nothing. I have a son who would like to start college next year. My wife and I have explained to him that this just may not happen right now because of the bankruptcy proceedings that are under way. Please imagine if this was the situation you were in, how would you feel and what would you do?”

Another worker, Dagopian from Somerset, New Jersey, writes: “This whole bankruptcy was planned. If you let this happen,” the Delphi deal, “every other U.S. company will do the same thing . . . .”

You can hear the pride and patriotism. It comes through so clearly. Now, I ask who those engineers plan to strip these workers of their pensions and other benefits ever understand what these men and women are going through?

A NEW BEGINNING FOR THE IRAQI PEOPLE

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I want to salute tonight the brave men and women who are fighting in Iraq to bring democracy to the Middle East and hopefully help turn around nations, particularly Arab nations, that the U.N. has added up the gross domestic product of all 22 Arab nations, their gross domestic product is smaller than Italy’s. This is a U.N. report that pointed out that in the last 10 years these Arab nations collectively have had declining productivity and that they have not brought forward any inventions or innovations to contribute to world prosperity.

We are in Iraq to help the Iraqi people have a new beginning and hopefully change the face of the Middle East.

I have been to Iraq 11 times, and I have had good visits and I have had bad visits. I have had visits where I have had tremendous hope and then the recognition that we have made some mistakes. In April, 2003, there was tremendous hope. But then we proceeded, unfortunately, to disband their army, their police, and their border patrol, and that resulted in the requirement of American troops and British troops and very few coalition forces to defend 24 million people in a country the size of California.

So what I saw when I went back after April, 2003, when I went in August and then in December and then early in the spring of the next year, things were getting worse. But I began to see it turn around in June of 2004 as we transferred power to the Iraqis. A significant decision. It took it away from Defense and gave it to State Department, and State Department had a better sense of how this government, not how to fight the war.

The war is still being fought by our own troops. But as well, we started to train their police, their border patrol, and their army, and they have become very confident.

And what I then saw in 2005 were three elections in Iraq. I was there for the first one. I remember asking if I could stick my finger in that ink jar, and this Kuwaiti woman looked up at me and she said, No. She said, You are not an Iraqi.

That gave me a chill because she did not say I was not a Kurd. She was a Kurd. She said I was not an Iraqi.

And then what I saw was another election. I was there a week before, after now creating a government that was elected, creating a constitution and ratifying this constitution. This constitution was ratified by 79 percent favoring it, and then they proceeded to elect a government at the end of last year.

I can tell you why I know it was a success. The press did not talk about it. Seventy-six percent voted of 100 percent. In other words, of all adults, not the two-thirds that bothered to register, not 76 percent of two-thirds; 76 percent of all adults.

And now we have seen a very dicey moment. The Sunni insurgents are playing their trump card. Not their last straw, not their final gasp. They are playing their trump card, and they may succeed if the Shiias give in to violence. And we are trying to make them understand that they are the majority and they can run this country. Do not allow the Sunni insurgents to get them to do what would be the stupid thing to do, to give in to violence, and then fail.

We are going to leave Iraq when the Iraqis ask us to leave or if they give up. If they give up to the sectarian violence, we will move our troops away from harm’s way and we will take them out. But they are so close and they have done so much. I have met such brave Iraqi men and women.

Quickly, one Iraqi man, Al-Alusi, after the election he lost his two sons. His security had been taken away because he had gone to Israel, and he came to visit me later in 2005, and I said, You cannot go back. You are a marked man. You are a dead man walking.

He looked at me with some surprise and said, I have to go back. My country needs me.

Which is to introduce one point I would love to make: When I ask Iraqis what their biggest fear is, it is not the bombing. Their biggest fear is that you will leave us, that you will give us a taste of democracy and then you will leave us.

Let me just conclude by saying this: That very man who went back to Iraq is now an elected member of the assembly. He is a very brave man, and he is typical of the Iraqis who are grasping very hard to have a democracy and to have a better future.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KILDEE) is recognized for 5 minutes.

Mr. KILDEE. I addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. I addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. LEVIN) is recognized for 5 minutes.

(Mr. LEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

(Ms. KILPATRICK of Michigan addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

(Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

(Mr. McDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the Speaker addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, it is budget week here in the U.S. House of Representatives, and sometimes we hear people say, Oh, no, I just dread it when we get around to talking about this budget. And then we will hear others say, I love to just really tackle this budget issue. I love looking at where we spend our money. And I kind of appreciate that attitude because we are the stewards of the taxpayers' money and it is our responsibility to be a good steward and to be diligent in the work we are going to do as we work on this budget and decide what should the priorities of our government be? What should we do with the billions and billions of dollars that we are going to spend this year? When should we be looking for ways to achieve a savings?

And over the past several months, actually over the past 3 years, we have some time to the floor regularly to talk about waste, fraud, and abuse and find ways and point out ways and to continue to seek ways that we can achieve savings for the American people.

And from time to time over the past few years, we have talked about lots of different reports. Many different reports from different government agencies, from the General Accounting Office, from some of our friends who are in the media that have pointed out programs that maybe have outlived their usefulness or are not achieving their goals. And from our friends here in Congress, from our Energy and Commerce Committee, certainly the Government Reform Committee, that continue to hold hearings. Oversight and investigations from our Energy and Commerce Committee are certainly looking at ways to achieve savings. And from time to time, we have House committees, certainly the Government Reform Committee, that continue to hold hearings. Oversight and investigations from our Energy and Commerce Committee are certainly looking at ways to achieve savings and find ways to review how our agencies are spending their money.

We have clear data showing places where the Federal Government is bleeding funds. And the President's budget this year has included more than 100 programs that could and should be targeted, Mr. Speaker. So the target for spending reductions is clearly enormous. We have got 100 programs, 100, that we can look at through our many committees and so many different spots in the Federal Government. Now, certainly, out of 100 programs, we are going to be able to find a way to achieve a savings.

One of the interesting things is no matter what part of this country that you are in and no matter whose district that you are in, whether it is a Democrat or a Republican, there is consensus among the American people that we have a problem. Government does not have a revenue problem; government has a spending problem. Government does not have a revenue problem; government has a priority problem. It is time that we begin to fine tune our focus and decide what the priority of government ought to be.

The taxpayers are far too much of their paycheck in taxes. They are tired of every time somebody comes up with a good idea, they say well let us just go raise the taxes. And, Mr. Speaker, I tell you what, if it were not for the leadership ship in this House, we would keep those taxes going up. If our friends across the aisle had their way, they would be raising taxes, not cutting programs. That is not where we want to go. We know it is tough to eliminate waste.

I often quote Ronald Reagan, who is pretty close to my favorite President ever, I will have to say that, but one of my favorite remarks he ever made was that when you look at Federal programs, there is the illusion to eternal life on Earth as a Federal Government program. When you get the thing, it is just the dickens to get rid of it. It is so tough to get rid of it. Mr. Speaker, I have said this.

Sometimes in my townhall meetings in Tennessee, I will have constituents say, Why is it so tough to get rid of these programs? We see the waste. We know the waste is out there. Everybody knows these programs are wasting money. Why is it so difficult to call them into accountability? Why is it so difficult to get rid of these programs?

And to that, Mr. Speaker, I will have to say if you listen to our colleagues from across the aisle this morning when they gave their 1 minute speeches, then you can see why it is so very difficult for us to downsize this government. Those colleagues across the aisle, Democratic Members, Member after Member, came to the floor this morning. as they do on many days, and they decry our efforts to make reductions in Federal spending.

Mr. Speaker, we spend trillions of dollars to support all sorts of social spending programs; yet any reduction or even holding the line on spending, not increasing anything, just holding the line, all of a sudden it is called a "draconian cut." It is amazing how it works.

Most Americans do not get a massive salary increase every year. But we have colleagues that think if they are not giving every agency an increase every year, then they are getting a cut. It is the most incredible, most incredible, program that you have ever seen. If you do not get an increase, then you are getting a cut.

The taxpayers pay far too much of their taxes going up. If our friends across the aisle will get clean audits and know where they are getting a cut, Mr. Speaker, we spend trillions of dollars to support all sorts of social spending programs; yet any reduction or even holding the line on spending, not increasing anything, just holding the line, all of a sudden it is called a "draconian cut." It is amazing how it works.

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took care of every problem by spending more money.

Mr. Speaker, you and I know that that vision is a failure. We know it is an absolute failure. You don’t solve problems, you don’t solve problems, by throwing more money at them. Many times all you do is mask the problem. In the long run, you make it worse, because you are not addressing the causes of the problem.

The moveon.org of the world, the Democratic leadership, they don’t want to admit this. They want to protect and expand their monumental government, this huge bureaucracy in this town, huge bureaucracy. So many of my constituents get frustrated with it. They want us to break it apart; to send the money, send the power back to our States and back to our local governments. They want to keep their paychecks in their pocket. They don’t want the Federal Government to have first right of refusal on it.

They are a little bit confused many times, and understandably so, I think all of us are, of why the Democratic leadership wants to keep, why the liberal leadership wants to keep, a big, big, big bureaucracy in this town. But it is their party’s creation. It is their legacy.

I am joined by some colleagues tonight who are going to share some of their thoughts on the great ideas that we can bring to the table to look at how we are spending the Federal Government’s money. This party and this leadership is the one that is keeping the attention on spending less and reducing the size of the Federal Government.

Mr. HENSARLING is joining us tonight. He is a member of the Budget Committee, and he has had the Family Budget Protection Act. Mr. HENSARLING is going to open our conversation this evening and talk a little bit about the work that they have done in the Budget Committee, the process reforms that we are beginning to look at and move forward, and add to the discussion that we are going to have this week as we continue to work on our plan to yield savings for the American people and to reduce the size of the Federal Government.

With that, I yield to the gentleman from Texas.

Mr. HENSARLING. Well, I thank the gentleman for yielding, and I especially appreciate her leadership in this body on issues of spending, on issues of budget and trying to protect the family budget from the Federal budget. Certainly she is one of the most powerful and articulate Members that we have, helping lead this charge.

Mr. Speaker, it is that time of year again for the United States House of Representatives to consider its budget. To some people, this is about kind of green eyeshade accounting. It is about numbers. Frankly, it is a lot more than that. It is about numbers. But, more important, Mr. Speaker, it is about values.

There are going to be a number of budgets that are going to be introduced by different caucuses, different groups. I myself have written a budget. But at the end of the day, I think, as usual, if history is our guide, this is going to come down to this debate. The one that was passed by the House Budget Committee, and the Democrat alternative, and this body, and really the American people, are going to be faced with two very different choices that represent fundamentally two very different sets.

One budget, our budget, the Budget Committee, the House Republican budget, is going to value the family budget over the Federal budget, because every time somebody grows a Federal program, Mr. Speaker, it takes away from some family program.

Ours will be a budget that values more freedom. Theirs will be a budget that values more government. And we know, as one of our Founding Fathers, Thomas Jefferson, once said, that as government grows, liberty yields.

We want a budget about opportunity that empowers people to go out and use their God-given talents in this wonderful land that we call America, to be able to put food on their table, to put a roof over their head.

Now, many people will say this is the debate about how much we are going to spend on healthcare and how much are we going to spend on nutrition programs and how much are we going to spend on education programs. To some extent, it is a debate about those subjects.

But the Democrats only value government spending, only government spending. We, Mr. Speaker, value family spending. We want families to do the spending, not government, and we know the difference. So, there will be two very different sets of values that are present presented in this budget debate.

You are going to hear a lot of things in this budget debate. You are going to hear about which budget is the more compassionate of the two. Well, Mr. Speaker, they are going to present essentially a status quo budget, only worse.

Right now, we are facing a fork in the road. If we don’t change things, we know that the great entitlement programs of Medicare and Medicaid and Social Security are going to grow beyond our ability to pay for them.

The Democrats will present their vision, and they will claim they want to balance the budget, but yet all they want to do is increase spending.

Mr. Speaker, if that is true, if they want to balance the budget, if they want to increase spending, if they refuse to reform any programs, and, Mr. Speaker, we know, we know, we can get better health care, we can get better retirement security at a lower cost, we can cut taxes at a different night. If they want to increase government spending, if they refuse any reforms, if they want to balance the budget, well, Mr. Speaker, the General Accounting Office, the Office of Management and Budget, the Congressional Budget Office, the liberal Brookings Institution, the conservative Heritage Foundation, anybody in America who has looked at this says that would tell you that we are on this road to double taxes on the American people if we follow their budget. Double taxes in one generation.

Now, you will also hear a lot about budget cuts. Well, recently I went to Webster’s dictionary and looked up the word “cut.” It actually means to reduce. That is what it means everywhere in America except Washington, D.C. In Washington, D.C., when we listen to the Democrats, it seems to mean something else. In Washington, D.C., what it means is some program is not good enough as far as government bureaucrat liberal wants it to grow.

Mr. Speaker, I know you are going to hear a lot about how somehow government spending has been cut over the last decade. Well, let me tell you.

Go to the historic tables of the Office of Management and Budget. What you will discover is over the last decade, international affairs has grown by 89.1 percent; science, space and technology spending at the Federal level has grown 49.5 percent; natural resources and environmental spending at the Federal level has grown 43.8 percent; Federal agricultural spending has grown 118.1 percent; Federal transportation spending has grown 89.5 percent. The list goes on and on and on.

Mr. Speaker, over this same time period, guess what? Median family income grew by 33 percent and inflation grew by 25 percent. In other words, government, just over the last decade, just over the last decade, government has been growing far faster than family income.

We are growing the Federal budget way beyond the ability of the family budget to pay for it, and if all we wanted to do was keep government that we had 10 years ago, we would have grown it by inflation. We are growing it at twice the rate of inflation.

So, Mr. Speaker, when we start hearing these cuts, these actual cuts about cuts, we have to remember how America defines that term and how liberal big government Democrats define that term, and those are two very, very different things.

Mr. Speaker, something else you are going to hear as this debate ensues is nowhere in a $2.8 trillion Federal budget can we find any savings whatsoever for the American people. Well, Mr. Speaker, that is just absurd. Not only is it absurd, we have to find the savings. If we don’t find the savings, again, we will either place massive debt on our children or they will be looking at a massive tax increase.
Recently, Mr. Speaker, the Federal Government could not account for $24.5 billion that it spent just a couple of years ago. It just kind of disappeared into thin air. Federal auditors who are currently examining all Federal programs have reported that 36 percent of them examined have failed to show any positive impact on the populations they serve. Thirty-eight percent are not meeting the stated goals of when Congress published them.

It has not been long ago that the Department of Defense wasted $100 million on unused flight tickets and never bothered to collect the refunds, even though the tickets were refundable. Mr. Speaker, if it is your money, it is my money, my best guess is we are going to go out and get that refund. But, you know, there is a truism, and that is we are never as careful with other people’s money as we are with our own.

The Federal Government spends almost $25 billion annually on what is known as earmarks, pork projects, including the infamous bridge to nowhere, grants to the Rock & Roll Hall of Fame, the Rock & Roll Hall of Fame, you know what? The last I looked, it was a fairly profitable industry and probably didn’t need subsidies from the Federal Government. We had the infamous $800,000 outhouse, the rain forest in Iowa, and the list goes on and on and on.

In the last year of the Clinton administration, the Department of Housing and Urban Development couldn’t account for $3.3 billion in overpayments. Ten percent of their entire budget just disappeared, 10 percent of their budget. There is no family in America, there is no small business in America, that could just watch 10 percent of their revenues disappear and expect to survive.

We have the Conservation Reserve Program paying farmers $2 billion annually not to farm their land. We spend over $60 billion on corporate welfare versus a smaller amount on homeland security.

Mr. Speaker, I could go on all evening, but I have given you this list just to illustrate a handful of items where we could go out and we could find savings. Again, Mr. Speaker, what is at stake here? What is at stake here is really the kind of America we are going to leave the next generation. Are we going to go on the budget that would take this Nation from $8 trillion in debt to, who knows, $11 trillion, $12 trillion? Or, if we are not going to go the debt route? Are we going to increase taxes on our children, double taxes?

The average American family is paying $20,000 a year combined in their Federal taxes. That is what we are paying. Are we going to expect our children to pay $40,000? How are they going to buy a first home or send a kid to college or buy that second car to get that parent to work? Is this the kind of America we want to leave our children?

Mr. Speaker, this is what this debate is all about. You are going to hear a lot about compassion, but, Mr. Speaker, I don’t see any compassion in doubling taxes on our children. I see no compassion there whatsoever.

Mr. Speaker, if you really want to hear a lot again from the Democrats about how we have to increase this Federal program and that Federal program. I want to remind you, these are the people who voted against any tax relief whatsoever for American families and small businesses.

When we back in 2003 enacted tax relief for small businesses and families, guess what, Mr. Speaker? Five million new jobs were created. Yet the Democrats in their budget, what they want to do is, they believe that somehow paycheck cuts are not about compassion, and yet welfare checks are. The compassion of our society should be defined by how many paychecks we create, how many opportunities, so they can have freedoms. That is how our budget is going to define compassion.

Their budget is going to define compassion by how much dependency they can create, what kind of labyrinth, what kind of tangled labyrinth of welfare can they make people more dependent upon. We want to empower people. We want to get people off of welfare and on to work so that they can have careers, so they can have opportunities, so they have freedoms that previously they haven’t been able to dream of.

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And those are the two different values that are going to be represented in this debate, Mr. Speaker.

Mrs. BLACKBURN. Mr. Speaker, the gentleman from Texas is so right when he talks about the compassion and what is the tangle of what they did.

Mr. Speaker, in 1994, the Republicans swept in here and took control of this body and have been working ever since to turn this ship around and turn that corner so that we look at how we handled the Federal purse, how we handle the priorities of the Federal Government, how we shift that focus and move it away from saying, let us give government the money, and then task government to go solve all the ills to say, we believe this is government of the people, by the people, and for the people, and we believe the people can solve these problems. They can do it.

We know that most people feel when they see their taxes increase, when they see more of their money going to feed that bureaucracy, they know that their freedom has been cut.

Mr. Speaker, I am joined this evening by Dr. GINGREY, who is a member of the Rules Committee and is going to have a few comments on the budget.

You are going to hear a lot about compassion and how we should be working with and for our Federal man.

Mr. Speaker, I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Tennessee. It is really an honor to be part of this hour discussion tonight with some of the most eloquently representing members of this body. My Republican colleagues on the Republican Study Committee, that you just heard from the gentleman from Texas, you will be hearing from others, the gentleman from New Jersey, the gentleman from Montana, the gentleman from Ohio. These are Members, Mr. Speaker, that get it. As Mr. HENSARLING just said, this is really not green eye shade stuff, this is about people and values, as he so well pointed out. It is about real needs as distinct from just wanting more, more, more.

Mr. Speaker, my dad told me one time when I was just a teenager, he said, “Somebody asked a very rich person one time, what would it take to make him happy?” And this is the answer was, “Just a little bit more.” That is a problem that we have in trying to satisfy all of the wants and not necessarily just the real needs.

Mr. Speaker, my colleagues here tonight on this side of the aisle are committed to restoring some fiscal sanity to this place, and I commend Mr. HENSARLING in particular. I have told him in private that he is our modern day William Proxmire of the 109th, and indeed, the 108th Congress as we came in together in regarding to ferreting out waste, fraud, and abuse in this Federal Government. In fact, that was our class project that the gentlewoman from Tennessee and myself and others in the 108th class were determined to do, and that is what we are doing.

Mr. Speaker, we have talked about the other side and what they want to do and their plans. The tax cuts of 2001 and 2003 are an example of what they did and did not do. They voted no for those tax cuts. They said we cannot do that. That is going to, according to the Congressional Budget Office, when you do this static scoring, we are going to cut taxes, we are going to cut taxes, we are going to cut rates for everybody that pay taxes. We are going to lower capital gains, we are going to lower the tax on dividends, which indeed is a double taxation.

We are going to get rid of the marriage penalty. We are going to increase child tax credit from $600 to $1,000 per child. We are going to finally stomp dead the death tax. As Steve Forbes once said, there should be no taxation without respiration.

We did these things, and the opposition said, well, that is going to cost $1.3 trillion over 10 years. Mr. Speaker, you know, I know, my colleagues know, I hope the American people know that it did not cost us any money. We gained revenue, something like $250 billion. That is what happened in 1960 under Democratic President Kennedy; it happened in 1980 under my colleague’s favorite,
maybe all-time favorite President Reagan. We cut taxes, we raised reve-

ue, and it works. The opposition, they not only oppose that, but they also oppose health care reform, Medi-
care modernization, Prescription Drug Act. They said we are going to cost $750 billion or less 10 years. But of course, actually, their plan, if we had done what they wanted us to do, would have probably cost $3 trillion over 10 years. Mr. Speaker, the fact is, it was only going to cost that money if it did not work. And what we are finding today, as we are getting closer and closer to that deadline of May 15, the 6-month opportunity for senators to take that option and sign up for prescription drug benefit, we are reaching our goal. We are beyond our goal, Members are saying, members of my own family, my mom, my brother, constituents in my district saying, “Thank you, Congress-
man. We are saving money.” I have had people spending $900 a month who found a medicine supplement and now are spending $27 a month, they are saving $900 a month.

We wanted to do Social Security re-

form to give individuals an opportunity to have additional assets, personal accounts. What does the other side do? They fight that. They are the party of no, of negative.

But these are the things that this majority and particularly the Members here tonight, Mr. Speaker, are deter-

mined to do for the American people: To reform government, to save money, to let people put that money back into the family budget, as Mr. HENSARLING has pushed so hard for.

This budget that we are going to vote on, this 2007 budget is a very fisca-

lly sound, responsible budget. It virtually freezes nondefense discretionary spend-

ing at the 2006 level. Again, the other side will say, well, you are taking money away from the school child, you are taking money away from Head Start, you are taking money away from social welfare programs. Not at all, Mr. Speaker. All we are doing is putting a cap on discretionary spend-

ing, and then we are saying to the ap-

propriators: You decide where that money needs to be spent. You decide whether cuts really need to be made and whether plus-ups need to be made. And that is the responsible way to do it.

In conclusion I want to say, too, to the chairman of the Budget Com-

mittee, the gentleman from Iowa (Mr. NUSSELE) and the great job that he has done and his willingness to include in this 2007 budget a rainy day fund. This is something that all of the Members here tonight who are speaking during this hour have been calling for and for a number of years saying, look, we know every year that we are going to have a hurricane, we are going to have a natural disaster, and then you have a Katrina. So we need to fund this based on a 10-year average of how much we spend on a natural dis-

aster and emergency. So this is in the budget, $4 billion for each of the next 5 years. I think that is absolutely re-

ponsible.

In addition to that, we are going to come forward with a line item veto. The President needs it, the Congress wants it, and we are going to get that done. We are also going to have the earmark reforms that Congressman FLAKE has called for shine the light of day on those earmarks, some of which are very good and should be included in the budget; and last but not least, of course, a sunset commission.

Mr. Speaker, as I say, it is an honor. I know we want to hear from our other colleagues on this issue. But I com-

mend the gentlewoman from Tennessee for her continued work on fiscal re-

sponsibility and putting together this hour tonight and giving us a chance to weigh in on it.

Mr. Speaker, Mr. ACKBURN, I thank the gentle-

man from Georgia, and I appreciate so much that he calls our attention to some of the issues that are at hand.

Mr. Speaker, for any of our col-

leagues who are looking for more infor-

mation on this House budget, they can go to the Web site gop.gov, and pull down the House Budget Resolution fact sheet.

Here is some interesting information on it, and it goes back to what Mr. HENSARLING was talking about on the budget. It is a $2.7 trillion budget au-

thority. One of the things that is so important in this is when you look at the discretionary, it is a 3.6 percent in-

crease over what we had in fiscal year 2006. We did some interesting things here, and Chairman NUSSELE is to be commended for this. We have a $50 billion placeholder in here for our war ef-

fort cost.

We have money for Katrina or for emer-

gencies such as Katrina. Then we go in and we look at our discretionary spending, a near freeze in nonsecurity discretionary spending. A near freeze.

Quite amazing, is not it, when you think about the growth that year after year year took place. And I would encourage the individuals that are list-

ening to this over TV tonight to call their legislators. Call us. Let us know what we think. We love to hear from you.

We have another Budget Committee member, and leader who is with us to-

ight, the gentleman from New Jersey (Mr. GARRETT), who is going to have a few things to say, and then we are going to invite some of our other col-

leagues in.

Mr. GARRETT of New Jersey, Mr. Speaker, I thank the gentlelady for this opportunity. I applaud her for being here not only tonight, but on so many nights when you bring these im-

portant issues to the American public. I will be brief, and I just want to go back to one of your very first com-

ments that you made as you began this night’s program.

You started out by saying, “I do not know whether people who are listening here tonight are going to be interested on this debate on the budget or wheth-

er they are not. Some people are going to be interested, other people are not.” I think that is something that Mr. Speaker, I thank the gentleman from New Jersey for his thoughts. He is such a thought-

ful member of our Republican Con-

ference, and a thoughtful and studious member of the Budget Committee, and the ideas that he brings forth are very important to us because that is what we bring, ideas. How are we going to work through this process of reducing what the Federal Government spends?
How are we going to work through the process of being certain that Federal agencies are called into accountability for how they spend your money?

Mr. MCHENRY. Mr. Speaker, thank you. I certainly appreciate your leadership and support on these budget issue. They are so important to every working family in America and so vital to the debate we are going to have tomorrow and on Friday on the Federal budget here in Washington, D.C.

I also want to commend my colleagues Mr. Gingrey, Mr. Garrett and Mr. Hensarling, whose input and what they have done so far in our budget reform process, and what they want to do, is the gentleman from North Carolina, and to Mr. MURDOCH, who I have worked extensively with on budget issues, and I am so happy that I think that Congresswoman SCHMIDT joined us as well.

I think it is important that we let the American people know how we are spending their money and what this debate means to the American people. It is so important to the American people. They scream, they yell and it is just all about the American people. They know that this is the American people's money and that the American people must know how we are spending their money and what this means to the American people.

The Democrats in the left wing represented here often times in loud ways, but not represented here in this body, will scream that Republicans are cutting too much, they are hurting people. They scream, they yell and it is just all about emotion with them, and when you get down to what we are doing as Republicans, as conservatives, as the majority in this House, you see that we are just trying to reform government so it more efficiently provides services for people.

I know the American people would understand, Mr. Speaker, and see that there is a problem out there that are no longer fulfilling their purpose or their mission. There are government bureaucrats who are not working as we need them to work. We have useless bureaucracies here in Washington, D.C., that in the name of big government, continue to grow and prosper, all the while siphoning off money from every American, every American family.

What we are saying is conservatives have to look at those programs, and if they do not have a purpose or need, we have empty buildings, that perhaps we need to sell those empty buildings and gain revenue for the Treasury so we do not have to raid the American taxpayers' treasuries and the working families' tax money.

As conservatives, we understand that this is the American people's money, that it is not, as some in the left would say, the government's money. No, it is the American taxpayers' money, and we need to be diligent on how we spend our tax money, our tax money here in Washington, D.C.

I am so happy that we are going to begin this debate because I think the American people will see the more fiscal party is the Republican Party, and I think they will understand the leadership we are trying to provide to change the direction of the ship of state, and in order to change the direction of a ship, you cannot turn on a dime. We are talking about a $2.7 trillion budget, so enormous, but if we can just change the direction ever so slightly, it will have an impact over time, and that is what we are trying to begin now, Mr. Speaker.

I want to thank my colleague Congresswoman BLACKBURN from Tennessee for leading this debate, this colloquy here on the floor, and I think she, of everyone here in the House, has been so outspoken in talking about what this means to the taxpayers.

When she goes back to Tennessee, they do not know MARSHA BLACKBURN as the Congresswoman. They know MARSHA BLACKBURN as the leader of fighting taxes in Tennessee, of stopping eight years ago, and she is bringing that same leadership here to say, wait a second, let us look at our federal house because if we spend recklessly, they are going to have to pay more of that paycheck, that the individual is paying for their children's books, paying for their children's college, providing for their families, their perhaps retired parents or their children coming up, if you are buying a new car actually paying a house, that the government is going to only pay their tax bill instead of doing those things.

So we need to look at how we spend money because that is directly tied to how we take money from the taxpayers. I appreciate your leadership.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from North Carolina, and as he said, it is so important that we keep the attention on both sides of the aisle on those issues that focus and just target it, what we are taking in and what we are spending.

When we go back and we look at the 2003 tax cuts, we know that $1 million Americans saw a tax reduction of about $1,100. That is real money. We also know that when government takes more of that paycheck, that the individuals are not making choices, that the government is making choices, and that is where we see a decrease in our freedoms.

The gentleman is so correct. It is the debate of ideas and putting new ideas on the table that is so very important, and we are joined, as you mentioned, by the gentlewoman from Ohio (Mrs. SCHMIDT). We have a few thoughts to offer on the line item veto and some of the ideas that are being offered for our budget process, and I yield to the gentlewoman.

Mrs. SCHMIDT. Mr. Speaker, I thank the gentlewoman from Tennessee, I appreciate the opportunity to talk to you, Mr. Speaker, about an important tool that would I believe help eliminate wasteful spending.

When I was first elected to Congress last August, I pledged to be a fiscal conservative for the residents of the 2nd District of Ohio. Taking a fiscally disciplined approach to government has always been one of my top priorities as an elected official. I am committed to using my colleagues of the aisle are, to seeking out and supporting common-sense measures that promote fiscal responsibility and curb government spending.

That is why I cosponsored and strongly supported the Line Item Veto Act of 2006, which the President recently sent to Congress. The line item veto would be a useful tool designed to reduce the budget deficit, improve accountability and ensure that taxpayer dollars are spent wisely.

Many people are surprised to learn that the President currently has no power to remove wasteful or unnecessary spending in appropriations bills or other pieces of legislation that are presented to him for action. Oftentimes, provisions are slipped into a larger spending bill that never gets discussed or debated. The result is more spending in the Federal budget.

The Legislative Line Item Veto Act would allow the President the authority to line out unjustified spending items, eliminate new entitlement spending from larger legislation, and return the bill to Congress for consideration. The Congress, us, would then have the opportunity to vote on each and every proposed cut.

I am proud to say this is a bipartisan issue. Leaders and Members of the Republican and Democratic side of this aisle, in both the House and the Senate, have supported this approach in the past. They have. In fact, in 1996, the Congress gave the President a line-item veto but the Supreme Court struck down that version of the law in 1998 because the Court felt that the act gave the President too much power to change the text of enacted statutes.

But this Line Item Veto Act does not raise those constitutional issues because the President's rescission proposals must be approved by a majority in Congress and signed into law. So we do have congressional oversight.

Forty-three governments, including my own in Ohio, have the line-item veto to reduce spending, and I believe now is the time to give the President of the United States a similar tool to help control spending in the budget. The line Item Veto Act is not about giving the President more power or taking power away from Members of Congress. This legislation is about ensuring that hard-earned taxpayer dollars are spent more wisely, and that is our mission, is it not, to spend the taxpayer dollars more wisely, more efficiently, more prudently.

While I do believe that this legislation will go a long way toward identifying and eliminating waste in government, I caution this body to realize this is not the only solution. This is one of many, and I am committed to
working with my colleagues in Congress on both sides of the aisle to seek out other ways to promote fiscal responsibility and curb spending.

Thank you, and I commend my good colleague from Tennessee for taking on this issue and all the Members that are here.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman, and it is so true. We are to spend wisely, and this week, as we look at this year’s budget, there are some things that you will hear us talking, some themes that will bear themselves out as we talk about this budget this week. As I said, you can go to the Budget Committee Web site, through house.gov or go to gop.gov, our colleagues can, and get more information on the budget.

We are going to talk about strength and how we look at strength and security in this budget. We look at defense, homeland security, national security. We are going to talk about spending control, the issue that we have talked about tonight, how we work on waste, fraud and abuse, how we seek that savings and continue to seek that savings for the American people and how we continue to push for reform, so that government itself of every possible efficiency, every possible efficiency that is out there to be certain that the taxpayer is receiving the best buy for their dollar.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding.

When we talk about the Federal budget, sometimes the numbers are just so large that it goes out of our sphere of understanding, as I was referencing before our conversation with regard to the family budget and the dollars that they spend there, but at the end of the day, the issue has really come down to the exact same thing, and that is, are you taking in as much money, income, your paycheck, what have you, through Federal tax revenues as you are paying out at the end of the day? Do you have a balanced budget? Do you have a paycheck?

That is a problem for the American family. This is a problem for the States, as well as the gentlewoman knows I come from the great State of New Jersey, and people from New Jersey know how our State is having a difficult time with the State budget. Other people are looking in and they realize we are having a difficult time with the State budget. We have a new Governor who is trying to deal with this issue. As a matter of fact, in the State of New Jersey, we are looking at a $6 billion shortfall in revenue coming in. What that means is that we have less money coming in than is going out at the end of the day for the State treasurer when he writes out his checkbook at the end of each day.

But what the State of New Jersey has to do now, of course, is the same thing as the family budget. That is, they have to set priorities, boundaries or limits, but so, too, does the Federal Government.

The Federal Government is basically on some of the items that you have already raised. We have to decide what are the priorities of the Federal Government.

I think one major word that you described for almost all of them is security: homeland security, economic security.

In the area of homeland security, if you look at the budget that came out of the Budget Committee that I serve on, we are planning to spend a 3.8 percent increase in homeland security to make sure that Americans at home feel more secure, that our borders are secure, that the Department of Homeland Security and the people that work for them have adequate money in order to get the job done.

Another area, of course, for us in the area of security is defense. We want to make sure we are able to protect our Nation, protect the freedoms and the liberties that our Fore Fathers have fought and other generations have fought since that time. For that reason, in this budget, we will be seeing a 7 percent increase in defense. That is Veterans, of course, is another area that this budget does not skimp on at all, and I think the gentleman from Texas gave some of the numbers before as far as the policy and the goals of this administration and of this Republican Congress to make sure that our veterans are adequately taken care of and protected.

So this budget does continue what this Republican Congress has done in the past. It sets out what the appropriate priorities have got to be for this Congress and for this Nation, and once we establish those priorities, we can establish our spending.

Mrs. BLACKBURN. Mr. Speaker, the gentleman talked about priorities and how they have the TRICARE program, or the Native Hawaiian Vocational Educational program, or the Native Hawaiian Health Care program, for that matter.

Mrs. BLACKBURN. If the gentleman will yield, earlier we talked about our colleagues across the aisle and this message I bet everyone the fact that we were going to freeze spending or reduce spending, or if they weren’t going to get everything they wanted, then it is considered a cut. Now that is government speak, as the gentleman from Texas said. That is government speak. It is not really a cut.

But we have to realize that every single time, every single time we start to make reductions in what the Federal Government spends, there are some who try to keep us from doing that. And their answer is always, we need more money. Government can’t afford that cut. Government can’t afford that tax reduction.

And as you said, it is so important that we differentiate between this.

Mr. McHENRY. If the gentlewoman will yield, and I thank Congresswoman BLACKBURN.

This is one of the things they always say, on the other side, if you cut taxes, you are going to cut revenue to the government. Now, that is absolutely misunderstood. Because as we know, the Bush tax cuts have fueled the economy and government returns, tax returns, the money sent to government because people are working, those things have gone through the roof. And I will yield to the gentleman if he has something to add to that.

Mr. GARRETT of New Jersey. If the gentleman has yielded.

Mr. McHENRY. Absolutely.

Mr. GARRETT of New Jersey. Normally, the press and the media would say that if you had unemployment under 6 percent that you are doing good. We have seen because of the actions of this Republican Congress in cutting the taxes and returning the money to the family budget, as opposed to keeping it here in Washington for the Federal budget, we now see unemployment in this Nation around 4.7 percent.

Normally, the press and the national media would say if you have growth in the economy around 2 percent that...
you would be doing good. Well, we, of course, know that because of those tax cuts that you referenced just a moment ago, we have seen the growth in the economy of over 3 percent for the last 11 straight quarters. So it is because of this pro-growth economic policy you just referenced that we are seeing the economy grow.

And by having a strong national economy, obviously it is helping the revenue stream on this side and obviously it also affects the family budget.

Mr. MCHENRY. If the gentleman will yield.

Mr. GARRETT of New Jersey. I yield back.

Mr. MCHENRY. This is one of the great discussions of the day. If you cut taxes does government get less in income or taxation? What we have seen through the tax cuts is it is a pro-growth policy. We allow people to keep more of what they earn, therefore they can actually provide for their child. They can buy their shoes for the kids.

Mrs. BLACKBURN. If the gentleman

Mr. MCHENRY. Absolutely.

Mrs. BLACKBURN. I want to yield to the gentleman from Texas, because I think it is important for us to bring the deficit back into this. We are allowing the taxpayer to keep more of their paycheck, and the tax reductions in 2001 and 2003 certainly have done that. The gentleman from Texas can talk for a moment about the deficit and how we are speeding along and reducing that deficit faster than we had originally thought that we were because of the growth in taxes and because of the changes we have made in budgeting.

Mr. HENSARLING. Again, I thank the gentlewoman for yielding. It is a very important point that we are going to have in this debate. Number one, there is no doubt that our colleagues on the other side of the aisle will be talking about tax cuts are bad; we can’t have any more tax cuts.

Well, first, Mr. Speaker, nobody is talking today about any more tax cuts. Unfortunately, in this very odd budget process we have in Washington, tax relief is temporary and spending is forever. The only thing we are trying to do, Mr. Speaker, is make sure that the American people don’t have a huge automatic tax increase brought about by the Democrats.

They will tell you, my Lord, if we allow the American people, if we allow small businesses to keep more of what they earn, that is going to cost government less. And number one, Mr. Speaker, it is not the government’s money, it is the people’s money.

Second of all, we have given tax relief to American families and small businesses. And, guess what? The deficit is down. And number two, revenues are up. Again, don’t take my word for it, go to the United States Treasury and here is what they will tell you. We cut marginal rates in 2003. We helped small businesses. We helped families. We cut tax rates. And guess what? We ended up with more tax revenue. More tax revenue.

Individual tax receipts were up 14.6 percent. Corporate tax receipts were up 47 percent. A huge increase. That brings the deficit down because people are going out and they are saving and they are working and they are rolling up their sleeves and they are building new businesses. In just this fiscal year, corporate tax receipts are up 29.6 percent. Again, don’t take my word for it, go to the U.S. Treasury.

Mr. GARRETT of New Jersey. Will the gentleman yield? Mr. HENSARLING. I would be glad to yield to my friend from New Jersey.

Mr. GARRETT of New Jersey. Just for a quick point. I don’t normally do this, but I would reference you to The New York Times and today’s edition, because they verify that too. You can go by what their headlines say, because their headline is a little misleading.

But they did write an article in the business section in The New York Times today saying who benefitted from the tax cuts that this Republican-led GOP Congress and this administration passed. And if you get beyond the headlines and you dig down into the weeds, even The New York Times admits that the benefits to them are to the middle and upper class, lower class, as opposed to the higher incomes, as the other side would argue.

Mrs. BLACKBURN. If the gentlemen will yield. As we wrap up our hour, I want to bring it right back to where we started, talking about the compassionate thing to do is to let the American taxpayer keep their paycheck, be certain that they have first right of refusals on that paycheck and not the Federal Government.

I also want to encourage our constituents to talk to us and our colleagues, to talk to our constituents so that we are certain that everyone understands our goal as the majority party here in this House is to be certain that we preserve individual freedom, that we preserve hope and opportunity, and that we allow the American taxpayer to keep control of their paycheck. And that as stewards of the taxpayers’ money, that we are good and accountable stewards.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker’s announced policy of January 4, 2006, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again. As you know, those of us that are in the 30-Something Working Group come to the floor if not nightly, every other day to share not only with the Members but the American people about what is happening here, what is really happening here under the Capitol dome.

Unfortunately, many times we have to share bad news, but at other times we share very good news, the good news being that they may be a brighter future. Either one of two ways, Mr. Speaker, either the Republican majority says, hey, we want to work with the Democrats in a bipartisan way on issues such as national security, education, tax reform, issues that are very, very important to American workers, making sure that American companies wouldn’t have to do what they did in Congressman Tim Ryan’s district when the third shift showed up for work and they said there will no longer be a third shift. That is a problem, and that is something that we have to work on in a bipartisan way.

Or, Mr. Speaker, the American people can make the decision that they are going to go with this Republican-led House of Representatives and a Democratic Senate to move us in the direction of working together on behalf of all Americans.

First, we have to deal with the issue of incompetence, we have to deal with the issue of cronyism in many areas, and we have to deal with the issue of governance. And I think it is very, very important as we outline a number of these issues here tonight and also pepper it with Democratic proposals that we will hopefully be able to turn the tide in many of these areas.

Mr. DELAHUNT, my good friend from Massachusetts, and my good friend from New Jersey, and we are going to have another good friend from Ohio, and a gentlelady from Florida, and we may have some folks from Texas come in tonight, because we said last night, Mr. Speaker, that this is almost not who we would have been that we just make up this information, that happens to be fact. And it is sad that it is fact.

If I was looking at this as some sort of political reason why we come to the floor to share what we believe the situation may be, it would be one thing, but we come to the floor and pull the CONGRESSIONAL RECORD. We come to the floor to talk about a vote that just took place yesterday. We come to the floor with fresh statements from Members of the Republican Caucus, of members of the Republican Caucus, and also a past Speaker that gave birth to the Republican majority, making statements to the press of saying, listen, as an American, I have to say something. Not as a Republican, I have to say something. When you are the Speaker, you are the leader.

Mr. DELAHUNT. Mr. MEEK, if the gentleman would yield.

Mr. MEEK of Florida. I would certainly yield.

Mr. DELAHUNT. I think you are talking about Newt Gingrich, who was the father, if you will, of the Gingrich
revolution back in 1994. And, in fact, my friend and classmate, because we came in together into the House of Representatives back in January of 1997, STEVE ROTHMAN, we were here when Newt Gingrich presided over this House.

Both STEVE and I can attest that this was a man who was partisan, very conservative, and when you hear him saying, and this is as recent as this past Friday, ‘‘they,’’ and by ‘‘they,’’ he is referring to the Republican majority in this House, ‘‘they are seen by the country as being in charge of a government that can’t function.’’

Mr. ROTHMAN. Can I first say a couple of things? I want to collect somke Congressmen MEEEK and yourself, my dear friend Congressman DELAHUNT. We started out in Congress 9½ years ago. We are delighted to welcome this very bright young man who is now a veteran Congressman.

I represent, I suppose, the 50-something. I know, BILL, you are probably still 30-something. But I have been watching you young people, and Ms. WASSERMAN SCHULTZ and others, and I have been watching the television saying, gee, I wish I had the time to add my voice. Well, something happened yesterday, gentlemen, and Mr. Speaker, that so outraged me that I had to come to the floor to speak about it. Actually, it was this past week. We had the commissioner of the IRS, Mr. Everson, before us. He announced that he was going to, according to the President’s budget, go in order to collect taxes that were acknowledged to be due by the taxpayers, the IRS is now going to hire private collection firms to collect the taxes of United States citizens.

It goes worse. Private tax collecting firms collecting taxes due by United States citizens to the IRS are going to charge up to 25 percent commission. A 25 percent commission. So for every dollar they collect from the taxpayer, they keep 25 cents.

Now, what is interesting is, I asked certain questions and I discovered that a Federal employee in the Internal Revenue Service who collects taxes, their overhead is about 5 cents on the dollar. Five cents on the dollar. The private collection agencies are going to get 25 cents on the dollar.

So I asked the Commissioner of the Internal Revenue Service, I said, Mr. Commissioner, why are you giving away taxpayer money? Federal employees to collect taxes costs 5 cents on the dollar, you are giving 25 cents on the dollar to a private firm to collect these taxes. Why are you giving away 20 cents of our money? 2115

He said, Well, you know, the President doesn’t like big government and so we are going to privatize it, in my opinion he was saying. We are going to give it to the private sector so we do not have it on our books that we are paying people to collect taxes.

I said, Wait a minute, the bottom line is you are wasting money, am I correct, sir? And he said, Yes, we are. I said, Wouldn’t it make sense, Mr. Commissioner, of the IRS, and by the way, we have been carrying hundreds of billions of dollars of receivables from taxpayers who didn’t pay their taxes on our books for decades. So if we hired some Federal employees to add up the IRS to the IRS, to these firms, they would have plenty of work for their whole career. Isn’t this a waste of money, Mr. Commissioner?

And he said, Yes. I said, Isn’t there one other element that you need to frighten, to have a private company handle the private details of a taxpayers’ basic and most important financial documents? Doesn’t that concern you, sir? He said, Yes, actually it does, and he pointed to some effort in New Jersey where they tried to do it and it was rife with some corruption and he was concerned about it and they were going to take steps.

I said you are worried about corruption and you are worried about the violation of the citizens’ privacy by hiring these private tax collection firms, and you are going to lose 20 cents on the dollar because it costs 25 cents for these firms for the IRS employee and you are wasting tens of millions of taxpayer money, and he had no answer.

Mr. DELAHUNT. Let me thank you for asking those questions. And as you explained it, I was thinking that you found something rare, and that is somebody in this administration who gave you a straight answer.

Mr. ROTHMAN. I got another one today. Mr. DELAHUNT. And an honest answer, by the way.

Mr. ROTHMAN. It was an honest answer, and I thanked him for that. He said that it was wasteful, and he said that is the budget that the President gave me.

My subcommittee had a hearing today and we had the Secretary of the Treasury in front of us, Mr. Snow. I said Mr. Secretary, a lot of people say that tax cuts that go to the richest people in the country, people making over a million dollars a year, if you add up all of the tax cuts, people say that we get money back from the tax cuts and it fills up the government coffers far beyond what we cut in terms of taxes to the rich.

Another honest answer, he said, Congressman ROTHMAN, for every dollar we cut in taxes, we only get back to the Federal treasury about 30 or 40 cents. For every dollar we cut in taxes, we only get back 30 or 40 cents.

I said, Wait a minute, what about the supply side notion and all this talk about the economic growth generating revenues? He said, Well, that is the consensus of opinion, that for every dollar of taxes cut, we only get back 30 or 40 cents.

I said, Wait a minute, we are losing money every time we do a tax cut and then you tell veterans in this budget, the Bush budget, veterans have to pay more for their health care and poor people have to pay more for their prescription drugs. A family who wants to take their child to the doctor, you pay another $2,000 or $3,000 a year. There is money for nothing but tax cuts.

He said, Oh, by the way, that deficit that we have, the largest deficit in the history of the United States, the one we have today under this Republican majority and this President, one-third of the deficit said Secretary Snow today, one-third of the deficit is directly related to the tax cuts.

Mr. DELAHUNT. Another, honest, straight answer.

Mr. RYAN of Ohio. We have to talk to this guy. I just want to make a point because I am for tax cuts if they go to the right people, if they go to the middle class.

I couldn’t believe we had other people citing this, but today in the New York Times an analysis finally came out that talked about the 2003 tax cut. What this says is that among taxpayers with incomes greater than $10 million, the average cut was $500,000 so they got $500,000 back, less in taxes, and total savings for someone who made $10 million a year was $1 million from the Bush cuts and the Republican bobble-head Congress who said yes, Mr. President, deficits do not matter. We can borrow from foreign countries to foot the bill for this.

We don’t have money to give a guy or woman who makes $10 million a year, we do not have the money to give them a million dollars back. We had to go out and borrow that million dollars.

Mr. ROTHMAN. Here is another interesting statistic. By the way, looking into the need for tax cuts. They need incentives to save and incentives to work even harder than they already do, if that is possible.

But people who make over $400,000 a year, people who make over $400,000 a year, God bless them, this is a fact that we in America have to deal with in order to decide is the Republican majority and is the President or are each of them making the right policy judgments. People make tax cuts for people making over $400,000 a year.

This year if you add up just those tax cuts, it will be a greater sum than all that we spend on homeland security. And yet the majority and this administration says we can only afford to inspect 5 percent of the containers coming into America, even though in Hong Kong they inspect 100 percent of the containers. This is the priority of this administration.

By the way, I asked Secretary Snow, I said, because he was very proud that perhaps tax cuts helped get us out of the recession that was very shallow. I said, Mr. Secretary, the recession is long over. It has been over for 3 years
or more. So why do we continue to give tax cuts to the wealthiest people in the country, accounting for a third of our deficit and when we tell working people and veterans and school kids we do not have money for you, in fact we are going to cut your budgets and keep those tax cuts for the rich? Mr. RYAN of Ohio. I just want to point this out. This is publicly held debt. Tax cuts are given to a fellow, a woman who makes $10 million a year giving a million dollars back in taxes. We do not know what we are going to do, we are going to run out of money on the eve of Near Year’s eve, December 29th, 2005, he came back into the office while the rest of us were baking cookies and celebrating religious holidays back home with the family, to say we are going to cut your budgets and keep those tax cuts for the rich. We have to do something about this debt ceiling. March 6, and these are the Republican rubber stamps here, but on March 6 he writes again in almost desperation. Please, raise the debt ceiling. He begged the Congress to do it. Here is the gentleman who is in charge of what we do.

Now what Mr. RYAN was sharing with us a little earlier was the fact that when you have Members come to the floor and say Mr. Speaker, or what have you, or Members, we are fiscally responsible, our tax cuts are working for the American people. What Mr. RYAN was saying, and I am going to take it home a little further, tax cuts for whom? What, we are going to borrow money from another country, Mr. ROTHMAN, Ms. WASSERMAN SCHULTZ, Mr. Speaker, we are going to borrow money from another country to give millionnaires a tax break here in this country? I am sorry, and it has been done by this Republican majority. Guess what, it is history in all the wrong way, history of the republic, Mr. Speaker, in the history of the United States Congress. Mr. ROTHMAN. Mr. Speaker, if the gentleman would yield, not only is the gentleman absolutely correct that this is what this President and the Republican majority have done for 5½ years, they want to make it permanent. They want to make it permanent. Permanent tax cuts for individuals making over a million dollars a year. Permanent tax cuts for people making over $400,000 a year, the sum of which is greater than all we spend on homeland security, and they want to make it permanent. If we vote against it, you know what they say, there they go again, the Democrats want to raise taxes. We do not want to raise taxes, we want sensible fiscal policy that does not go on and on in the history of the United States and does not give the people making millions of dollars a year a million dollar tax cut, Mr. Speaker, that cannot hold water and it is going to run us into a fiscal nightmare.

Not only did he write that letter, he turned around again when the Congress did not act, February 16, same letter. Hey, things are really getting bad, you all, we have to do something. Please help us. We have to do something about this debt ceiling. Now somebody come down here and explain how that is a good thing for the average person who makes $10 million a year, paying taxes and trying to send their kids to school and we are giving a person who makes $10 million a year a $1 million tax cut. That makes no sense to anybody except the Republican majority.

Mr. MEEK of Florida. Mr. Speaker, I would like to have Mr. Ryan please tell us the phone call that you got, what happened in your district today to the workers?

Mr. RYAN of Ohio. About 6:30, 7:00 this morning my e-mail goes off, I pick it up. The third shift at a General Motors plant that I have in Lordstown, Ohio, the third shift is being eliminated, and 1,200 United Auto workers, nothing is official, but the third shift is being eliminated and 1,200 people will be out of work. Those are average people in the United States of America that are making $60,000 or $70,000 a year, paying taxes and trying to send their kids to school and we are giving a person who makes $10 million a year a $1 million tax cut. That makes no sense to anybody except the Republican majority.

Mr. MEEK of Florida. Mr. Speaker, I thank Mr. RYAN. This is something to be very concerned about. We started at the top of the hour, and I am glad the Ms. WASSERMAN SCHULTZ has also joined us. The bottom line is that Mr. ROTHMAN is 110 percent right. What they say on the Republican side, especially here in this Chamber and in this city and what the White House says, I am going to tell you, I am not talking about anybody, but I am just talking about what I am talking about. You hear one thing and there is another. You got an answer out of the IRS official that came before your committee. You got an answer out of Secretary Snow, and you got to nail them to the wall to get the answer because the administration said this is the direction we are going to go, we are going to write it in the budget; and Mr. Secretary, you will do as you are told. Secretary Snow, the Secretary of the United States Treasury Department, appointed by the President and confirmed by the Senate, he is a great American and I appreciate his service. But he has to do his job. He did not only send one letter that said we had to raise the debt ceiling, we are going to run out of money on the eve of Near Year’s eve, December 29th, 2005, he came back into the office while the rest of us were baking cookies and celebrating religious holidays back home with the family, to say we are going to cut your budgets and keep those tax cuts for the rich. The Republican Congress has passed policies, Mr. Speaker, that cannot hold water and it is going to run us into a fiscal nightmare.

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Mr. DELAHUNT. If the gentleman would just yield for a minute.

Mr. MEEK of Florida. I would just yield for a minute, but please allow me to get through this.

Mr. DELAHUNT. 30 seconds. I will let you go. But I just want to know what? I am just looking at that. Japan at $650 billion. Japan is actually subsidizing partially that tax cut, or that tax refund for the extremely wealthy in this country. I mean, that is where that money is going. I wonder if that extremely wealthy taxpayer might consider taking that tax refund in yen?

Mr. RYAN of Ohio. Just save the transactional cost.

Mr. DELAHUNT. Because the way we are going, we are going to bankrupt this United States of America.

Mr. ROTHMAN. Will the gentleman yield? I have a statistic you won’t believe. I happen to serve on the House Appropriations Committee.

Mr. DELAHUNT. Yes, sir.

Mr. ROTHMAN. And we were only inspecting 5 percent of the containers. That was the Republican majority’s policy. They were in charge. They made the rule. The majority rules, and they won.

We said in the House Appropriations Committee, we said to our colleagues, our Republican friends, if we cut $5,000 from the 80 or $100,000 tax cut, 80 or $100,000 tax cut, depending how much money these folks make. If we just take 5,000 from the 80,000 we are sending them, we could triple the number of containers we inspect from 5 percent to 15 percent.

And do you know what every single one of my Republican colleague on the House Appropriations Committee did? They voted against it.

And I went to them and I said hey, man, what are you doing? I have nothing against people who are worth a fortune. This isn’t class warfare. Do you want to get me a banana, or do you want to spend it on inspecting our containers coming into the port? And they said, we are story, Steve. This was the President’s directive.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. ROTHMAN. Yes.

Ms. WASSERMAN SCHULTZ. Because I want to illuminate what you just said because actually, we put our action where our words are, because it is not just that we said that we should drop those tax cuts by just a little bit and make sure we could fund port security. Here is the third party validation that we always talk about.

On June 18, 2004, there was an amendment by Representative DAVE OSEY, who is the ranking member on the Appropriations Committee that Mr. ROTHMAN sits on. He offered an amendment to increase port and container security by $400 million. Republicans refused to allow consideration of that amendment.

October 7, 2004 an amendment offered by Representatives OBEY and SABO and Senator BYRD that would have increased funding to enhance port security by $150 million. Republicans defeated this amendment along party lines.

September 29, 2005, just last fall, there was an amendment which Representative DAVE OSEY and Senator BYRD, again, to increase funding for port and container security by $300 million; all of these proposing to drop the tax cut for the wealthiest Americans by just a small amount of money. The House Committee, led by the Republicans, defeated this amendment along party lines.

And March 2, 2006, Republicans blocked an effort by Democrats to bring the King-Thompson Dubai port deal bill to the floor, which would have expedited procedures to ensure a congressional vote on the Dubai port deal bill sponsored by a Republican and a Democrat. And Republicans voted against that 197-216. So who is for port security?

Mr. ROTHMAN. By the way, the incomes of the people who were going to have their tax cut reduced by 5,000 were only individuals whose annual income was $2 million. And we said, can we take 5,000 from the 80 or 150,000 they are going to get in tax cuts, take 5,000 to increase our port inspection of our containers. And every Republican said no, Mr. Speaker, that is the priority of this Republican majority and this President.

Mr. DELAHUNT. You know, if I can interject for a moment, your point is well made. And I think the American people have realized that the statistics that they are hearing tonight are accurate. That New York Times piece that we were referring to earlier, it goes on to say that because of these recent tax cuts, even the merely rich, even those that are very rich, making hundreds of thousands of dollars a year, and I am reading from that piece, are falling behind the very, very wealthiest. In other words, what we are doing, we are creating a super rich elite in this country.

There was another New York Times story that came across my desk. And for those that are listening to our conversation this evening, I would refer them to an article that appeared in the New York Times on January 29 of this year. Corporate wealth share rises for top income Americans. In 2003, and this is the most recent data, the top 1 percent of households owned 57¼ percent of corporate wealth in this country. That was up from 42 percent the year before. This top group, this 1 percent, in 1991 had 38.7 percent. In other words, this 1 percent is doing so well that they are leaving everybody behind. The top 1 percent is gaining so much money and corporate wealth that the other 99 percent have experienced a decline in their share of the wealth of America.

Mr. ROTHMAN. Will the gentleman yield?

Mr. DELAHUNT. Sure.

Mr. ROTHMAN. You know, some people will say, oh, there the Democrats go again, class warfare. There they go again, class warfare. Nonsense. We love rich people. We love poor people. We love middle class people. We love Americans. This is about the choices that America is going to make with their tax dollars.

So who would we do with the tax dollars that people send to Washington? Should we give them, by the way, the recession is over. We are in the start of the fourth year of the war in Iraq. We are still paying for Katrina and Hurricane Rita.

With all of these problems and the recession over 3 years ago, is this the time not only to continue these tax cuts that benefit the wealthiest people making over $400,000 a year, millions of dollars a year? Or should we, in fact, pay off some of the debt, spend down the deficit, pay for college for kids.

Mr. DELAHUNT. How about restraining spending?

Mr. ROTHMAN. And remember this, not only has this been the policy that has put us in the largest deficit in the history of the country, the Republican majority and the President want to make this policy permanent. They want to make their tax cuts for the rich permanent.

They will claim we are against wealthy people. Class warfare. Nonsense. We want the money that we send to Washington spent wisely and not gone away.

Ms. WASSERMAN SCHULTZ. It is important to note that this is a matter of priorities. What is sad, and I am the least senior among the five of us, and what I have found the most sad since joining the Congress and joining you all last year, is how far astray we have come from when President Clinton was in office.

When President Clinton was in office and I was in my state legislature in Florida, what I watched Congress do on a night when we spent the surplus on. Were we going to use the surplus that we had at that time to shore up Social Security? Were we going to shore up Medicare? We didn’t have a deficit. We had a surplus.

And Mr. MEEK, I think it would be a good idea for you to get back to really describing the scope of the foreign debt that we have here, because we got you mid map. But we really need to make sure that people understand the stark contrast between what we were able to debate during the Clinton administration and what we are forced to debate now. So I yield to the gentleman.

Mr. MEEK of Florida. And if we could, Ms. WASSERMAN SCHULTZ, I am going to go through this, because it was really to drive home a point that Mr. RYAN was making. And then Mr. RYAN was going to share that chart there, because I think these visual aids are needed at this particular time, because we have some Members that don’t necessarily, I mean, I just don’t want the American people to be hoodwinked. Some may say bamboozled. We say here in Washington, D.C., you
know, to get the Potomac 2-step on folks saying they didn’t quite understand what they were doing while they were making history here in the United States of America of allowing these countries to own, Mr. Speaker, own a part of the American apple pie. I am not talking about the entire Apple pie. We stopped there. But I think we could move across the country, okay? I think we can. $692.8 billion. Japan has bought our debt.

Again, this Republican Congress is saying we want to make tax cuts permanent to billionaires and we want to give subsidies to companies that come in number one in profits this year, and that is one industry, which is the oil industry.

China, $249.8 billion. They bought up our debt. That means that they have given us money to spend in a way as though we are spending our own money. We owe them this money.

America will be forever changed. But if you want to go away with allowing these countries to cover our States because of the debt that we owe them, then you can elect a Democratic Congress. I am going to slide this over a little bit.

The U.K. United Kingdom, $223.2 billion that they own of our debt.

Now, you have got to remember. This is a 4-year deal. This is the Bush policies and the Congress, the Republican majority that have voted time after time to back the President up on this. They have even lost the former speaker, Mr. Speaker, of the House, Newt Gingrich. And we need to read his quotes to the Knight Ridder newspapers that cover this Nation.

Caribbean nations. Many of you will be spending time there, vacation time there. It is important. It is important that people understand that they own $115.3 billion of our debt.

Taiwan. You go in your room, unfortunately many of the toys there that your kids and grandkids may have may have Taiwan on it. We owe them $71.33 billion that they have bought of our debt.

Canada, just north of us. We owe them $53.8 billion of our debt.

We will take them off there. Korea, $66.5 billion we owe Korea because this Congress has said that we have to give subsidies to industry because they wanted it and that is something that we need to get back to. I do not blame industry. I blame the Republican Congress.

Germany, $85.7 billion we owe Germany. We want to have, Pakistan, Saudi Arabia, Iraq, Iran, Iran, we owe them $67.8 billion of the American apple pie.

Now, before I yield to you, Mr. Ryan, I just want to say it is almost like I bust through the door at home and say, Hey, let us go on a European vacation. We are going to have this great check, but let us go because I am going to put it all on the credit card. As a matter of fact, in this case our credit cards are maxed out, but I am going to sign one of those little letters that come into the house that say just sign here, automatic country. That is what we are going to use to vacation on. Everyone is happy, jumping up and down, but guess what. The bill is coming in in 30 days.

And so folks, Mr. Speaker, are going to start calling the House, and they are not going to call and say, May I speak to Mr. Meek? They are going to tell Speaker KENDRICK, because they disrespect you when owe them. Too many men and women laid down their lives and that are bleeding now, getting sand in their teeth for us to have the right to salute one flag, and I will be doggone if we stand here like it is just regular business here in Congress and allow this Republican majority to go without anyone checking them on this. But it is not just us. We have even got Republicans coming out, folks over there are saying they are responsible, that we are good spenders. Yes, you are great spenders and borrowers at the same time. And so when you come to the floor, majority, and start talking about fiscal responsibility, just because you say it does not necessarily mean it is happening. I want you to come to this floor, grab these charts here that are sitting right over here in the corner, and explain what is good about them because these are your thoughts.

So, Mr. Ryan, what you were mentioning earlier, I just want to drive this point home because when folks start talking about “we want to make sure the American people keep their money,” well, we want to make sure the American people keep their money. But who are the people? Is it the $10 million annual salary individual? Is it the individual sitting over there at some company that is getting a bonus at the same time they are telling their third shift that there will no longer be a third shift?

So the real issue here is whose side are we on? Whose side is the Republican majority on? And from what I am seeing of the polls, Ms. Wasserman Schultz, when I am hearing prominent Republicans saying “because we are Americans first,” put that party stuff aside just for a moment and look at Democrats, Republicans, Independents, Green Party, nonvoters, they are all talking about what is happening in this country. And I am going to tell you right now the Republican majority, and it is not what I am saying but what they are saying, cannot govern.

We are ready to govern. Mr. Ryan, I yield to you, sir. Mr. Ryan of Ohio. I appreciate that, and I wish the Republican majority would start putting the country before their own political interests. It seems that time and time again they have chosen the little family scenario there? The kids. Because there will not be money for education. There will not be money for the health care bill, and they will become a burden on the rest of society. All the way down the line the ripple effect goes.

And as Mr. Meek and Ms. Wasserman Schultz were saying earlier, this is what they are doing. They have increased the debt limit in the United States by $3 trillion, trillion with a big fat “t.” In June of 2002, May of 2003, November of 2004, March of 2006, total over $3 trillion, this Congress raised the debt ceiling that would allow the Secretary of Treasury to go out and borrow money from all the countries that Mr. Meek showed. Time and time again.

I just want to reiterate the point that Ms. Wasserman Schultz made, and that point is this: The Democrats, whether it is port security or pays-as-you-go, time and time again we tried to restrain, pull in this Republican Congress, get yourselves under control.

And I know, Mr. Rothman, you were probably in the committee when these amendments were being offered time and time again by Mr. Obey, not once but twice, by Mr. SPRATT and the Budget Committee, by Charlie Stenholm when he was here. The Democratic Party was trying to say if you are going to raise the debt limit, you had better put some restraints on the repayment spending. Republicans have gotten into a very bad habit of doing over the past 4 or 5 years. This is ridiculous. We are sacrificing the future of the United States of America, selling it off piece by piece, diminishing opportunity for our kids and our grandkids, and at the same time just spending money like it does not matter. Let us be responsible in the United States Congress, Mr. Meek. Mr. Speaker, let us be responsible here. And we are not going to have this Republican Congress, and the United States Congress give us a little cross eyed because we come down here every night, but we have an obligation to the American people. And if we are not going to make a mistake to make an omelet, then so be it. And I have a lot of respect for the people on the other side of the aisle, and many of
Mr. Speaker: You have borrowed $3 trillion from foreign interests, raised the debt ceiling, cut funding for education, and cut tax cuts to people who make less than $10 million a year. You have given them $1 million back. Do you expect us to sit up in our office and go to the little refrigerator and get out a diet Dr. Pepper and a bag of Cheetos and just sit there and watch VH-1 in our office and are not going to do it. We are going to keep coming down here until the American people get the message.

Ms. WASSERMAN SCHULTZ. And that is because we did not come here to just sit idly by and not express the outrage that our constituents communicate to us when we go home.

The chart that you had up there a minute ago, Mr. Ryan, the one with the blue background that says “Borrow and Spend Republican Congress.” I mean, that really says it all because what Mr. ROTHMAN said earlier is that our critics, Democratic critics, like to throw around that Democrats are supportive of class warfare, and I am not going to repeat his words. They say that Republicans are making sure that we get across like we repeat their message. I am going to make sure that we get across like we do every single night here in the 30-Something Working Group that what is going on here in Washington is a borrow and spend Republican Congress. And it is not true just because we are here on the floor of the United States House of Representatives saying it is true. We have third-party validators that say it is true.

USA Today on Monday, April 3, 2006, headline: “Growth in Federal Spending Unchecked.” The borrow and spend Republican Congress. USA Today editorial on February 21 of this year, the title of it was “Who’s Spending Big Now? The party of ‘small government.'”

“Tax cuts, they say, force hard decisions and restrain reckless spending. The last time we looked, though, Republicans controlled both Congress and the White House. They are the spenders. In fact, since they took control in 2001, they have increased spending by an average of nearly 7.5 percent a year, more than double the rate in the last 5 years of Clinton-ERA budgets.”

Now, what we talk about on this floor every night is the difference between words and actions. They can say that they are the party of small government and more personal responsibility and the claptrap that they like to throw around that are just words.

Mr. ROTHMAN. Will the gentleman yield?

Mr. MEEK. I yield to the gentleman from New Jersey.

Mr. ROTHMAN. It is important for people to understand that this major- ity came in saying that we needed to balance the budget and that is why the American people should elect a Republican majority. When I was the mayor of my hometown 25 years ago, a little city in New Jersey, we had to balance the budget every year. And we did. We left them with a surplus, but at least balance the budget. And they said, well, let us make a constitutional amendment. And we said, Why are you amending the Constitution? You are in the majority. You have the majority. Balance the budget. So in terms of third-party validation, Mr. Speaker, the American people know that the Republican Party has been in power, in the majority, in the White House. They are the spenders. About $5 trillion, with President Bush as our President for 5 years. And we have the greatest deficits in history. We are projected to have deficits for the next 15, 20 years with no end in sight, with budget cuts to education, health care, veterans, college loans, the environment, clean air, clean water. Cut, cut, cut, cut, everything, except tax cuts for the wealthiest. And, again, I do not want to harp on that because tax cuts for the wealthy are not important. But is this the time to continue policy ad infinitum and make them permanent? I do not think so.

Ms. WASSERMAN SCHULTZ. What you are pointing out is there are consequences to the fiscal recklessness. That is what I have observed for the last 15 months. It is just fiscal recklessness.

The most glaring consequence is right here in front of us with what Mr. RYAN is talking about that happened in a town in his district. Twelve hundred jobs gone. Seven point two million Americans today remain unemployed with an additional 4.2 million who want a job but who are not counted among the unemployed. Since this President took office, the economy has posted only 15 months of job gains that have 150,000 or more. That is just the number of jobs that we need to keep up with population growth. But there is one number which is the one that is evidenced by what happened in the town in your district. Mr. Ryan, is that there are now 1.3 million more unemployed private sector workers than in January, 2001. The long-term unemployment rate, people who are unemployed for more than 26 weeks, has nearly doubled since that time. And the manufacturing jobs that we have lost literally have reached 2.9 million since 2001.

There are day-to-day policy implications that affect people’s lives that result from the fiscal recklessness. There are consequences. The Republican economic disaster is hurting real people.

Mr. RYAN of Ohio. Can I intervene here for one second because I am thrilled with everything that is happening here. But I came down here to listen to Mr. DELAHUNT a little bit.

Mr. ROTHMAN. That is a good idea. Mr. DELAHUNT. I just want to congratulate you all for a very thoughtful conversation you have hammered home the truth.

And I think what we are saying to the American people is that if you govern, you have to govern responsibly and that your rhetoric has to match your deeds. Otherwise, you fail the American people. And the truth is that today in America, this administration, this Bush White House, and this Bush Congress are failing the American people.

DEBBIE was making a point about the job growth. I think what is more telling is that the jobs that are being produced today and the jobs that currently exist are paying less. A family in New Jersey I found out that their income is less than that same family income 10 years ago. This is not about criticism. This is about telling the truth and being responsible.

We use terms like PAYGO. Well, I think we owe the American people an explanation of what PAYGO means. It means what they do most every day of their lives. They make decisions and choices based upon what they have in their pocket, and if they don’t have the money in their pocket, they don’t buy it. It is really that simple.

That is what we are talking about the evening and every night. Let’s go back to those real conservative values, those genuine American, conservative values. I can’t believe I am saying this. But the longer I serve in this body and listen to the neoconservatives, I find myself subscribing to the my own philosophy as fiscally conservative.

Ironically, it is the Democratic Party today that stands for sanity and stands for responsibility and doing it the old-fashioned way. That is what we are. Maybe we are an old, traditional party. But, do you know what? We made America great. When America was in trouble because of the Depression, it was those great Democrats Franklin Delano Roosevelt and Harry Truman who brought the country back, because we know there is a social compact out there that doesn’t say only the very, very wealthy get most of everything. In a society which is really a community, where there are mutual rights and responsibilities, everybody has a shot.

Today what we are seeing is America becoming much like a banana republic, where it is the haves, the elites, and then there are the rest of us, and that is sad.

Mr. RYAN of Ohio. Madam Speaker, I think the gentleman makes a great point. America is not the only country with really, really rich people. There are wealthy people in every country. The difference in America is that we had a strong, vibrant, energetic middle-class of people who worked as of last night on the third shift at the GM plant in Lordstown, Ohio. That is what makes America America, and that resolve to go back and say we will not every day go back and have the opportunity; not to give the top 10 million people who make $10 million a year a tax cut, $1 million back, but to
create that middle-class again and the economic environment that would do it.

Ms. WASSERMAN SCHULTZ. I just want to give one quick statistic. Here is another third-party validator, the Tax Policy Center. And here is the startling contrast between the tax cuts that Mr. ROTHMAN was talking about that go to the wealthiest few and what the tax cuts have provided for the average working family in middle income America. In 2006, according to the Tax Policy Center, the average tax cut of $111,550, while the middle-class American received a tax cut of $750.

When I asked in my town hall meetings, and I represent a pretty middle-income, even middle to upper-middle income district, I have a lot of wealthy communities and a lot of upper-middle class communities and some middle to lower-middle income communities, no matter what kind of room, other than the wealthy I saw, that I ask people to raise their hands to tell me whether they got money in their pocket from the Bush tax cuts, maybe in rooms full of several hundred people I will get two or three people that raise their hand.

If that was benefiting a wide swath of Americans, the broad spectrum of Americans of varied income, in a district like mine you would get more than three hands.

Mr. ROTHMAN. May I just remind the Speaker that today Secretary of the Treasury John Snow said in his testimony before our subcommittee of the House Appropriations Committee that the tax cuts of this majority and President Bush account for one-third of the deficit, and that every dollar that is cut for the wealthiest folks in tax cuts, we don’t get back more than a dollar in revenue. We lose. For every tax dollar we cut, we only get back 30 to 40 cents. We lose 60 to 70 cents for every tax dollar we cut.

Whether that is a good thing or bad thing, the American people can decide. But in a time of war, the biggest deficits in our history, is what we want to be doing with our money, and should we be making those tax cuts permanent?

Ms. JACKSON-LEE of Texas. If the gentleman would yield, as I was in my office and I saw this very focused message, let me just briefly say that today we added insult to injury by the debate on the Floor regarding the 527s.

I know we are talking about the massive tax cuts, but I think the American people should know, rather than focusing on the seriousness of addressing these monumental tax cuts, frankly, as was distributed on the Floor today, we are just passing legislation that allows random excessive spending as relates to campaigns.

So what I say to my friends on this side, the other side of the aisle, why waste time then, as they say, this massive spending of dollars in campaigning, and not really providing transparency for the American people to note, making a mirage on the Floor of the House that we are trying to do something good about scandal and corruption, and, at the same time, not spending our time focusing on correcting this deficit, correcting this increasing debt limit and spending the people’s money by enormous tax cuts.

Mr. MEEK of Florida. If I can, as it relates to time, Mr. RYAN, if you could give our website. We have to close out. Mr. RYAN of Ohio. I want to do one-third party validator. The former House, Mr. Gingrich, the leader of the Republican Revolution in ’94. He said the Republicans, they are seen by the country as being in charge of a government that can’t function.

As my friend from Florida so eloquently put it earlier today on the House floor, it is scary when the head of the Republican Revolution is referring to his friends on the other side of the aisle as “they.” I think that is a tremendous point.

Mr. MEEK of Florida. Madam Speaker, we would like to thank the leadership for the opportunity to speak tonight.

IRAN: THE NEXT NEOCON TARGET

The SPEAKER pro tempore (Ms. Foxx). Under the Speaker’s announced policy of January 4, 2006, the gentleman from Texas (Mr. PAUL) is recognized for half the time remaining until midnight.

Mr. PAUL. Madam Speaker, it has been 3 years since the U.S. launched its war against Saddam Hussein and his weapons of mass destruction. Of course, now almost everybody knows there were no weapons of mass destruction and Saddam Hussein posed no threat to the United States. Though some of our soldiers serving in Iraq still believe they are there because Saddam Hussein was involved in 9/11, even the administration now acknowledges that there was no connection.

Indeed, no one can be absolutely certain why we invaded Iraq. The current excuse for the war in Iraq is to make it a democratic state friendly to the United States. There are now fewer denials that securing oil supplies played a significant role in our decision to go into Iraq and stay there. That certainly would explain why the U.S. taxpayers are paying such a price to build and maintain numerous, huge, permanent military bases in Iraq. There are also funding a new $1 billion embassy, the largest in the world.

The significant question we must ask ourselves is, what have we learned from these 3 years in Iraq? With plans now being laid for regime change in Iran, it appears we have learned absolutely nothing. There still are plenty of administration officials who daily paint a rosy picture of the Iraq we have created. But I wonder, if the past 3 years were nothing more than a bad dream and our Nation suddenly awakened, how many would for national security purposes sing a different tune? Or would we instead give a gigantic sigh of relief that it was only a bad dream, that we need not relive the 3-year nightmare of death, destruction, chaos and stupendous consumption of dollars. Conceivably, we would still see oil prices under $30 a barrel, and, most importantly, 20,000 severe U.S. casualties would not have occurred. My guess is 99 percent of all Americans would be thankful it was only a bad dream and would never support the invasion knowing what we know today.

Even with the horrible results of the past 3 years, Congress is abuzz with plans to change the Iranian government. There is little resistance to the clamor for an invasion of Iran, even though their current President, Mahmoud Ahmadinejad, is an elected leader.

Though Iran is hardly a perfect democracy, its system is far superior to that of our Arab friends, which we never complain. Already the coordinated propaganda has galvanized the American people against Iran for the supposed threat it poses to us with weapons of mass destruction that are not even present. Under the neocons, Saddam Hussein was alleged to have had.

It is amazing how soon after being thoroughly discredited over the charges levied against Saddam Hussein the neoconservatives are willing to use the same arguments against Iran. It is frightening to see how easily Congress, the media and the people accept many of the same arguments against Iran that were used to justify an invasion of Iraq.

Since 2001, we have spent over $300 billion and occupied two Muslim nations, Afghanistan and Iraq. We are poorer, but certainly not safer, for it. We invaded Afghanistan to get Osama bin Laden, the ringleader behind 9/11. This effort has been virtually abandoned. Even though the Taliban was removed from power in Afghanistan, most of the country is now occupied and controlled by warlords who manage a drug trade bigger than ever before. Removing the Taliban from power in Afghanistan actually served the interests of Iran, the Taliban’s arch-enemy, more than our own.

The long time neocon goal to remake Iraq prompted us to abandoned the search for Osama bin Laden. The invasion of Iraq in 2003 was hyped as a noble mission, justified by misrepresentation of intelligence concerning Saddam Hussein and his ability to attack us and his neighbors. This failed policy has created the current chaos in Iraq, chaos that many describe as a civil war.

Saddam Hussein is out of power, and most people are pleased. Yet some...
Iraqis who dream of stability long for his authoritarian rule. But, once again, Saddam Hussein’s removal benefited the Iranians, who considered Saddam Hussein an arch-enemy.

Our obsession with democracy, which is clearly conditional when it comes to elections at our behest, and recent Pakistani elections, will allow the majority Shia to claim leadership title if Iraq’s election actually leads to an organized government. This delights the Iranians, who are close allies of the Iraqi Shia.

Talk of a nuclear Iran is continuing. This war has produced chaos, civil war, death and destruction and huge financial costs. It has eliminated two of Iran’s worst enemies and placed power in Iran’s best friends.

Even this apparent failure of policy does nothing to restrain the current march towards a similar confrontation with Iran. What will it take for us to learn from our failures? Common sense tells us the war in Iraq soon will spread to Iran, at least in an imaginary way. We talk of weapons or an incident involving Iran, whether planned or accidental, will rally the support needed for us to move on Muslim country number three.

All the past failures and unintended consequences will be forgotten. Even with deteriorating support for the Iraq war, new information, well-planned propaganda, or a major incident will override the skepticism and heartache of our frustrating fight. Vocal opponents of an attack on Iran again will be labeled unpatriotic, unsupportive of the troops, and sympathetic to Iran’s radical("221")s.

Instead of capitulating to these charges, we should point out that those who maneuver us into war do so with little concern for our young people serving in the military and theoretically, for their own children if they have any. It is hard to conceive that political supporters of the war would consciously claim that a pre-emptive war for regime change where young people are sacrificed is only worth it if the deaths and the injuries are limited to other people’s children. This I am sure would be denied, which means their own children are technically available for the sacrifice that is so often praised and glorified for the benefit of families who have lost so much. If so, they should think more of their own children. If this is not so and their children are not available for such sacrifice, the hypocrisy is apparent. Remember, most neocon planners fall into the category of chicken hawks.

For the past 3 years, it has been inferred that, if one is not in support of the current policy, one is against the troops and supports the enemy. Lack of support for the war in Iraq was said to be supportive of Saddam Hussein and his evil policies. This is an astonishing and preposterous argument. Those who argued for the containment of the Soviets were never deemed sympathetic to Stalin or Kruschev. Lack of support for the Iraq war should never be used as an argument that one was sympathetic to Saddam Hussein. Containment and diplomacy are far superior to confront an enemy, and are less costly than war daily. It is easy to say globally when there is no evidence that our national security is being threatened.

Although a large percentage of the public now rejects the various arguments for the Iraq war 3 years ago, they were easily doubted by the politicians and media to fully support the invasion. Now, after 3 years of terrible pain for so many, even the troops are awakening from their slumber and sensing the fruitlessness of our failing effort. Seventy-two percent of our troops now serving in Iraq say it is time to come home. Yet, the majority still cling to the propaganda that they are there because of the 9/11 attacks, something even the administration has ceased to claim. Propaganda is pushed to overrule reason. The public too often smells the stench of war after the killing starts. Public objection comes later on, but eventually it helps to stop the war.

I worry that before we can finish the war we are in and extricate ourselves, the patriotic fervor for expanding into Iran will drown out the cries of, “Enough already.” The agitation and congressional resolutions painting Iran as an enemy about to attack us have already begun. It is too bad we cannot learn from our mistakes. This time, there will be a greater pretense of an international effort sanctioned by the U.N. before the bombs are dropped. But even without support from the international community, we should expect the plan for regime change to continue. We have been forewarned that all options remain on the table, and there is little reason to expect much resistance from Congress. So far there is little resistance in Congress for taking on Iran than there was prior to going into Iraq.

It is astonishing that after 3 years of bad results and tremendous expense there is little indication, we will reconsider our traditional non-interventionist foreign policy. Unfortunately, regime change, nation-building, policing the world, protecting our oil still constitutes an acceptable policy by the leaders of both major parties. It is already assumed by many in Washington that there is a serious problem about obtaining a nuclear weapon and is a much more formidable opponent than Iraq. Besides, Mahmud Ahmadinejad threatened to destroy Israel, and that cannot stand. Washington sees Iran as a greater threat than Iraq ever was, a threat that cannot be ignored.

Iran’s history is being ignored just as we ignored Iraq’s history. This ignorance or deliberate misrepresentation of our recent relationship to Iran and Iraq is required to generate the fervor needed to attack once again a country that poses no threat to us. Our policies towards Iran have become more provocative than those toward Iraq. Yes, President Bush labeled Iran part of the axis of evil and unnecessarily provoked their anger at us. But our mistakes with Iran started a long time before this President took office. In 1953, our CIA, with the help of the British, participated in overthrowing the democratic-elected leader, Mohammed Mossadegh. We placed in power the Shah. He ruled ruthlessly but protected our oil interests, and for that, we protected him. That is, until 1979. We even provided him with Iran’s first nuclear reactor.

Evidently, we did not buy the argument that his oil supplies precluded a need for civilian nuclear energy. From 1953 to 1979, his and Iran’s rule served to incite a radical opposition led by the Ayatollah Khomeini who overthrew the Shah and took our hostages in 1979. This blow-back event was slow in coming, but Muslims have long memories. The hostage crisis and overthrow of the Shah by the Ayatollah was a major victory for the radical Islamists. Most Americans either never knew about or easily forgot about our unwise meddling in the internal affairs in Iran in 1953.

During the 1980s, we further antagonized Iran by supporting the Iraqis in their invasion of Iran. This made our relationship with Iran worse, while sending a message to Saddam Hussein that invading a neighboring country is not all that bad. When Hussein got the message from our State Department that his plan to invade Kuwait was not of much concern to the United States, he immediately preceded to do so. We, in a way, encouraged him to do it almost like we encouraged him to go into Iraq. Of course, this time our reaction was quite different, and all of a sudden, our friendly ally, Saddam Hussein, became our arch enemy, and American people may forget this flip-flop, but those who suffered from it never forgot. And the Iranians remember well our meddling in their affairs.

Labeling the Iranians part of the axis of evil further alienated them and contributed to the animosity directed toward us. For whatever reasons the neoconservatives might give, they are bound and determined to confront the Iranian government and demand changes in its leadership. This policy will further spread our military presence and undermine our security. The sad truth is that the supposed dangers posed by Iran are no more real than...
those claimed about Iraq. The charges made against Iran are unsubstantiated and amazingly sound very similar to the false charges made against Iraq. One would think promoters of the war against Iraq would be a little bit more reluctant to make the same mistakes to stir up hatred toward Iran. The American people and Congress should be more cautious in accepting these charges at face value, yet it seems the propaganda is working since few in Washington object as Congress passes resolutions condemning Iran and asking for U.N. sanctions against her.

There is no evidence of a threat to us by Iran and no reason to plan and initiate a confrontation with her. There are many reasons not to do so: Iran does not have a nuclear weapon and there is no evidence that she is working on one, only conjecture. Even if Iran had a nuclear weapon, why would this be different from Pakistan, India, and North Korea having one? Why does Iran right now have a nuclear weapon than these other countries? If Iran had a nuclear weapon, the odds of her initiating an attack against anybody, which would guarantee her own annihilation are zero, and the same goes for the other states. She is unlikely to have any weapons in the hands of a nonstate terrorist group.

Pakistan has spread nuclear technology throughout the world, and in particular, to the North Koreans. They flaunt international restrictions on nuclear weapons, but we reward them just as we reward India. We needlessly and foolishly threaten Iran, even though they have no nuclear weapons, but listen to what a leading Israeli historian, Martin van Creveld had to say about this: “Obviously we do not want Iran to have a nuclear weapon, and I do not know if they are developing them. But if they are not developing them, they are crazy.”

There has been a lot of misinformation regarding Iran’s nuclear program. This distortion of the truth has been used to pump up emotions in Congress to pass resolutions condemning her and promoting U.N. sanctions. IAEA Director General Mohamed ElBaradei has never reported any evidence of undeclared sources or special nuclear material in Iran or any diversion of nuclear material. We demand that Iran prove they have no nuclear weapons, refusing to acknowledge that proving a negative is impossible. Let there be no doubt, the neoconservative warriors are still in charge and are conditioning Congress that the American people for a preemptive attack on Iran, never mind that Afghanistan has unraveled and Iraq is in a Civil War. Serious plans are being laid for the next distraction which will further spread the Middle East. The unintended consequences of this effort surely will be worse than any of the complications experienced in the 3-year occupation of Iraq.

Our offer of political and financial assistance to Iran and domestic individuals who support the overthrow of the current Iranian government is fraught with danger and saturated with arrogance. Imagine how Americans citizens would respond if China supported similar efforts here in the United States to bring about regime change. How many of us would remain complacent if someone like Timothy McVeigh had been financed by a foreign power? If it were Iran. Iran and the Iranians, military confrontation with Iran will have unintended consequences. The successful alliance engendered between the Iranians and the Iraqi major Sh dla will prove a formidable opponent for us in Iraq as that civil war spreads. Shipping in the Persian Gulf may well be disrupted by the Iranians in retaliation for any military confrontation. Since Iran would be incapable of defending herself by conventional means, it seems likely that they might well resort to terrorist attacks on us here at home. They will not passively lie down, nor can they be easily destroyed.

One of the reasons given for going into Iraq was to secure our oil supplies. This backfired badly. Production in Iraq is down 50 percent, and world oil prices have more than doubled to $60 a barrel. Meddling with Iran could easily have a similar result. We could see oil at $120 a barrel and gasoline at $6 a gallon. The obsession the neo-cons have with remaking the Middle East is hard to understand. One thing that is easy to understand is none of those who plan these wars expect to fight in them, nor do they expect their children to die in some IED explosion.

Exactly when an attack will occur is not known, but we have been forewarned more than once that all options are on the table. The sequence of events now occurring with regards to Iran are eerily reminiscent of the hype to our preemptive strike against Iraq. We should remember the saying: “Fool me once, shame on you; fool me twice,
shame on me." It looks to me like the Congress and the country is open to being fooled once again.

Interestingly, many early supporters of the Iraq War are now highly critical of the President, having been misled as to reasons for invasion and occupation. But these same people are only too eager to accept the same flawed arguments for our need to undermine the Iranian government.

The President’s 2006 National Security Strategy, just released, is even more menacing. It is as frightening as the one released in 2002 endorsing preemptive war. In it he claims, “We face no greater challenge from a single country than from Iran.” He claims the Iranians have for 20 years hidden key nuclear activities, though the IAEA makes no such accusation, nor has the Security Council in at least 20 years ever sanctioned Iran. The clincher in the National Security Strategy document is if diplomatic efforts fail, confrontation will follow. The prelude is the diplomatic effort, if one wants to use that term, is designed to fail by demanding the Iranians prove an unprovable negative. The West, led by the U.S., is in greater violation by demanding Iran not pursue advanced technology, than peaceful, that the NPT guarantees is their right.

The President states: Iran’s “desire to have a nuclear weapon is unacceptable.” A desire is purely subjective and cannot be substantiated nor disproved. Therefore, all that is necessary to justify an attack is if Iran fails to prove it does not have a desire to be like the United States, China, Russia, Britain, France, Pakistan, North Korea, India and Israel whose nuclear missiles surround Iran. Logic like this to justify a new war, without the least consideration for a congressional declaration of war, is indeed frightening.

Commonsense telling us Congress, especially the civil war in Afghanistan, the mess in Afghanistan, should move with great caution in condoning a military confrontation with Iran.

Madam Speaker, there are reasons for my concern and let me list those. Most Americans are uninterested in foreign affairs until we get mired down in a war that costs too much, lasts too long, and kills too many U.S. troops. Getting out of a lengthy war is difficult, as I remember all too well with Vietnam. The U.S. Air Force in 1963 to 1968. Getting into war is much easier.

Unfortunately, the legislative branch of our government too often defers to the executive branch and offers little resistance to war plans, even with no significant threat to our security. The need to go to war is always couched in patriotic terms and falsehoods regarding an imaginary, imminent danger. Not supporting the effort is painted as unpatriotic and wimpy against some evil to engulf us. The real reason for our militarism is rarely revealed and hidden from the public. Even Congress is deceived into supporting adventurism they would not accept if fully informed.

If we accepted the traditional American and constitutional foreign policy of nonintervention across the board, there would be no temptation to go to war even under the most serious conditions. A foreign policy of intervention invites all kinds of excuses for spreading ourselves around the world. The debate shifts from nonintervention versus intervention, to where and for what particular reason should we involve ourselves. Most of the time, it is for less than honorable reasons. Even when cloaked in honorable slogans, like making the world safe for democracy, the unintended consequences and the ultimate costs cancel out the good intentions.

One of the greatest losses suffered these past 60 years from interventionism becoming an acceptable policy of both major parties is respect for the Constitution. Congress flatly has no constitutional authority to declare war. Going to war was never meant to be an executive decision, used indiscriminately with no resistance from Congress. The strongest attempt by Congress in the past 60 years to police that policy was the passage of the Foley amendment, demanding no assistance be given to the Nicaraguan contras. Even this explicit prohibition was flaunted by an earlier administration.

Arguing for a Granada-type intervention because of its success and against the Iraq War because of its failure and cost is not enough. We must once again, understand the wisdom of rejecting entangling alliances and rejecting Nation building. We must stop trying to police the world and, instead, emphasize our national sovereignty. The best reason to oppose interventionism is that people die, needlessly, on both sides. We have suffered over 20,000 American casualties in Iraq already, and Iraqi civilian deaths probably number over 100,000 by all reasonable counts.

The next best reason is that the rule of law is undermined, especially when the United States goes along with too much spending to finance a war. The best reason to oppose intervention is that it is technically the tax required to pay for the war. The tragedy is that the inflation tax is borne more by the poor and the middle class than the rich. The well-connected rich, the politicians, the bureaucrats, the bankers, the military industrialists and the international corporations reap the benefits of war profits.

A sound economic process is disrupted with a war economy and monetary inflation. Strong voices emerge blaming the wrong policies for our problems, prompting an outcry for protectionist legislation. It is always easier to blame the foreign producers and savers for our inflation, our lack of savings, excessive debt and loss of industrial jobs. Protectionist measures only make economic conditions worse. Inevitably these conditions, if not corrected, lead to a lower standard of living for most of our citizens.

Careless military intervention is also bad for the civil disturbance that results. The chaos in the streets of America in the 1960s while the Vietnam War was under way has one example of domestic strife caused by an ill-advised unconstitutional war that could not be won. The early signs of civil discord are now present. Hopefully, we can extricate ourselves from Iraq and avoid a conflict in Iran before our streets explode, as they did in the 1960s.

In a way, it is amazing there is not a lot more outrage expressed by the American people. There is plenty of complaining but no outrage over policies that are not part of our American tradition. War based on false pretenses, 20,000 American casualties, torture policies, thousands jailed without due
process, illegal surveillance of citizens, warrantless searches, and yet no outrage. When the issues come before Congress, executive authority is maintained or even strengthened while real oversight is ignored.

Though many Americans are starting to feel the psychic pain of paying for this war through inflation, the real pain has not yet arrived. We generally remain fat and happy with a system of money and borrowing that postpones the day of reckoning. Foreigners, in particular the Chinese and Japanese, gladly participate in the charade. We print the money and they take it, as do the OPEC Nations, and provide us with consumer goods and oil. Then they loan the money back to us at low interest rates, which we use to finance the war and our housing bubble and excessive consumption. This recycling and perpetual borrowing of inflated dollars allow us to avoid the pain of high taxes to pay for our war and welfare spending. If the music stops and the real costs are realized, with much higher interest rates and significant price inflation. That is when outrage will be heard and the people will realize we cannot afford the humanitarianism of the neo-conservatives.

The reason our economic problems are principally due to the Chinese is nonsense. If the protectionists were to have it their way, the problem of financing the war would become readily apparent and have immediate ramifications, none good.

Today’s economic problems, caused largely by our unjust military policy, won’t be solved by altering exchange rates to favor us in the short run or by imposing high tariffs. Only sound money with real value will solve the problems of competing currency devaluations and protectionist measures. Escrow accounts for loans and arm-twisting are major reasons for wars being fought. Noble and patriotic causes are easier to sell to a public who must pay and provide cannon fodder to defend the financial interests of a privileged class. The fact that Saddam Hussein demanded Euros for oil in an attempt to undermine the U.S. dollar is believed by many to be one of the ulterior motives for our invasion and occupation of Iraq. Similarly, the Iranian oil bourse now about to open may be seen as a threat to those who depend on maintaining the current monetary system with the dollar as the world’s reserve currency.

The theory and significance of “peak oil” is believed to be an additional motivating factor for the United States and Great Britain wanting to maintain firm control over the oil supplies in the Middle East. The two nations have been protecting our oil interests in the Middle East for nearly 100 years. With diminishing and expanding demands, the incentive to maintain a military presence in the Middle East is quite strong. Fear of China and Russia moving in to this region to consume more control alarms those who don’t understand how a free market can develop substitutes to replace diminishing resources. Supporters of the military efforts to maintain control over the world to protect oil fail to count the real cost of energy once the DOD budget is factored in. Remember, invading Iraq was costly and oil prices doubled. Confrontation in Iran may evolve differently, but we can be sure if we use costly and oil prices will rise significantly.

There are long-term consequences or backlash from our militant policies of intervention around the world. They are unpredictable as to time and place. 9/11 was a consequence of our military presence on Muslim holy lands; the Ayatollah Khomeini’s success in talking over the Iranian government in 1979 was a consequence of our CIA overthrowing Mossadech in 1953. These connections are rarely recognized by the American public, or acknowledged by our government. We never seem to learn how dangerous interventionism is to us and to our security.

There are some who may not agree strongly with any of my arguments, and instead believe the propaganda of Iran and her President, Mahmoud Ahmadinejad, are thoroughly irresponsible and have threatened to destroy Israel. So all measures must be taken to prevent Iran from getting nukes, thus the campaign to intimidate and confront Iran.

First, Iran doesn’t have a nuke and it is nowhere close to getting one, according to the CIA. If they did have one, using it would guarantee almost instantaneous annihilation by Israel and the United States. Hysterical fear of Iran is way out of proportion to reality. With a policy of containment, we stood down and won the Cold War against the Soviets and their 30,000 nuclear weapons and thousands of missiles. If you are looking for a real kook with a bomb to worry about, North Korea would be high on the list. Yet we negotiate with Kim Jong Il. Pakistan has nukes and was a close ally of the Taliban up until 9/11. Pakistan was never inspected by the IAEA as to their military capability. Yet we not only talk to her, we provide economic assistance, though someday Musharraf may well be overthrown and a pro-Muhammadu military government put in place. We have been nearly obsessed with talking about regime change in Iran, while ignoring Pakistan and North Korea. It makes no sense and it is a very costly and dangerous policy.

The conclusion we should derive from this is simple. It is in our best interest to pursue a foreign policy of non-intervention. A strict interpretation of the Constitution mandates it. The moral imperative of not imposing our will on others, no matter how well intentioned, is a powerful argument for minding our own business. The principle of self-determination should be respected. Strict non-intervention requires, whether through higher taxes or inflation. If the moral arguments against intervention don’t suffice for some, the practical arguments should.

Intervention just doesn’t work. It backfires and ultimately hurts the American citizens both at home and abroad. Spreading ourselves too thin around the world actually diminishes our national security through a weakened military. As the only superpower of the world, a constant interventionist policy is perceived as arrogant, and greatly undermines our ability to use diplomacy in a positive manner.

Conservatives, libertarians, constitutionals, and many of today’s liberals have all at one time or another endorsed a less interventionist foreign policy. There is no reason a coalition of these groups might not once again present the case for a pro-American nonmilitant noninterventionist foreign policy dealing with all nations. A policy of trade and peace, and a willingness to use diplomacy is far superior to the foreign policy that has evolved over the past 60 years. It is time for a change.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, MARCH 6, 2006, AT PAGE H570

House of Representatives, Committee on Transportation and Infrastructure, Washington, DC, February 28, 2006.

Hon. J. Dennis Hastert, Speaker of the House, Washington, DC.

Dear Mr. Speaker: Enclosed please find two resolutions approved by the Committee on Transportation and Infrastructure on February 16, 2006, in accordance with 40 U.S.C. §3307.

Sincerely,

Don Young, Chairman.

Lease—Department of Justice—Miami

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 725,780 rentable square feet of space and 1,155 outside parking spaces for the Department of Justice, currently located in multiple leased locations throughout South Florida, at a proposed total annual cost of $25,332,300 for a lease term of 15 years, a prospectus for which is attached and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the lease.

Provided. That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Amended Prospectus—Alternations—Emmanuel Celler Courthouse—Brooklyn, NY.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307,
additional appropriations are authorized for the alteration of the Emanuel Celler Courthouse located at 225 Cadman Plaza East, in Brooklyn, NY at an additional design and review cost of $3,511,000 (design and review cost of $3,791,000 was previously authorized), an additional estimated construction cost of $27,193,000 (estimated construction cost of $27,193,000 was previously authorized), and additional management and inspection cost of $4,220,000 (management and inspection cost of $4,220,000 was previously authorized) for a combined total project cost of $104,226,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions 101, 106, and 201, 202, authorizing $3,791,000 for design and July 23, 2003, authorizing $65,511,000 for management and inspection and construction.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders hereafter entered, was granted to:
(3) The following Members (at the request of Mr. BAIRD) to revise and extend their remarks and include extraneous material:
Mr. HOYER, for 5 minutes, today.
Mr. PAUL, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Mr. DINGELL, for 5 minutes, today.
Mr. RYAN of Ohio, for 5 minutes, today.
Mr. KILDEE, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. HOLT, for 5 minutes, today.
Mr. CONYERS, for 5 minutes, today.
Mr. KUCINICH, for 5 minutes, today.
Mr. LEVIN, for 5 minutes, today.
Ms. KILPATRICK of Michigan, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. McDERMOTT, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
(3) The Members (at the request of Mr. JONES of North Carolina) to revise and extend her remarks and include extraneous material:
Mrs. MUSGRAVE, for 5 minutes, today.

ADJOURNMENT
Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accord-

tained 1 a.m. 1 p.m. until to-

omorrow, Thursday, April 6, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:
6907. A letter from the Attorney, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, transmitting the Department’s final rule — Gas Gathering Line Definition; Alternative Definition for Onshore Lines and New Standards (Docket No. PHMSA-2001-4868; AEA Ex Parte No. 2002-4218 (RIN: 2120-AT11) received March 24, 2006, pursuant to 5 U.S.C. 801(1)(A); to the Committee on Transportation and Infrastructure.
NE-43-AD; Amendment 39-14406; AD 2005-23-13] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


6923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 737-100, 737-200, 737-300, 737-400, 737-500, 737-600, 737-700, 737-800, 737-900, 737-900ER, 737-900ER SUD, and 737-900ERII Series Airplanes [Docket No. FAA-2005-21071; Directorate Identifier 2005-CE-40-AD; Amendment 39-14295; AD 2005-23-08 (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6930. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-21218; Directorate Identifier 2005-CE-37-AD; Amendment 39-14295; AD 2005-22-07 (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6931. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Pacific Maritime Airlines Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-20152; Directorate Identifier 2005-CE-37-AD; Amendment 39-14295; AD 2005-22-07 (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Pacific Maritime Airlines Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-20149; Directorate Identifier 2005-CE-37-AD; Amendment 39-14295; AD 2005-22-07 (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6933. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Pacific Maritime Airlines Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-20146; Directorate Identifier 2005-CE-37-AD; Amendment 39-14295; AD 2005-22-07 (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6934. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Pacific Maritime Airlines Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-20144; Directorate Identifier 2005-CE-37-AD; Amendment 39-14295; AD 2005-22-07 (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6935. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Pacific Maritime Airlines Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-20142; Directorate Identifier 2005-CE-37-AD; Amendment 39-14295; AD 2005-22-07 (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and several were referred, as follows:

By Mr. LANTOS (for himself, Mr. BURTON of Indiana, Mr. ENGEL, Ms. ROS-LeLIMA, Mr. SMITH of New Jersey, Ms. LEW, Mr. WELLER, Mr. BURMAN, Mr. WEEXLER, Mr. PAYNE, Mr. CROWLEY, Mrs. NAPOLITANO, and Mr. MEEKS of New York):

H.R. 5091. A bill to authorize assistance to the people of the Republic of Haiti to fund scholarships for talented disadvantaged students in Haiti to continue their education in the United States and to return to Haiti to contribute to the development of their country, and for other purposes; to the Committee on International Relations.

By Mr. COBLE (for himself and Mr. SCOTT of Virginia):

H.R. 5092. A bill to modernize and reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 5093. A bill to revise the limitation on Impact Aid special payments; to the Committee on Education and the Workforce.

By Mr. JONES of North Carolina:

H.R. 5094. A bill to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina; to the Committee on Natural Resources.

By Mr. ENGEL (for himself and Mrs. WILSON of New Mexico):

H.R. 5095. A bill to prohibit deceptive advertising or disseminating of caller identification on outbound telephone calls; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself and Mr. VANDERPLOEG):

H.R. 5096. A bill to amend title 35, United States Code, to modify certain procedures relating to patents; to the Committee on the Judiciary.

By Mr. DAVIS of Kentucky (for himself, Mr. LEWIS of Kentucky, Mr. BOWES of Louisiana, Mr. DUNCAN of South Carolina, Mr. MACCULLOCH, Mr. TAYLOR of Georgia, Mr. WEST of Florida, and Mrs. WELCH):
H.R. 5097. A bill to facilitate and expedite direct refunds to coal producers and exporters of the unconstitutional imposition of a tax on coal exported from the United States; to the Committee on Ways and Means.

By Mr. MEKHAN:

H.R. 5098. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for tuition and related expenses for higher education and to reduce the maximum interest rate allowable on student loans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself, Mr. BONNER, Mr. BERRY, Mr. ROGERS of Alabama, Mr. ROSS, Mr. FOLK, Mr. POMROY, Mr. EVETT, Mr. BOYD, Mr. ALEXANDER, Mr. CUELLAR, Mr. KENNEDY of Minnesota, Mr. MCDERMOTT, Ms. ENSMINGER, Mr. HINOJOSA, Mr. PICKERING, Ms. KAPTUR, Mr. BOUSTANY, Mr. SCOTT of Georgia, Mr. HULSHOF, Mr. MARSHALL, Mr. HUNSTON, Ms. PORTER, Mr. SKELTON, and Mr. BAKER):

H.R. 5099. A bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, Armed Services, the Budget, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. EMANUEL, Mr. ROTH, Mr. DINGELL, Mr. HOEKstra, Mr. BISHOP of New York, Ms. MCcOULLUM of Michigan, Mr. RYAN of Ohio, Mr. ENGLISH of Pennsylvania, Mr. KIND, Mr. KILDRE, Ms. BEAN, Mr. HIGGINS, Ms. SLAUGHTER, Mr. STUPAK, Ms. SCHAKowsky, Mr. EvANS, Mr. LEVIN, Mr. GREENBERG of New York, Mr. CHABOT, Ms. KAPTUR, Mr. STRICKLAND, Mr. LI-PINKI, Ms. MOORE of Wisconsin, Mr. LATOURRETTE, Mr. UPTON, Mr. MCcGRATH, and Mr. CAMP of Michigan):

H.R. 5100. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, Science, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEAUPREZ:

H.R. 5101. A bill to authorize a major medical facility project for the Department of Veterans Affairs at Denver, Colorado; to the Committee on Veterans' Affairs.

By Mr. BECERRA (for himself, Mr. DeFazio, Mr. SALAZAR, Mr. HONDA, Mr. MANZANILLO, Mr. KENNEDY of Rhode Island, Mr. BOUCHER, Mr. WEXLER, Mr. CARDOZA, Mr. MCGOVERN, Mr. MOLLOHAN, Mr. GENE GREEN of Florida, Mr. BASS, Mr. STARK, Mr. CONYERS, Mr. MCDERMOTT, Ms. HERSHET, Mr. HINCHY, Mr. BROWN of Ohio, Mr. REYES, Mr. GABRIEL, Mr. LAUBER, Mr. LINZER, Ms. NUNN, Mr. LINDE, Mr. NOLAN, Mr. COSTELLO, Mrs. MALoney, Mr. MARSHALL, Mr. LEVIN, Ms. NORTON, Mr. INSLER, Mr. LYNCH, Mr. DELAHUNT, Mr. OWENS, Mr. ORTIZ, Ms. SCHAKowsky, Mrs. NAPOLITANO, Mr. ROYbal-Allard, Mr. POMROY, Mr. SCOTT of Virginia, Mr. BACA, Mr. SANDERS, Mr. CUMmINGS, Mr. OBERSTAR, Mr. PAYNE, Mr. GONZALEZ, Mr. ROYbal-CASTRO, Mr. LANTON, Mr. DOGGETT, Ms. WASSERMAN SCHULTZ, Mr. BRADY of Pennsylvania, Mrs. CAPPS, and Ms. MCcOULLUM of Michigan):

H.R. 5102. A bill to amend title XVIII of the Social Security Act to prohibit removal of covered part D drugs from a prescription drug plan formulary during the plan year once an individual has enrolled in the plan; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER:

H.R. 5103. A bill to provide for the conveyance of the former Komarock Lather Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Florida:

H.R. 5104. A bill to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the 'Morris W. Milton Post Office'; to the Committee on Government Reform.

By Mr. HAYWORTH:

H.R. 5105. A bill to provide that Arizona is in compliance with the Equal Educational Opportunities Act of 1974 with respect to English language learners; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA:

H.R. 5106. A bill to amend the National Science Foundation Act of 2002 to authorize grants for Partnerships for Access to Laboratory Science (PALS); to the Committee on Science, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. MERR of Florida, Mr. DAVIS of Florida, Mr. FOLEY, Mr. BOYD, Mr. MACK, Mr. PAYNE of Florida, Mr. WATSON-WAITE of Florida, Mr. HARRIS, Mr. CRENshaw, Mr. FENNEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROCKETT, Mr. STRINGER, Mr. PUTNAM, Mr. HASTINGS of Florida, Mr. WELDON of Florida, Mr. MICA, Mr. BILIRakis, Mr. MARIO DIAZ-BALART of Florida, Mr. WEXLER, Mr. KELLER, Mr. YOUNG of Florida, Ms. WASSERMAN SCHULTZ, Mr. SHAW, and Ms. CORHINE BROWN of Florida):

H.R. 5107. A bill to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the 'Ruby Hutto Post Office Building'; to the Committee on Government Reform.

By Mr. POE:

H.R. 5108. A bill to designate the facility of the United States Postal Service located at 2123 East Houston Street in Cleveland, Texas, as the 'Lance Corporal Robert A. Martinez Post Office Building'; to the Committee on Government Reform.

By Mr. ROGERS of Michigan (for himself, Mr. BROYHILL, Mr. BAKER, Mr. MURPHY, Mr. REINSCHTEIN, Mr. BOWEN, Mr. MULLIN, Mr. LAMAR, Mr. GROVER, Mr. ERICSON, Mr. GIBSON, Mr. MULRONEY, Mr. LITE, Mr. SOUTH, Mr. LENTZ, Mr. MCDERMOTT, Mr. CAMP, Mr. DURBIN, Mr. OSWALD, Mr. CHENOWETH, Mr. VELAZquez, Mr. TENET, and Ms. MALoney):

H.R. 5109. A bill to amend the Public Health Service Act to require Senate confirmation for each appointment to serve in the position of Assistant Director for Public Health Emergency Preparedness, Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 5110. A bill to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; to the Committee on Resources.

By Mr. COSTA (for himself, Mr. POE, and Mr. WELDON):

H. Con. Res. 378. Concurrent resolution supporting the goals and ideals of the 2006 National Crime Victims' Rights Week and for other purposes; to the Committee on Resources.

By Mr. EMAUEL (for himself, Mr. ABERCROMBIE, Mr. VAN HOLLEN, Mr. DAVIS of Tennessee, Mr. MCDERMOTT, Mr. OWENS, Mrs. CAPPS, Mr. DOYLE, Mr. NEAL of Massachusetts, Mr. CONYERS, Mr. RYAN of Ohio, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. GRUJALVA, Ms. SCHAKowsky, Mr. LEWIS of Georgia, Mr. CLAY, and Mr. UDALL of Colorado):

H. Con. Res. 379. Concurrent resolution directing the Architect of the Capitol to establish a temporary exhibit in the rotunda of the Capitol to honor the memory of the members of the United States Armed Forces who have lost their lives in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on House Administration.

By Mr. SCHIFF (for himself and Mr. GOODLATTE):

H. Con. Res. 380. Concurrent resolution expressing the sense of Congress that United States intellectual property must be protected globally; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H. Res. 762. A resolution raising a question of the privileges of the House.

H. Res. 763. A resolution recognizing and honoring firefighters for their many contributions.

H. Res. 764. A resolution supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania:

H. Res. 765. A resolution recognizing and honoring firefighters for their many contributions.

By Mr. WELDON of Pennsylvania (for himself, Mr. PASCHEN, Mr. DUNCAN, Mr. PORTER, Mr. DUNCAN, and Mrs. MALoney):
H. Res. 697: Mr. MEEKS of New York, Mr. KLINE, and Mr. BOYD.
H. Res. 699: Ms. HERSETH.
H. Res. 737: Mr. PRICE of North Carolina and Mr. DOYLE.
H. Res. 756: Mr. KING of Iowa, Mr. DELAY, Mr. WESTMORELAND, and Mr. LATHAM.
H. Res. 758: Mr. HYDE, Mr. LANTOS, Mr. BURTON of Indiana, Mr. PITTS, Mr. BERMAN, Mr. CROWLEY, Mr. WEXLER, Mr. ACKERMAN, Mr. BROWN of Ohio, Ms. BERKLEY, Ms. MCCOLLUM of Minnesota, Mr. HANDLER, and Mr. CARNAHAN.
H. Res. 761: Mr. WEXLER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 513
OFFERED BY: MR. DREIER

Amendment No. 1: Page 2, line 4, strike “527 Reform Act of 2005” and insert “527 Reform Act of 2006”.

Page 8, strike line 22 and all that follows through page 9, line 3.

Page 16, strike line 23 and all that follows through page 17, line 5.

Insert after section 3 the following (and redesignate the succeeding sections accordingly):

SEC. 4. REPEAL OF LIMIT ON AMOUNT OF PARTY EXPENDITURES ON BEHALF OF CANDIDATES IN GENERAL ELECTIONS.

(a) REPEAL OF LIMIT.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(i) in paragraph (1)—

(A) by striking “(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee” and inserting “Notwithstanding any other provision of law with respect to limitations on amounts of expenditures or contributions, a national committee”;

(B) by striking “‘the general’” and inserting “‘any’”;

(C) by striking “Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection” and inserting “Federal office in any amount”; and

(ii) by striking paragraphs (2), (3), and (4).

(b) CONFORMING AMENDMENTS.—

(1) INDEXING.—Section 315(c) of such Act (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)(B)(i), by striking “(d);” and

(B) in paragraph (2)(B)(i), by striking “subsections (b) and (d)” and inserting “subsection (b)”.

(2) INCREASE IN LIMITS FOR SENATE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315(i) of such Act (2 U.S.C. 441a(i)(1)) is amended—

(A) in paragraph (1)—

(i) by adding “and” at the end of subclause (1),

(ii) in subclause (2), by striking “; and” and inserting a period, and

(iii) by striking subclause (III);

(B) in paragraph (2)(A) in the matter preceding clause (i), by striking “; and” and a party committee shall not make any expenditure.”;

(C) in paragraph (2)(A)(II), by striking “and party expenditures previously made”;

and

(D) in paragraph (2)(B), by striking “and a party shall not make any expenditure”.

(3) INCREASE IN LIMITS FOR HOUSE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315A(a) of such Act (2 U.S.C. 441a–1(a)) is amended—

(A) in paragraph (1)—

(i) by adding “and” at the end of subparagraph (A),

(ii) in subparagraph (B), by striking “; and” and inserting a period, and

(iii) by striking subparagraph (C);

(B) in paragraph (3)(A) in the matter preceding clause (i), by striking “; and a party committee shall not make any expenditure.”;

and

(C) in paragraph (3)(A)(II), by striking “and party expenditures previously made”;

and

(D) in paragraph (3)(B), by striking “and a party shall not make any expenditure”.

Add at the end the following:

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.
The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we are returning to the border security bill which has been pending since last Wednesday. Last night, the minority leader filed a cloture motion on the chairman’s substitute amendment. I was a little surprised when I heard this happened, although I was not on the floor when it was filed. I certainly understand the rules that permit the minority leader to file this motion. I know it is a rare occurrence when the minority leader files such a cloture motion, and at this point he did on the bill. I believe we can make real progress on addressing the amendments if we allow them to come forward, debate them openly, and then vote on them. We do still have the first amendment which was offered to the bill last week pending before the Senate; that is, the Kyl-Cornyn amendment on which we voted on the motion to table last night, 9 to 99—a unanimous vote. The motion had been made and it was not tabled; therefore, it is the pending amendment. We have three other amendments Senators have offered and debated, but we have not been given the opportunity to vote on those.

As I said at the outset of the debate last week, my intention was to give ample time to have amendments come forward, to debate, to fully understand what is in the Judiciary bill, to modify the Judiciary bill by debate and amendment. I encourage Members to come to the floor to do just that, to offer their amendments. Members show up, and then there is an objection to even offering the amendments from the other side. I specifically set aside these weeks for the Senate to debate this particular issue, the border security and immigration issue, because it is one that is important to the safety of the American people, the security of the Nation, and fairness to immigrants. We are a nation of laws, and we are a rich nation of immigrants. Both of those principles need to be respected in the debate, but we can only do so by making sure that the laws we pass are upheld and that we address the people who have broken the law. That can be done in a comprehensive bill, and we have to have debate and amendment.

The debate over security on our borders and handling immigration has generated a lot of ideas. The debate has matured, and we have had good debate on the floor. Now we have the attention of all 100 Senators and people around the country looking at what we do. They expect us to legislate, to address the very real problems that are out there today, and that requires debate and amendment.

If you look at other large bills we have done, the Medicare prescription drug bill, we had 128 amendments considered; the Energy bill, we had 60 or 70 amendments considered; on the highway bill, 47 amendments; bankruptcy reform, 61 amendments. It is important that we debate these amendments and act on them. We just can’t sit on the sidelines; the problem is too big, too important. It is growing. An estimated 3 million people crossed our southwestern borders illegally last year, and we don’t know who they are. We don’t know what their intentions are. We need to bring a rational, fair framework to assist a system that is just flatout broken. That is our responsibility.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
WASHINGTON, DC, APRIL 5, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to per-
Today is a new day, and we are just getting started. With that, I hope we will have the opportunity to start afresh. The two managers last night indicated they would be working together and would try to work out a list of amendments to the United States Immigration and Nationality Act that would include the amendments that were offered last week. I would hope that they are. I encourage them to work out a process to give Senators on both sides of the aisle the chance to offer amendments and to have one that would include that path to finishing a bill which is critically important to the safety and security of the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SECURING AMERICA'S BORDERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate is continuing consideration of S. 2414, which the clerk will report.

The legislative clerk read as follows:
A bill (S. 2414) 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.
Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for the United States each year.

Mr. REID. I ask unanimous consent to spread the Kyl-Cornyn and votes on other amendments, we ought to vote on that amendment. But we have still not resolved the issue as to what amendments we can consider pending amendments. It was my hope that the pending amendments would be included in the list, but that was not to be the case. We have debated the Kyl-Cornyn amendment. It is my thought that we ought to vote on that amendment. But we have still not resolved the issue as to what amendments we can consider pending amendments. In order to proceed to consideration and votes on other amendments, we have to set aside the Kyl-Cornyn amendment. Senator Kyl is understandably concerned about setting aside his amendment, that he will not have an opportunity to vote on it. So we are still working to try to resolve the issue.

I have just had a short discussion with the distinguished Democratic leader. We do not want to remove ahead, not as usefully as we might but at least to use floor time on matters which we would have later. We have agreed that Senator SANTORUM would be recognized to lay down an amendment and speak about it and that Senator Nelson of Florida would lay down an amendment and speak about it. In the interim, we are continuing to talk to see if we can resolve our differences of opinion.

Mr. REID. Mr. President, it is my understanding that Senator SANTORUM would lay down his amendment, speak on it for whatever time he feels appropriate. Following the termination of his remarks, the Senator from Florida would be recognized, or someone on his behalf, to lay down amendment No. 3220 and speak for whatever time he thought appropriate.

Mr. SPECTER. That is my understanding as well. So we have agreed upon something.

Mr. REID. I ask unanimous consent on that.

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

The Senator from Pennsylvania.

AMENDMENT NO. 3215
Mr. SANTORUM. Mr. President, I call up amendment No. 3215 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

(a) FINDINGS.—Congress makes the following findings:
(1) Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States through the brave actions of Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko during the American Revolution.
(2) Polish history provides pioneering examples of constitutional democracy and religious tolerances.
(3) The United States is home to nearly 9,000,000 people of Polish ancestry.
(4) Polish immigrants have contributed greatly to the success of industry and agriculture in the United States.
(5) Since the demise of communism, Poland has become a stable, democratic nation.
(6) Poland has adopted economic policies that promote free markets and rapid economic growth.
(7) On March 12, 1999, Poland demonstrated its commitment to global security by becoming a member of the North Atlantic Treaty Organization.
(8) On May 1, 2004, Poland became a member state of the European Union.
(9) Poland was a stalwart ally to the United States during Operation Iraqi Freedom.
(10) Poland has committed 2,300 soldiers to help with ongoing peacekeeping efforts in Iraq.
(11) The Secretary of State and the Secretary administer the visa waiver program, which allows citizens from 27 countries, including France and Germany, to visit the United States as tourists without visas.
(12) On April 15, 1991, Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland for 90 days or less.
(13) More than 100,000 Polish citizens visit the United States each year.

(b) VISA WAIVER PROGRAM.—Effective on the date of the enactment of this Act, and notwithstanding section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland shall be designated a program country for purposes of the visa waiver program established under section 212 of such Act.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, this is an amendment offered along with Senator MIKULSKI on the Polish visa waiver program. This is an issue I have talked about on numerous occasions along with Senator MIKULSKI. We have concern that one of our best allies—in fact, one of our staunchest allies—has great concerns about the way they are being treated in the United States with respect to the visa waiver program. The visa waiver program is available to 27 countries around the world. That also includes citizens from those countries to travel in the United States for vacation and visiting family, et cetera, without requiring a visa. This is a program which is given to countries which we have a special relationship with and who are able to meet certain criteria laid out in the law and have been certified by the Department of State as having met that criteria.

Poland, so far, has not been able to meet the criteria that have been laid out in statute, although I will say that when Senator MIKULSKI and I introduced this in the last session and
I am just suggesting that I think we have a special case here. Congress has done this in the past with Ireland. Congress stepped forward, and we pushed the executive branch at that time to allow Ireland into the visa waiver program, and we think it was time, given the tremendous support we have gotten from the Polish people, the tremendous relationship between our countries, the tremendous contribution the Poles continue to make to this country—and they can treat them on a regular basis as I do, since we have a large Polish population in our State, that this is something vitally important to Polish Americans—the ability of family members to come for weddings, funerals, birthdays, etc., and not have to wait for the bureaucracy at the American Embassy in Poland to approve these types of activities.

This is an important sign to a good friend that we stand with them and that we want to treat them as one of our best friends because, indeed, they are one of our best friends in the world. Senator Mikulski and I have drafted a piece of legislation that would put Poland into the visa waiver program. I reached out to the Judiciary Committee, which is responsible for this bill. I said: Look, if you have concerns and some tweaks we can make that gets them into the program but puts them in line standards as we are happy to consider that. To date, on both sides of the aisle, we have not had very much cooperation in making what I consider to be some minor tweaks that would be necessary to pass this legislation.

I have come today to offer this amendment. Hopefully, we can get this accepted. If not, I would like to have a vote on this amendment. I believe it is important for all of us to stand up for our friends, and affirm our support for them, as they have affirmed over the past many years their support for the United States and the initiatives we have taken around the world.

Mr. President, if you look at some of the countries that are in this program, we have countries such as Brunei in the visa waiver program, San Marino, and Liechtenstein. I suggest that if you are looking at countries that are supportive of the United States, I am not too sure you would name those above Poland. If you name a country whose culture, whose people have close ties to the United States, I am not too sure you would list those countries above Poland.

I hope we can consider this amendment and adopt this amendment, approve this amendment, and send a very strong signal to our friends in Poland that our government stand with them for their efforts to democratize, to open markets, and to create the freedom that our President and so many in Poland. That day, we introduced a bill to once again stand in solidarity with the father of Solidarity by extending the visa waiver program to Poland.

Last month, I had the honor of meeting with Poland’s new President, Lech Kaczynski, joined by my colleagues Senator Levin and Senator Lugar. We reaffirmed and cemented the close ties between the Polish and American people. And we heard loud and clear that the visa waiver program remains a high priority for Poland.

My friends, Poland is not some Communist holdover or third-world country begging for a handout. The Cold War is over. Poland is a free and democratic nation. Poland is a NATO ally and a member of the European Union. But America’s visa policy still treats Poland as a second-class citizen. That is just wrong.

Poland is a reliable ally, not just by treaty but in deeds. Warsaw hosted an international Conference on Combating Terrorism less than 2 months after the September 11 attacks. Poland continues to modernize its armed forces so they can operate with the Armed Forces of the U.S. and other NATO allies, buying American F-16s and Shadow UAVs and humvees.

More importantly, Polish troops have stood side by side with America’s Armed Forces. Polish ships participated in the Gulf War and the Desert Storm during the first gulf war. Poland sent troops to Bosnia as part of UNPROFOR and IFOR. Poland sent troops as part of the international coalition in Afghanistan.

Polish troops have been fighting alongside American troops from day 1 of the Iraq war. Seventeen Polish soldiers have been killed in Iraq, and more than 20 have been injured. They are in Iraq because they want to be reliable allies—because they are ready to stand with us even when the mission is risky and unpopular. Today, nearly 1,000 Polish troops are still on the ground in Iraq, sharing the burden and the risk and the casualties. Next year, Poland will send more than 1,000 troops to Afghanistan to lead NATO’s International Security Assistance Force.

So why is France among the 27 countries in the visa waiver program but Poland is not?

The amendment will add Poland to the list of designated countries in the visa waiver program. That will allow Polish citizens to travel to the U.S. for tourism or business for up to 60 days.
without needing to stand in line to get a visa. That means it will be easier for Poles to visit family and friends or do business in America. Shouldn’t we make it easier for the Pulaskis and Kosciuszkos and Marie Curies of today to visit ours?

We know that our borders will be no less secure because of these Polish visitors to our country. But we know that our alliance will be more secure because of this legislation. I urge my colleagues to join us in support of this important amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I call up amendment No. 3220.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3220.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To use surveillance technology to protect the borders of the United States.)

After section 102, insert the following new section:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAM.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, 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 goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under the Secretary shall:

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other technology necessary for implementation of the program.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other systems 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. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and Action is taken in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a recording camera and pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) funds are available for technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied to determine whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and other site specific requirements necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or within national or international border of the United States, in order to evaluate, for a range of circumstances:

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while evaluating the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after the program developed under this subsection.

The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contract providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such reviews to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

Strike section 102(a).

Mr. NELSON of Florida. Mr. President, the sole intent of this amendment is to take what the committee bill provides in enhancing border security by utilizing technology and enhancing and integrating and coordinating that technology, the use of electronic surveillance on the border to augment our border patrol, and the use of unmanned aerial vehicles, which are a much cheaper version than the military version, but you can see at night and also see in all weather—to take that technology and integrate it and coordinate it is the intent of the amendment.

The amendment was born out of an inspector general’s report of the Department of Homeland Security, as well as the GAO report on how we can use additional coordination of our technology to enhance our border security. It is as simple as that.

I am assuming that the chairman of the committee will accept this amendment because it is just a commonsense amendment. We want to secure our borders. There are so many people we can hire; therefore, we ought to augment the Border Patrol personnel to secure the borders.

Here are a couple of examples. Right now, under electronic surveillance, the signal will go off that somebody has penetrated the barrier. That signal will go off. If we use this technology, we will be able to activate a camera and search as to where that particular electronic sensor has gone off. That is inefficient use of...
personnel. We have the technology. We can integrate it so that when the electronic sensor goes off—someone has crossed the border—the cameras in that particular location can automatically go off and record the event, that event can be sent out to multiple DHS substations, and it can also be sent out into a permanent database so that we have a permanent record of that event. That is one example.

Another example is that you have an unmanned aerial vehicle, a drone, that is flying overhead and—same thing—an event is spotted. It is a crossing of the border illegally. Right now, that event is sent back to personnel in DHS.

Both the GAO report and the Inspector general’s report say you ought to integrate all that. It ought to likewise—that event—he sent back to multiple DHS substations for their immediate response, and it ought to go to a permanent database where it is recorded so that we have this vast amount of data. That is the sum and substance of the amendment.

I inquire of the Chair, is there a previous order that was allowed to offer just this one amendment, which is No. 3220? I have a second amendment that is parallel, No. 3221. What did the previous order require?

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is entitled to offer only one amendment.

Mr. NELSON of Florida. I see. Well, then, at some point, I will then likewise offer an amending bill which is quite similar. I explained a bit about it yesterday.

I will simply take this opportunity, while I have the floor, to point out what that amendment does, and the committee bill has moved in the right direction. The committee bill is providing 20,000 detention beds for people who are picked up for having been illegally in the country. What happens now is that somebody comes across into this country, they are here illegally, and what do you know—we don’t have the detention space in which to process them. They are released. There is one part of the border where up to 90 percent of the captured illegal aliens are released after being caught by DHS. Guess what happens. They completely disappear. Only 10 percent, approximately, appear for their subsequent immigration court hearings. DHS says we do not have the space. Presumably that is because DHS has in the range of about 10,000 detention bed facilities. So 90 percent of captured aliens are released. The committee bill clearly is a step in the right direction. What they have done is doubled that to 20,000 beds. What my amendment does is say let’s be realistic: 20,000 beds is not going to cut it, and you are going to continue on this practice of finding an illegal alien and DHS is going to be required then to release them into American society, and it is going to be an immediate problem. We simply have to stop this.

My amendment is going to provide an additional 20,000 beds a year for 5 years or, in other words, to get us to the point after 5 years that instead of having 20,000 detention beds, we will have 100,000 detention beds and be able to meet this problem and stop releasing illegal aliens right back into society.

At this appropriate point, I will be offering amendment No. 3221.

Mr. President, I thank you for the opportunity to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana?

Ms. LANDRIEU. Mr. President, I believe under the previous order, Senators have been allowed to offer amendments as we proceed—not on the immigration bill but on an unrelated bill while the immigration bill is pending. I ask unanimous consent to speak on the immigration bill.

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

INTERNATIONAL ADOPTIONS

Ms. LANDRIEU. Mr. President, I thought it had been cleared to present an amendment. It was briefly and, at a later time, have a vote on the amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be submitted for the Record.

Ms. LANDRIEU. Mr. President, I offer this amendment on behalf of myself and Senator DEMINT. Senator CRAIG is also a cosponsor, and several other Senators who have been working on this for several years on this proposal. In fact, my great partner on this bill was the former Senator from Oklahoma, Mr. Nickles. Unfortunately, we couldn’t get this bill through by the time he left. So I know he will be pleased we are continuing the good work he actually put into place.

This is an amendment that I think is going to be great support, broad-based support from both the Republican side and the Democratic side. While there are those that are extremely controversial and very difficult and complicated to work out, which is why it is taking us a good bit of time and our managers are struggling with it as I speak, this particular piece I think is going to be welcomed with open arms.

Actually, the subject of this amendment is for us to welcome children into this country with open arms. These are children who are being adopted in ever increasing numbers by American families. The number of orphans around the world is growing exponentially for many reasons—extreme poverty, war, violence, the growing AIDS epidemic—creating a tremendous increase in orphans around the world.

We are working in many different ways to address that situation, such as strengthening child welfare systems within countries of Africa, within countries such as China and India, as well as strengthening domestic child welfare systems. Many things are underway in partnership with our Governors and our local officials to do that right here in America.

But the fact remains that despite our best efforts to strengthen families, to improve child welfare procedures in our country and around the world, the number of orphans is growing. The good news, however, is Americans are stepping up in unprecedented numbers to adopt more children out of our foster care children who, through no fault of their own, have been separated from their birth families and some for very good reasons because they have been abused, neglected, and have been, unfortunately, in some instances, hideously tortured at the hands of people who are supposed to be caring for them.

We have increased the opportunities for adoption. This amendment I am offering, called the ICARE Act, as an amendment to this bill proposes to improve the international adoption process. We have increased international adoptions from 7,000 children abroad in 1990 to over 23,000 children by 2004.

You may know, Mr. President, of families from Georgia who have adopted children from other countries. In fact, Members of the Senate have themselves gone through international adoptions with great success and, of course, a great blessing to the receiving family and a great blessing to these children whose options were extremely limited to the countries from which they came.

This bill that has been thoroughly examined over the last several years by the authorizing committees would afford foreign adopted children the same automatic citizenship that is granted to a child born to an American family overseas. If you are overseas and you have a baby, that baby gets automatic citizenship. This would, at the act of adoption in a foreign country, provide that same coverage to children who are adopted.

Of course, those of us with adopted children try to explain to everyone that once you have adopted children, it is impossible to distinguish between children you have adopted and biological children. You love them the same and they are an immediate part of the family. Many of us have experienced that on our own.

The amendment would also eliminate much of the red tape and paperwork associated with foreign adoptions, centralize the current staff and resources of the ICARE Act in one office, the Office of International Adoption in the State Department, and it would enable our State Department
to provide greater diplomatic representation and proactive advocacy in the area of international adoption.

The fact is, in conclusion, since 1965, when these original laws were placed on the books, they have not kept up with the pace or the change of international adoption, and that is what this amendment seeks to do.

So on behalf of Senator DeMint, myself, Senator Boxer, who serves with me as cochair of the adoption caucus, and the other amendment for the Senate to consider. When we get to the time when we can vote on some of these amendments, I hope to reserve some time to speak again about the importance of this amendment and, hopefully, it can be adopted by a voice vote. Hopefully we won’t have to have a long debate about this, but if we do, I am prepared to debate this amendment for the thousands and thousands of families in America who, in their mind, are doing literally God’s work by going through the adoption process.

I wish to speak for a moment about the comments made by the distinguished Senator from Colorado, Mr. Salazar. I was struck by his description of the slurs to which he has been subjected for his support of the comprehensive immigration reform bill. In their time, my grandparents’ home in Italy, when they immigrated to this country, and my mother faced as a young girl things such as: “Go back to where you came from.”

I worry about those who are unwilling to debate issues of importance to this country, people who won’t debate the merits, but simply attack people, as they have Senator Salazar or me with baseless religious or ethnic slurs. This seems to have become a new and unfortunate way to debate. It is almost like an ethnic or religious McCarthyism we are facing. People don’t want to debate the issue, so they slam somebody and suggest base motives.

I think that those of us, many of us, who have been called anti-Catholic or anti-Republican or anti-Immortal or anti-American, have been subjected to these attacks because those who disagree with us find it easier to smear than honestly debate the issues. I find it most unfortunate that a Senator of the quality and integrity of Senator Salazar would be subjected to this form of an attack. This seems to have become a new and unfortunate way to debate. It is almost like an ethnic or religious McCarthyism we are facing.

I think of the pride my Italian relatives felt, here in the United States and in my grandparents’ home in Italy, when I became a Member of the Senate. I think of the pride they had when they were subjected in their life, would literally, in many instances, die.

For Americans, the least we can do is reduce the redtape, honor their extra-economic sacrifice and their deep financial commitment, as well as to bring a child here at great expense and to raise them, and it is not cheap to do that in the United States. We want to honor that work Americans are doing and say we are reducing their paperwork, making things more automatic for them, all the while keeping our safeguards in place for a transparent, cost-effective system of intercountry and international adoption.

That is what my amendment does. Again, I offer it on behalf of myself and Senator DeMint. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. BROWNBACK. Mr. President, I am glad the senior Senator from Louisiana is on the floor. I commend her for her statement. She has been a Senate leader on this very important humanitarian matter. We have discussed the question of international adoptions many times. I know how wonderful she has been in— I didn’t want to embarrassed her—not just her position as a Senator, but in her personal life. She has been wonderful. She has worked with Republicand Independents and those who have no political affiliation on this issue.

I have to think that because of her work there are many children throughout this country who are going to have a life much better than they would have had otherwise. I commend my colleague. I am glad to serve with her. I know what she wants to bring forward an amendment on this subject. I believe it is No. 3235, which I should also note is a bipartisan amendment.

I support this amendment, the ICAB Act. I hope we can agree to have it formally offered and successfully considered. International adoption cries out for this relief. I will work with my colleagues on the other side of the aisle to see if we can get this adopted. I would be surprised if there is any Senator—Republican or Demo- crat—who would object to it. I certainly would give it my strong support.

Again, I commend the Senator from Louisiana. Ms. Landrieu. I thank the Senator. Mr. LEAHY. Mr. President, we were making some progress yesterday. We had a number of amendments that were adopted—one by the distinguished Republican leader and others. But then some tried to turn this into a partisan fight, and I think that is unfortunate. I hope we are back on track. We heard from a number of Senators on both sides of the aisle who support the bipartisan comprehensive bill, some of whom came down to speak for the first time in this debate. Senator Menendez spoke from his unique perspective as one who was a Member of the House of Representatives when they brought their bill. He was there when they debated their immigration bill. It turned out to be a very narrow and punitive bill, which he opposed. He is now a Member of the Senate and is supporting a far better bill here today. Senator Nelson of Florida described amendments in which he is interested.

Senator Lieberman spoke about an amendment which he and Senator Brownback wish to offer relating to asylum. Senator Brownback and Senator Carper, I believe, have put forth a bipartisan amendment to which, for some reason, my Republican colleagues on the other side of the aisle are objecting. Senator Kerry spoke forcefully and eloquently.

I wish to speak for a moment about the comments made by the distinguished Senator from Colorado, Mr. Salazar. I was struck by his description of the slurs to which he has been subjected for his support of the comprehensive immigration reform bill. At that time, he and Senator Salazar, I think it probably was about 9:30 last night. He called me at home and we talked about his experiences, I told him how proud I was of him for standing up. Some of the things that were said were things such as: “Go back to where you came from.”

I think we are back on track. We heard from a number of Senators on both sides of the aisle who support the bipartisan comprehensive bill. I support this amendment, the ICAB Act. President Bush called for a civil debate and I wish his supporters would follow that suggestion. I agree with the
Mr. KYL. Mr. President, yesterday I sought to introduce amendment No. 3246. I will not offer that again right now since the minority has indicated it would object to the offering of the amendment, but I will at least explain what it is. It is a very straightforward amendment that essentially addresses the temporary worker program. I am not talking now about what is going to happen to the group of people who are here illegally today. We are talking about people who in the future might want to come legally from their country to work temporarily in the United States. For that group of people, there obviously needs to be a system for verifying their eligibility and for ensuring that program can work. It is estimated that it would take about 18 months maximum to make sure that all of the things would be in place for that program to work.

This amendment simply provides that the things that the bill calls for to be in place within that roughly 18-month period of time would actually have to be in place before the temporary worker program commenced. In other words, it answers the question that many people ask: If you grant people a right to come to the United States and work here, how can we be sure that you have done all of the other things you have said you would do? In effect, this answers it by saying the temporary worker program doesn't start until we can demonstrate that those other things were done.

All of us have talked about the need to ensure that we have enough detention spaces for people who came here illegally and need to be detained; that we have enough Border Patrol agents; that we have enough appropriation for some of the other things the bill calls for—and we are talking about the underlying bill. Given the fact that we all seem to agree that those things need to be done, what this amendment does is answer the question, How do we know they will be done? One way we know they will be done is the temporary worker program doesn't kick in until they are done.

We are not talking about in toto, we are only talking about 18 months' worth of the program. For example, we know that the number of people within the Department of Homeland Security who will be required to investigate compliance with immigration laws related to the hiring of aliens needs to be increased by 2,000, and those people would need to have been employed. We know the number of Border Patrol agents within the Department would be increased by not less than 2,500 more than on the date of enactment. That is approximately 1 year's worth of increase in Border Patrol agents. In addition, detention spaces I mentioned would have to be increased to a level of at least 2,000 more than the number of beds available on the date of enactment. That is about the number that would be created in 1 year's worth of activity under the bill.

The point is, we say there are certain things we have promised would be done. In order to make sure that promise is kept and to answer that question of the American people who say: How do we know, since the law hasn't been enforced in the past, that you are going to enforce the new one, one way we can demonstrate that is to pass this amendment. The temporary worker program under the new law doesn't kick in until these certain objectives have been satisfied.
They are not unreasonable. They are what is already called for in the bill. If we mean what we say in the legislation, then this amendment should not be a difficult amendment to adopt.

I reiterate that this applies to what some have called absconders. It is the pending business, but we have not been able to get a vote on it. The number on that amendment is No. 3206.

What this amendment implies is that people in certain categories would not be able to participate in the program, and those categories are primarily people who are criminals or people who are absconders. By “criminals,” we mean people who have been convicted of a felony or three misdemeanors.

The current law provides that if you have been convicted of a crime of moral turpitude or a drug-related crime or five multiple offenses that amount to 5 years in prison, you cannot participate in the program. That is fine, but it leaves out a lot of other crimes. I read the list of crimes yesterday that would not be covered under the existing bill.

What this amendment says is, if you have ever committed one of these other crimes, you have committed one of these other crimes, then the program would not be available to you, either. Let me note what a couple of those other crimes would be. Crimes which are not covered under the current bill but which would be included in this amendment include burglary, involuntary manslaughter, loan-sharking, assault and battery, possession of an unregistered sawed-off shotgun, riot, kidnapping, making a false statement to a U.S. agency.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KYL. Yes, I would be happy to yield.

Mr. DURBIN. Will the Senator help me understand his amendment? As I understand it, he has spent a great deal of time explaining crimes that would be included which would disqualify a person from the possibility of legalization, but he has not spent time discussing what I think is the more troublesome aspect of his amendment, which would say that if a person overstays a visa, he or she would be ineligible for legalization.

If I could concede to the Senator from Arizona that, if he is going to add the crimes he has mentioned—I happen to think they are currently covered by the law before us, but if there is need for some clarification in that regard, I think it should be pointed out, but would the Senator be kind enough to address that basic issue? Are you saying if a person, currently on a student visa, is failing a class, drops the class, no longer is a full-time student and is therefore out of compliance with the terms of the visa waiver, is dropping that class has now disqualified him from legalization under the bill that is before us?

Mr. KYL. Mr. President, I am glad the Senator from Illinois asked the question. That was the second point I was going to get to. The first had to do with crimes, but I will be happy to leave that conversation and move to the absconders, as I said. “Absconders” is the word that is used to describe those people who have been ordered by a judge to leave the country because of something they have done—more than simply overstaying a visa—and have refused to do that. In other words, they have already demonstrated an unwillingness to comply with an order to leave the country.

Obviously, part of the enforcement of all of this legislation depends upon our ability to enforce the law for people who are unwilling to comply with the law’s terms. If someone has already demonstrated his unwillingness to do that, it seems to me they should not be eligible. And let me go on to say that the suggestion that a simple visa overstayer is caught up in this is not true—true?

Mr. DURBIN. Will the Senator yield?

Mr. KYL. Why don’t I explain it, and then the Senator from Illinois won’t have to keep asking questions about what it actually does.

There are four different sections. One of them has to do with the removal of people where there has been a formal proceeding and the alien has been detained. That is section 238. There are probably about 20,000—well, probably more than that, but there is at least a minimum of 20,000 because many of those other than Mexicans. We do not have the number for people, for example, who would be Mexican citizens.

There are also formal proceedings before an immigration judge. This number of absconders is far greater than that. That is section 240. There are a lot more in that category, perhaps 200,000 to 300,000 people.

Mr. DURBIN. May I ask a question?

Mr. KYL. Let me finish the discussion so that the Senator will not have to interrupt and ask questions, please.

Third, there are the situations where you have visa waiver countries where, because of the terms of the visa waiver, there has been a waiver of a right to counsel, and so that person is not a formal proceeding. There are about 900 removed under that provision per year. So this is not just visa overstayers. There are millions of visa overstayers, obviously. And finally the category of expedited removal, which is section 235, where an alien is detained until deportation. We don’t have data on how many were deported but are still in the United States.

These are categories of people where it is not simply violating it—it is not coming into the United States illegally that triggers a visa overstayer. In fact, I am not sure we wrote this broadly enough because a visa overstayer such as Mohamed Atta—somebody from a country that does not have a visa waiver, from a country such as Saudi Arabia—would not be caught. So here is Mohamed Atta who overstays his visa, flies an airplane into the World Trade Center, and he would not, even under the amendment we have provided here, be precluded from participating in the program.

What I am saying is I don’t think we drafted this quite broadly enough, but it makes the point that merely overstaying the visa does not catch you up in this particular bill. So it is wrong to say all we have to do is overstays a visa and this amendment would catch you up. That is simply not the case. The number probablycaught up in this would be in the neighborhood of 300,000.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. KYL. I would be happy to.

Mr. DURBIN. Mr. President, here is what I understand and what your amendment says. The law, as I understand it, if you are in the United States on a student visa from a foreign country, you are required to be a full-time student and to stay. If you are failing a course, you drop out of the course, you are no longer a full-time student and, therefore, you are ineligible to stay on a student visa. At that point, you are subject to a final order of removal which means you can be deported from this country, you have presence in this country that is not recognized by your student visa because you dropped the course.

Now let me read what your amend-

ment says. It says:

An alien is ineligible for conditional non-immigrant work authorization and status under this section if the alien is subject to a final order of removal.

Mr. KYL. Keep reading.

Mr. DURBIN. “Under sections 217, 221, 228, and 240.”

My question to you is this—

Mr. KYL. Mr. President, let me re-

claim my time. The reason I said “keep reading” is because I just read to you under each of those sections, 217, 225, 228, and 240, the specific circumstances under which someone could be precluded from participating in the benefits of the bill. It is not, with due respect, as the Senator from Illinois said, overstaying a visa. You have to have been subject to one of these four specific circumstances.

As I said, the first one is a visa waiv-

er. There were 900 people last year who were removed under that. It wouldn’t
even include a person such as Mohamed Atta, as I said. I need to go back and try to fix the amendment with regard to that. Sections 235 and 238 are the expedited removal of aggravated felons and I am sure we would not want to allow those people to remain. Section 240 is where there has been a formal appearance before an immigration judge and a person has specifically been ordered to depart and has not done so.

It is simply wrong to say if you come across the border and stay here, or if you overstay your visa, you are caught up in my amendment. My amendment is much more specific than that and specifically only deals with those people you would not want the benefits to apply to.

Mr. DURBIN. Mr. President, if I might further ask a question without asking the Senator to surrender the floor, of course, let me ask this question: What you said and the last thing you said is not the law. If you went in the United States and had an order issued that you will leave, depart, but the language of your amendment doesn't say that. The language says you are subject to a final order, which means you could be—subject to a final order. You are not saying a final order has been issued for deportation, and, therefore, you are ineligible. You are saying you are sure. If I have overstayed my visa, sadly, I am subject to an order of deportation, even if it has not been entered.

Mr. KYL. Mr. President, let me answer the question again by saying I know my colleague is a good lawyer, but you have to read the whole sentence. You can't read half of a sentence and drop off the last part of the sentence. It specifically says under section 217, 235, 238, or 240. It is not simply subject to a final order of removal. It is subject to a final order of removal under one of those four sections.

The last section the Senator referred to is section 240. That is where there has already been a formal proceeding before an immigration judge, an order of removal has been issued, and it has been violated. Yes, the person is subject to a final order of removal because that person has already violated the judge's order.

As to each of these sections, as I said, there is a specific reason why it is included and not merely subject to a final order of removal.

Mr. DURBIN. Mr. President, if I might further ask a question, if the Senator from Arizona wants to make it clear that overstays on visas do not disqualify you from the pathway to legalization unless a final order has been entered saying you must be deported, I wish the Senator would clarify that language. As it stands, you have said if you are subject to—meaning you could be charged with—having overstayed your visa, you could be deported then you are disqualified. I think if you would clarify and tighten the language, it would overcome some of the serious concerns we have. The example the Senator used in other cases of terrorists and people we clearly don't want in the United States. I don't think you will have much, if any, argument. But when it comes to this particular circumstance, I think the language is subject to an interpretation you may not want.

Mr. KYL. I appreciate the suggestion of the Senator from Illinois. It is a usual legislative drafting tradition to say something to other sections of law and only those sections of law that you intend to cover. That is what we have done here. We have not referred to sections of law that would refer broadly to anyone who has overstayed a visa.

Let me reiterate. The Senator asked about the court proceeding. That was the section 240 I referred to. That is specifically where there has been a proceeding. The others I mentioned I will reiterate again.

The visa waiver: As the Senator knows, there are 27 countries where we have a relationship with a visa waiver. What that means is the individual, upon entry to the United States, waivers rights. Somebody under section 240 would not have waived because they do not even have to present a visa to the United States. They, in effect, agree as they come in, as a condition to the use of that provision, to be removable for violation of their visa.

As I said, last year, according to our information, a grand total of 900 people were removed under that particular provision. This is not something on which we round people up and send them home. The expedited removal, sections 235 and 238—as I said, 238 is the removal of aggravated felons—and expedited removal under the provision the Department of Homeland Security has now established for other than Mexicans who come to the United States, for whom there is no detention space and who are being removed from the United States, are subject to that, as well.

To talk about what this problem is and why we are trying to solve it, you have 39,000 Chinese citizens in the United States illegally whom the Chinese Government won't take back. There are similar numbers of people from other countries, although I do not know of any quite that large. It is not a simple matter with people from countries such as this to take them to the border and turn them over to Mexico which obviously won't take them. They are not Mexican citizens. We don't have the detention space right now to accommodate about 165,000 other-than-Mexican illegal immigrants. The Department of Homeland Security has announced their streamlined procedures of expedited removal where it tries to get the country to take the individual back within a period of less than 4 weeks. They are trying to get it down to a couple of weeks.

But as I said, many countries won't take them back. What happens is you end up with people we don't have a place to put. There is no detention space available. They are given an order to appear before the court in 90 days. Basically, they are released on their own recognizance and asked to come back in 90 days to the Department of Homeland Security and show up for their removal. They do not do so. There is no place to put them. They do not show up for removal, and they meld into our society.

I doubt the Senator from Illinois is saying these—I believe it was about 165,000 such people last year—are people we should put on a path to citizenship.

Those are the four categories of people we are talking about: aggravated felons, people who have already violated a court order, expedited removal, and a small number of visa waiver people.

It does not apply to you simply if you overstayed your visa or if you came across the border. As I said before, violated our law that says you are subject to a final order of removal. They violated that law. But merely coming into the country illegally is not covered by this amendment.

Mr. DURBIN. Mr. President, if the Senator will yield for a question, I understand the Senator's explanation, and I have to go back to a point that I think if he would clarify his language in his amendment, it would allay some of the fears we have.

Let me give an example of why we are concerned. In the original Cornyn-Kyl bill that was introduced, it was a question about the ineligibility of aliens, or deferred mandatory departure, or a similar circumstance where those people would not be protected under this opportunity. Your language in that instance said it would be an alien who would be "ordered, excluded, deported, removed or to depart voluntarily from the United States."

There was specificity there. The decision had been made. I think that is a lot clearer and more consistent with the explanation you have given us than the words "subject to a final order" which I think is much more general in nature and perhaps too broad, maybe leading to my conclusion that may not be consistent with your intent.

I ask you if you would consider tightening your language here as you did in the original bill with Senator Cornyn so we know exactly what we are dealing with.

Mr. KYL. Mr. President, I appreciate the suggestion. I would be happy to visit with the Senator from Illinois who, as I said before, is a good lawyer and who understands the details of this to make sure we are denying the privileges of the underlying legislation only to those people whom we intend to deny those privileges to. I think we
have a rough meeting of the mind as to who those people are. I will say, however, it does get difficult because when the Senator from Illinois says, for example, we don't just want visa overstayers to be caught up in this legislation, a general proposition, I agree with that.

What that means is, of course, Mohamed Atta and many of his cohorts would not have been denied the benefits of this legislation because they simply overstayed their visas. The point here is it is hard to draw these distinctions and deny the privileges to people you don't want to get them and yet not sweep too broad a broom and preclude people you have no intention of denying the benefits to from participating in those benefits.

Mr. DURBIN. Mr. President, will the Senator yield again for a question?

Mr. KYL. I would be happy to yield again.

Mr. DURBIN. Mr. President, please let us not wave the bloody shirt of Mohamed Atta. He would be disqualified from this program under existing law. Terrorists are not going to be given a legal pathway to citizenship in America. No one wants that to happen, none of us. So I don't think that was a good example of why we need the Kyl amendment.

Wouldn't you agree that in language already in the bill before the Senate, Mohamed Atta wouldn't have a prayer if he said, I want to stick around; I have no intention of committing any other crime except perhaps forging some documents, that before the temporary worker program, which simply provides a trigger for inadmissibility, that he had not committed any other crime, he was an immigration official—something other than a terrorist, but I want to be an American citizen?

Mr. KYL. Mr. President, with all due respect, I think that question was pretty far off the mark. Mohamed Atta committed his crime before he could have been convicted of being a terrorist, and he obviously killed himself in the process. The time to apply this legislation to him is not after the fact but before the fact.

The problem is that at the time he overstayed his visa, to our knowledge, he had not committed any other crime except perhaps forging some documents or making false statements to an immigration official—something such as that.

What I am saying is we have drafted this in a way that it would not have caught people such as Mohamed Atta because to do that would be to exclude other benefits of the legislation both the Senator and I agree should not be excluded. I am simply trying to say we have to be careful with the language because if we simply say—and I know the Senator from Illinois would agree with this proposition when he says we don't want to exclude just people who have overstayed their visas, and he gave the example of the student who overstayed a visa—I know he doesn't mean to include within that somebody such as Mohamed Atta because the reality is that is exactly what we have done here. If we could find some other way to add a provision that says if we have evidence to believe somebody is a terrorist, they would also be included, probably would be a good idea, and we would both agree to do that.

Mr. DURBIN. The bill explicitly says if you want to move toward legalization, you must submit yourself to a criminal background check; no criminal record. Frankly, I can't imagine there would be a terrorist who would say, I will wait patiently for 11 years, and I will submit to a criminal background check so that in the 12th year I will commit a terrorist act.

Mr. KYL. Mr. President, it may well be that Mohammed Atta may not want to take advantage of the provisions of the act. That is speculation. Although these terrorists did take advantage of our immigration laws in many respects, we did not expect them to do that. We thought they would sneak into the country. Instead they filled out the forms and came in, many of them, with legal visas. I am not sure we can assume what he will do or what he will not do.

Here is the point: Under the bill as drafted, only crimes relating to drug offenses, moral turpitude, and the conviction of five offenses totaling 5 years in prison would exclude someone from the benefits. That is why we have added the other elements which, by the way, I inform my colleague from Illinois, the conviction of a felony and three misdemeanors, are precisely the language the legislation takes that same language and putting it into this bill.

We have had a good discussion of this amendment. I am happy to see if there is any way to further clarify the language that might get the Senator from Illinois to support the amendment. I want to get this bill done.

As I said before, I want also to be able to lay down the previous amendment which simply provides a trigger that before the temporary worker program kicks in, certain things we promised to do under the bill would have been done.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there has been an agreement to take up a pending amendment on Thursday. These are subsequent amendments. It seems to me our colleagues would be willing to take up these amendments in the order they were offered.

What is curious to me is why some amendments are more worthy than others to be voted on. Maybe it is that people don't want to vote on certain amendments because they are trouble, but if the Senate is to try to get this bill completed, then we have to agree on some fundamentals, and that is that all the amendments that have been offered ought to be voted on. It is logical they would be voted on in the order they were last, and if there is no reason anyone can give me why there shouldn't be a vote on the amendment I laid down and that that should not precede the other amendments. I consider mine at least as worthy as the other amendments because it goes directly to a point in the underlying bill, and to my knowledge, the other amendments, by and large, do not do that.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let us understand where we are at this moment. In the colloquy with Senator KYL, I raised an element of his amendment which we, I think, generally agree would be constructive, moving us toward our goal of final passage, on a bipartisan basis, asking the Senator from Arizona, would you please set your amendment aside, perhaps to work on the subject of your colloquy a few moments ago, and then you will be back in the queue.

We are not only prepared, incidentally, on the Democratic side to entertain the four amendments which have been spelled out by the Senator from Pennsylvania, we are also prepared to debate and vote on at least three other amendments, the Lieberman-Brownback asylum, an Allard amendment 3213, and a Nelson amendment 3220.

So the argument among some that we are stopping this amendment process is not true. At this point, the Senator from Arizona is stopping the amendment process because his amendment, which is not quite in the shape it...
might be in, or wants to be in, is going to be first or nothing else. I hope that is not where we are going to end this.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. With all due respect, I think this is just another spin on the amendment by stopping the amendment process. On Thursday, Friday, Monday, and Tuesday, I asked unanimous consent to proceed to amendments. Democrats objected. The amendment following mine is the amendment of the Senator from Georgia. That is not on the list, either.

What is happening is that the Democratic side wants to vote on certain amendments—most of which do not go to the heart of the bill—and does not want to vote on other amendments.

What we are saying is, we have a right to lay down amendments and vote on those amendments. I am happy to vote on every single amendment that has been laid down. But Members on the other side will not give me an opportunity to lay down another amendment. I have asked for that repeatedly. Unanimous consent has been denied. I asked the distinguished minority leader this morning. He said no, there would not be consent for me to even lay down the amendment I just got through talking about.

So let’s understand that the objections to moving forward are not on this side. They are on the other side. I simply ask for the regular order.

Mr. DURBIN. If there is no objection on the other side, I renew that unanimous consent that we move immediately to consideration of Mikulski-Warner, 3217; Collins, 3211; Dorgan, 3223; Isakson, 3238, with 2 minutes of debate evenly divided before each vote, and that we start taking those up immediately. I ask unanimous consent to move forward.

Mr. KYL. Reserving the right to object, I offer an amendment to that unanimous consent request which is that those amendments occur as identified but to be preceded by a vote on amendments that are in the regular order.

Mr. DURBIN. Reserving the right to object, we are back where we started. Senator KYL will not let a single amendment be considered unless he is first. We have a bipartisan agreement to move to four and perhaps three other worthy amendments while he works on his, which is not acceptable. We have reached an impasse, and I object to his modification of my unanimous consent request.

The PRESIDING OFFICER. The objection is heard.

Mr. SPECTER. Mr. President, without being repetitious, although repetition is only a minor vice here since nothing of consequence is likely to be said in any event. Moving this bill along, Senator KYL has accurately articulated the situation. We are being prevented from moving on amendments which have priority in sequence, where we ought to be voting, and it is just make-work to take up other amendments. It would occupy some time and we would have fewer quorum calls, but it does not move toward the heart of the issue. Senator KYL ought to be accorded the opportunity to vote on his amendment. The rules have brought us to an absolutely impasse again. So then we have another amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I will take up this bill this afternoon. Last week, I offered in this Senate amendment 3215 which is pending after the amendment by the distinguished Senator from Arizona, the Senator from Texas. On Friday, when the majority of the Senate went home and there were no votes, I stayed in this Senate for 3 hours and presided in order for Senator BINGAMAN and SenatorAlexander to offer their amendments. We had last week a spirit of cooperation in this Senate to ensure that suggestions and amendments of our colleagues would be dealt with as expeditiously as possible. The Senate stayed in session on Friday to accommodate Democrats and Republicans alike with the understanding we would proceed in regular order this week.

To blame the Senator from Arizona for being obstructionist is totally incorrect. The fact is, there are other amendments following his that would equally be objected to by the distinguished minority whip. We are frozen at this time because there is a lack of spirit of cooperation in order to consider issues that are important to the people of the United States of America on what I consider to be the most important domestic issue in the United States of America. So singular blame on any one individual such as Mr. KYL is not only inappropriate, it is not right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I become very frustrated when it is evident that nobody wants to do what is the will of the Senate. It is a historic responsibility when you bring a piece of legislation to the Senate, which is to allow Senators, Democrat and Republican, to work their will with offering amendments that are, hopefully, germane and responsible to be debated and voted on. Who is the author of those amendments? Who is the author of those amendments? I have all I want in the bill. The Judiciary Committee included agricultural jobs, a guest worker revised program, and a program that will deal with illegal undocumented workers already in our country that relate to agriculture in this bill.

Would I want anymore amendments? In fact, the Senator from Georgia has already offered an amendment against me. One of my colleagues on this side of the aisle openly said he wants to kill the AgJOBS provision in this bill, and he has a multiple of amendments he wants to offer. I am willing to let him offer them. I am willing to debate him. I think I can defeat him. I hope I have the prevailing argument.

But what is at hand here is a very important piece of work done by the Judiciary Committee. S. 2454. I am not going to suggest it is perfect in every way. The amendment process has re-filed and direct the will of the total Senate instead of the will of a single committee.

I suspect the chairman of the Judiciary Committee would be hard pressed to see a bill passed, if it is perfect, if it is without reproach. That is not what my phone calls are saying. That is not what the public is saying. In fact, the public in many instances disagrees with the provisions I have put in the bill.

What is important is exactly what the other Senator, Senator ISAKSON, said. This is one of our major domestic issues. It is an issue of national security. It is an issue of border control. It is an issue of recognizing the diverse economies of our country and the need for an employment base that is legal, documented, and controlled. It is a matter of immigration.

To suggest we are going to play games with who is on first and who is on second will only delay. If a Member, who offers an amendment—why is the other side so nervous and frightened that somehow this bill might be changed a little bit? Better or worse, I don’t know. I would have all who have spent time on this issue and know the issue are certainly willing to debate it or we wouldn’t be with the issue. We would simply be running politically away from it as this Congress has done for a good number of years.

But the American people, in frustration, in anger, in fear, are now saying deal with it, control your border, our border, our Nation’s border. Define and prescribe, background check, inspect those who cross it, at the same time, recognize that a certain type of employee is critically necessary in American agriculture to do the tough, hard, backbreaking work in the fields of America or to change the beds in our resorts or to work in certain forms of manufacturing or in oil patch.

Now, that is at that level of work, and that is an entry-level job, and it is critical to our economy that we have them. Americans, on the large part, have chosen not to do that kind of work anymore. But I recognize the need to recognize American citizens who do, and in my AgJOBS reform of the H-2A program, we create a national labor pool and recognize, first, if someone who is an American citizen is seeking that kind of employment, we make sure they are eligible and eligible first. It is Americans first in this instance, as it should be.

At the same time, there must be a clearer requirement that there are now millions in this country, yes, here illegally, but all of them working, and working hard, and paying taxes, and not getting the benefit of those. Why?
Naturally, they are not citizens. We understand that. They probably ought to go home when they are through working, and 90 percent of them want to go home. But the irony is, as we continue to control our border, we create an impenetrable line, as we should, and then we move the border a quarter mile forth across that border historically no longer can do that.

Well, it is an interesting thing. It is an interesting issue. The House tried to deal with it in one way—I do not think appropriately. I do not think responsibly. I am not suggesting it is not responsible to control the border. We are doing that in this bill. But I believe we are doing it in a much more sensitive and humane way.

The border has to be secured or what we do here will not work. You cannot try to control and identify and direct employment traffic, if you will, in this country if you cannot control the flow of the traffic. That is part of what we are about in trying to deal with this issue.

There are those who would say: Round them up and throw them out—round up 8 million, round up five times the size of the population of the State of Idaho and somehow identify them and treat them as legally as you have to under the law and get them out? We cannot do that, will not do that. It is impractical to do that. That is what this bill has struggled to accomplish.

But let's stop and suggest that if this is the issue we all believe it is, why are we fearful of amendments? Why has the other side sleepwalked us for the last 2 days? We ought to have voted on 3, 5, 8, 10 amendments by now. What are we fearful of?

I have my provision in the bill, but let Senator CHAMBLISS amend it. Let him try. Let us debate it. Let us see the differences between what he believes and what I believe. We both agree on many things as it relates to the agricultural employment base, but we disagree on some things. There is nothing wrong with that kind of healthy debate. I do not fear it. I will not fear it.

And I must say to my colleague from Illinois, when you tried to make the straw person the Senator from Arizona, there is an expression south of the Mason-Dixon line that is simply said: That dog don't hunt. Find a new straw person the Senator from Arizona, Illinois, when you tried to make the straw person the Senator from Arizona, Illinois, when you tried to make the straw person the Senator from Arizona, Illinois, when you tried to make the straw person the Senator from Arizona, Illinois, when you tried to make the straw person the Senator from Arizona, Illinois, when you tried to make the straw person the Senator from Arizona, Illinois, when you tried to make the straw person the Senator from Arizona, Illinois, when you tried to make the straw person the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. No. I can tell you—reclaiming my time, the Senator from Idaho, most of the work that has been going on has been off the floor in the Republican caucus because the Republican majority has to decide whether we are going to have a comprehensive immigration bill. There are 55 votes on their side of the aisle, 45 votes on our side of the aisle.

We are standing firm in the belief that the bipartisan bill which emerged from the Senate Judiciary Committee, with the support of the Republican chairman, Senator SPECTER, is the good starting point for us to really address comprehensive immigration reform, for the first time in decades.

The heavy lifting has been off the floor while the party of the Senator from Idaho has been trying to decide their place in history. Will they be part of a comprehensive bipartisan immigration reform or stand in its path? They have to make that decision. We cannot make it on the floor for them. They have to vote, they need to do better.

Last night, the Democratic leader, Senator REID, filed a cloture motion to make it clear there will be a moment of reckoning. Here on the Senate floor. In very short order, the Republicans and Democrats will face a basic choice: Do we stop, do we kill this bill, this bipartisan comprehensive immigration bill or do we move forward? I hope we move forward because I think this is a good bill.

When I listened to the Senator from Idaho talk about enforcement, well, let me say, the enforcement provisions of the bill before us are amazing. And I understand that term advisedly. But they are amazing.

We increase the number of Border Patrol agents over the next 5 years by 12,000--12,000. Currently, there are about 2,000. Think about that. What a dramatic increase in making our borders safer.

We increase the number of interior agents going after those who should not be in this country by 5,000 over the next 5 years.

Agents dedicated to combating alien smuggling, up 1,000 over the next 5 years.

We also require the Department of Homeland Security to construct at least 200 miles of vehicle barriers at all-weather roads in areas known as transit points for illegal crossings. This is in the bill before us.

We understand, as most would concede, that America's borders are out of control. They are broken down. Part of any comprehensive immigration package must have strong enforcement. The bipartisan bill before us does exactly that.

It goes on to require primary fencing in areas where we think it is necessary to stop illegal crossings. There are technology enhancements, replacing existing fencing, constructing vehicle barriers in certain Arizona population centers. The list goes on and on. Criminalization—greater penalties for those crossing the border illegally.

All of these things indicate this is not just a bill dealing with legalization, it is a bill dealing with enforcement. We took the provisions which Senator Frist, the Republican leader, offered and we duplicated them. So to argue the bill before us is weak on enforcement does not stand up. It is strong on enforcement.

But let me be clear. Our lesson is this: Simply increasing enforcement will not solve the immigration problems of America. We have 2,000 border agents now. We have increased them 130 percent over the last 4 or 5 years, and illegal immigration has continued. You need to do more.

In addition to border enforcement, you have to do two things. You have to decrease the employment. What is the magnet that draws people across that border into the United States? Is it the prospect of a job, a job that will pay much more than they can make in their villages in Mexico, in Central America, or in Poland or Ireland, for that matter.

What we do is say that the employers who illegally hire people and exploit
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We want this bill to reflect American values. We want this bill to basically say: We are going to fix a broken immigration system. We are going to repair our borders with real enforcement. We are going to make certain that the employment situation, even worse are going to be penalized. We are going to do that and give those who are here a chance to become legalized.

I ask my colleagues, is America a better place if Oscar leaves? Is this country better that a person of that talent would leave us at this point? He came here as a child. His parents brought him here. They didn't ask for him to vote on where to live; they brought him. They brought him to his land he has ever known. He defined the odds—not only graduated from high school, but he has a bachelor's degree and is going for an advanced degree. Wouldn't we be a better country with Oscar Ramirez, a citizen, doing biomedical research on Parkinson's disease and Alzheimer's? Wouldn't we be a better place?

Standing next to him was a young woman about to get her bachelor's degree in the city of Chicago in computer science and math who said: All I want to do is teach. I want to teach in high school. I hope that some kids will be as excited about math as I am.

Can we give up on a person like that? Are we ready to say: We don't need them in America—thank you for dropping by, but you can go back to wherever you came from? I don't think so.

I think what they bring to America is exactly what we need—values that we cherish, values that distinguish us from many other countries. Why is this such a great nation? Because it is a nation of immigrants and a nation of immigrant spirit, the spirit of those who were willing to get up and take a risk were others were not.

When my mother's family left the tiny village of Jurbarkas in Lithuania, I am sure there were villagers around them shaking their heads, saying: What are they thinking? They are leaving their home, the little plot of land they are tending to grow vegetables. They are leaving the church where they were baptized, their language, their culture, to go to a place where they can't even speak the language. The Kutkin family...

I was a crazy family like my grandparents and many like them who have made this great Nation. They brought here free ride? It is not. It is a hard, tough process.

I come to the floor—and I have said it before; I want to repeat it, as many have in their own personal circumstances—as the son of an immigrant, I am going to get it—I am still undocumented. Workers. We do need tougher
enforcement. We believe that. But in the Judiciary Committee bill, we acknowledge something that Senator Frist, the Republican majority leader of the Senate, and Chairman James Sensenbrenner of Wisconsin did not acknowledge. They thought only on enforcement is doomed to fail. In the last decade, we tripled the Border Patrol agents in America. We have spent eight times as many hours patrolling the border. During that same time, the number of undocumented immigrants--this alone is not enough. We need a realistic and comprehensive approach.

As the Department of Homeland Security acknowledges, mass deportation, which we might hear on some of the cable talk shows, isn't going to work and will cost us billions of dollars if we try. Amnesty is not an option, simply waving our hand and saying to everyone who is here: You are now legal citizens, enjoy America. That is an option we don't have to do, either.

What we try to do is find a reasonable middle ground. If we are serious about reform, we need to offer the chance for immigrants who work hard, play by the rules, pay their taxes, learn English, a chance to become legal in America. Incidentally, what Senator Kyl said earlier about those who should be disqualified, I can't argue with him. When it comes to criminal records, let's be honest, if you want to be a citizen and you want to commit crimes here, we don't want you. Can I be any clearer? If you want to commit a violent crime, if you want to endanger the life of another person with a sawed-off shotgun or commit crime of moral turpitude, you can leave right now. We don't need you, and we don't want you. We make that clear in the bill. It is already there. If you want to make it all the way to citizenship, you can't have a criminal record.

You have to have been employed since January 2004. Aliens who enter after that date or who have not worked continuously since then would not qualify. You have to remain continuously employed going forward. You have to pay all back taxes. And then, if you pass a security background check, enter request because I know the Senate from Georgia. The amendment which I offered relates to the bill, is not an option, amnesty.

The Presiding Officer. I yield the floor.

The President. The Senator from Pennsylvania.

Mr. Specter. Mr. President, we are at an impasse. The rules of the Senate have never been clearer, more black and white, more straightforward. Today, we are facing a significant difference on the Senate floor.

I do not have the amendments in my hand, but there is no doubt that the amendments which Senator Kyl and others want to offer relate directly to this bill. Although I would like to pass this committee bill, we are not going to get a fair shot at it because we are not going to get cloture. After cloture is voted down tomorrow, there is going to be a mass exodus for the airports and the trains. People will be going on the Easter recess, and this very important piece of legislation is going to die.

Mr. Durbin. Will the Senator yield for a question?

Mr. Specter. OK.

Mr. Durbin. It is my understanding that the chairman of the Senate Judiciary Committee, if he recalled into session for a week, on the reauthorization of the Patriot Act when Senator Feingold of Wisconsin offered amendments which were germane postcloture but was not given an opportunity to call those amendments because the Republican majority leader, Senator Frist, filled the tree? There was no question that they were germane amendments. Senator Feingold rightfully took the floor and held us in session for days because the Republican majority would not allow votes on germane amendments on the bill that came out of our committee.

Mr. Specter. Mr. President, the thought that comes to my mind is, when they subject to being offered postcloture, had they been offered precLOTURE? Don't they have to be offered precLOTURE? The Parliamentarian is shaking her head in the negative. Repeat the question, and I will try to answer that.

Mr. Durbin. It is my understanding that you can offer germane amendments postcloture, but the question is...
whether you can get into a queue where the amendment will be called. If there is a pending germane amendment filed precloture, it may take precedence in terms of being called, and you may not have an opportunity. I think you have a right under our rules to offer an amendment post cloture. Whether you will have a chance to call those for a vote depends on the process on the floor.

Mr. SPECTER. Well, as we have seen in so many situations, and where I have been in the Senate I am not going to seek to defend preventing votes on relevant, germane amendments, whether they are offered by Senator Feinstein or Senator Kyl, or anybody else. That is just not the way the Senate should work. That is being exploited by employers.

Mr. DURBIN. I apologize to the Senator, who is very patient. I will listen to his remarks.

Mr. SPECTER. It is not worth repeating. It is my hope that sanity may return to his remarks. We need to get a handle on what is going on. We need to have a serious problem with terrorism.

The Democrats are stonewalling this amendment. They are not as a matter of party loyalty. They are not because they think it is a bad amendment.

We have a serious question whether the United States of America living up to its responsibility of securing our borders?

Mr. DURBIN. Mr. President, I say to the Senator from Georgia, it would be an interesting debate. We may reach that debate as to what is reasonably secure. There are some, as I understand it, 300 million people who cross our border with Mexico every year in legal status, for commercial purposes and otherwise, and whether we are secure under the Senator’s amendment, I would have to listen to his arguments on who makes the certification and what are the standards for that.

If we had a situation where the fate of millions of people hinged on a subjective decision about reasonable security, I think that would raise some questions about whether we are moving forward and whether people would say: I can step out of the shadows now and I think at this point I am prepared to tell you who I am, where I live, where I work, and here are my records. If there is this uncertainty, at any given time you could stop the process.

I say to the Senator from Georgia, it would be an interesting debate and I am anxious to hear his side of the argument.

His is 1 of 100 amendments that have been filed. One of his other amendments is a simple one and he takes it up immediately. I don’t think that is the same one. We are prepared to take that up because we think it would move the bill forward in a constructive, bipartisan way.

I would like to hear the Senator’s argument before making a final decision.

Mr. ISAACKSON. Reclaiming my time, my response to the Senator would be that I am not an attorney, but I spent 33 years in the real estate business. I saw the term “reasonable attorney’s fees” on more documents than the law would allow. I never met an attorney who could not describe what reasonable attorney’s fees meant. I think we can find a lot of people in the Senate who understand that.

Mr. TALENT. Mr. President, I ask unanimous consent to speak as in my home State of Missouri.

Mr. TALENT. Mr. President, I would like to take a few minutes to talk about last night’s passage of S. Con. Res. 60, a resolution that designates the Negro Leagues Baseball Museum in Kansas City, MO, as America’s National Museum of Negro League Baseball.

That would be reason enough to pass a resolution here were the museum on any other subject. But on this subject, which is so significant to the history of America, it made the resolution, I think, even more important. I am grateful to the Senate for passing it last night.

The Negro Leagues’ most noted stars of the past century got their beginnings in the Negro Leagues. Greats such as Hank Aaron, Ernie Banks, Roy Campanella, Larry Doby, Willie Mays, Satchel Paige, and of course, Jackie Robinson eventually formed their fast-paced and highly competitive brand of Negro Leagues baseball to the Major Leagues. In fact, much of the fast-paced style of baseball today is owing to the influence of the Negro League’s brand of ball.

Unfortunately, before the color bar was broken, many skilled African-American ballplayers were never allowed to share the same field as their White counterparts. Instead, such players played from the 1920s to the 1960s in over 30 communities located throughout the United States on teams in one of six Negro Baseball Leagues, including teams in Kansas City and St. Louis in my home State of Missouri.

In 1988, the Negro Leagues is an interesting one. In the late 1800s and early 1900s, African Americans began to play baseball on military teams, college teams, and company teams. The teams in those days were integrated. Many African Americans eventually found their way onto minor league teams with White players during this time. However, racism and Jim Crow laws drove African-American players from their integrated teams in the 1950s, forcing them to form their own “barnstorming” teams which traveled around the country playing anyone willing to challenge them.

In 1920, the Negro National League, which was the first of the Negro Baseball Leagues, was formed under the guidance of Andrew “Rube” Foster—a former player, manager, and owner of the Chicago American Giants—at a meeting held at the Paseo YMCA in Kansas City, MO. Soon after the Negro National League was formed, rival leagues formed in Eastern and Southern States and brought the thrills and the innovative play of the Negro Leagues to major urban centers and among the fans of the2006-05ap6.recmaher
rural countrysides throughout the United States, Canada, and Latin America.

For more than 40 years, the Negro Leagues maintained the highest level of professional skill and became central to the civil rights movement in their communities. The Negro Leagues constituted the third largest African American owned and run business in the United States and played in front of crowds of ten, twenty, thirty, forty, and even fifty thousand people. These crowds were integrated. White and Black fans came to watch the Negro Leagues, and they sat together.

In 1945, Branch Rickey of Major League Baseball’s Brooklyn Dodgers recruited Jackie Robinson from the Kansas City Monarchs, which made Jackie the first African American in the modern era to play on a Major League roster. That historic event led to the integration of the Major Leagues and ironically prompted the decline of the Negro Leagues because, of course, Major League teams began to recruit and sign the best African-American ballplayers.

If you stop and think about it, the integration of baseball was the first of the major events in the civil rights movement in this country—well, not the first, because that movement of course, had begun early in the last century. But it was the first significant widely known event. Baseball was even more than it is today America’s game. The effect of this on the national consciousness, the progress that made toward equality and justice for all people, cannot be underestimated. That event occurred because of the Negro Baseball Leagues. Without those leagues, we would not have the pool of ability and excellent baseball players from which Rickey was able to draw when he came to an agreement with Jackie Robinson. Ironically, though, that event, which led to the integration of the Major Leagues, prompted the decline of the Negro Leagues, because Major League teams began to recruit and sign the best African-American players.

The last Negro Leagues teams folded in the late 1960s. Much of the storied history of these leagues was packed away and forgotten until 1989 when the Negro Leagues Baseball Museum was founded in Kansas City, MO, to honor the players, coaches and owners who competed in Negro Leagues Baseball. This museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the participants of the Negro Leagues from the 1920s through the 1960s.

It is not a hall of fame, Mr. President. We don’t want it to be a hall of fame. The Negro Leagues’ baseball players belong in the Major League Hall of Fame. They were segregated long enough. It is a museum that exists in order to educate and enlighten people, and to allow them to enjoy the experience of the Negro Leagues in the United States.

Today the museum educates a diverse audience through its comprehensive archival materials, important artifacts, and oral histories of the participants of the leagues. The museum uses onsite visits, traveling exhibits, classroom curriculum, distance learning, and other initiatives to teach the Nation about the honor, the skill, the sacrifice, the humanity, and the triumph of the Negro Leagues and their players.

This resolution designates the Negro Leagues Baseball Museum in Kansas City as America’s National Negro Leagues Baseball Museum. This designation will assist the museum in its efforts to continue the collection, preservation, and interpretation of the historical memorabilia associated with the Negro Leagues. This effort is a must if we hope to enhance our knowledge and understanding of the experiences of African Americans and the African-American ballplayer during the trials and tribulations of legal segregation.

The full story of the Negro Leagues should be preserved for generations to come and the passage of this legislation gives the museum another tool to do just that.

I highly recommend a visit to the Negro Leagues Baseball Museum for anybody who is in Kansas City. Whether you are a baseball fan or not, you will be moved by what you see and the stories you are told at the museum. You will be encouraged and inspired in every way by seeing how these players confronted the injustices of their times, and with great spirit and energy overcame all obstacles placed in front of them.

This museum is a first-class operation of 10,000 square feet in the historic 18th and Vine neighborhood in Kansas City. It entertains 60,000 visitors a year. There is a number of key features to the museum, but I think the passage through which you can walk and see a timeline of the Negro Leagues’ development, and then next to it a timeline of important events in American history and the civil rights movement, is very enlightening and moving. You will learn about these leagues and the players as people, and through them and through their experiences, you will learn about the times. These were not downtrodden men who played in this game, nor were the owners or the fans.

They were athletes. They played a game they loved, and they played it extremely well. Yet in the context of everything they did was the legal and social situation in the United States they were battling, over which they eventually triumphed.

We should visit will be encouraged and inspired by seeing how these players confronted the injustices and other difficulties of their time with great spirit and energy and overcome the obstacles in front of them.

I congratulate everybody at the museum who continues to work so very hard to make sure the story of the Negro Leagues is a piece of history that is preserved for future generations. Recognition is an important way to honor the museum, its employees, all its volunteers and supporters for their years of tireless advocacy on behalf of the baseball legends of the Negro Leagues.

I especially thank and congratulate Doris Matley, Bob O’Neal, Annie Pressley, and Buck O’Neill of the Negro Leagues Baseball Museum for their dedication and assistance in passing this resolution.

I also thank Senator Durbin for co-sponsoring this resolution with me and others who cosponsored it as well.

I am not going to take up much more time of the Senate. I know we are taking a little break from the important immigration debate, but I can’t pass up the opportunity to put in a good word about my friend Buck O’Neill and the tremendous work he continues to do for the Negro Leagues Baseball Museum. Buck is a true American treasure whose illustrious baseball career spans seven decades. It has made him one of the game’s foremost authorities and certainly one of its greatest ambassadors.

I am not going to go through all of Buck’s statistics as a player, as a manager in the Negro Leagues, or as the first African American who became a coach in the Major Leagues. He did so with the Cubs. In that capacity, he discovered superstars such as Lou Brock, for which I am very grateful. If he had been in control of the Cubs’ front office, they would not have traded Lou Brock to the Cardinals for Ernie Broglio in 1964, and they might have won a couple pennants themselves. So I am grateful Buck was not the Cubs’ general manager at the time. I don’t think he would have made that mistake.

In 1988, after more than 30 years with the Cubs, he returned home to Kansas City to scout for the Kansas City Royals.

Today Buck serves as chairman of the Negro Leagues Baseball Museum he helped to found. The work he has done and he has retired may be even more significant to the history of baseball than his exploits as a player or manager. Nobody has done more to build this museum and to call the rest of us to remember the significance of Negro Leagues Baseball than Buck O’Neill.

He has reminded us that the leagues are significant in so many ways on so many different levels. They represent a triumph of the human spirit, tremendous sportsmanship, high quality of play and a sacrifice of importance to the African-American community of the time, and they led directly to the integration of the Major Leagues.
The work of Buck O’Neil and the museum led the Hall of Fame to hold special elections earlier this year to elect a class of Negro Leagues and pre-Negro Leagues ballplayers into the 2006 Hall of Fame induction class. On February 27, 2006, the Hall of Fame in Cooperstown announced the induction of 17 former Negro Leagues and pre-Negro Leagues players and executives would be inducted into the Hall of Fame in July 2006. That was largely because of the efforts pushed by Buck and the Negro Leagues Baseball Museum, which is located in Kansas City. It was a bittersweet day for me and many of us in Missouri because the one name missing from that list of 17 players and executives was Buck O’Neil. I certainly think there is nobody who meets the criteria for induction into the Hall of Fame more than Buck. If you look at his statistics on the field as a player, his years as a scout, his years as a manager and a coach, even more than that, his years as an ambassador for baseball, a happy warrior for the Negro Leagues and the Negro Leagues Baseball Museum, it more than qualifies him for admission into the Hall of Fame. I hope we can find some way to correct this oversight quickly.

In closing, I thank the Senate for its patience. I thank my friend and colleague from New Mexico, Senator Domenici, for his assistance and support in moving this legislation swiftly through the Committee.

I thank the colleagues who supported the legislation and allowed it to pass by unanimous consent last night. The story of the Negro Leagues is a story of true American heroes who contributed to this Nation on and off the field and confronted life with courage, with sacrifice, and eventually with triumph in the face of injustice. I hope the Members of the Senate will take an opportunity when they are in the area to learn about these heroes by visiting what I hope and believe will soon become known as America’s National Negro Leagues Baseball Museum in Kansas City, MO.

I thank the Senate, and I yield the floor.

Mr. SESSIONS. Madam President, if I may ask a question of the Senator.

The PRESIDING OFFICER (Ms. Murkowski). The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator Talent for his leadership on this important issue. As a person who lives in Mobile, AL, I am proud of Satchel Paige. I assume he will be in the museum.

Mr. TALENT. Yes; he has a big place in the museum.

Mr. SESSIONS. Satchel Paige was denied the right to fully participate in American baseball until the very end of his career. That was a tragedy. It was really a tragedy. It is something our Nation pride in apartheid and feel great sadness over. A number of other Negro Leagues players came from Mobile, which is a great bastion of baseball excellence, including Willie McCovey and Hank Aaron, among others, who developed out of that history of excellent baseball.

I thank the Senator from Missouri for his leadership. I think it will be an important addition to our national heritage to have this museum.

Mr. TALENT. I thank the Senator for his comments.

Mrs. BOXER. Madam President, today I wish to pay homage to Buck O’Neil a splendid athlete, a peerless ambassador of baseball, and a wonderful man who has become an American icon beloved by millions.

Many people first got to know Buck O’Neil as a major contributor to ‘‘Baseball,’’ Ken Burns’ landmark documentary on our national pastime. While narrating the history of the Negro Leagues and the breaking of the color line in Major League Baseball, Buck passed along not only his prodigious knowledge of baseball and the society it helped to change forever but also his indomitable spirit, joy of living, and love of the game.

Before becoming a television star, Buck O’Neil was a baseball star in the Negro Leagues. As a first baseman and manager between 1937 and 1955, he played on nine championship teams and three East-West All Star teams, and a batting title, starred in two Negro Leagues World Series, and managed five pennant winners and five All Star teams. As manager of the Kansas City Monarchs, he mentored more than three dozen players who eventually made it to the majors.

In 1962, Buck O’Neil became the first African-American coach in the Major Leagues, where he helped the Chicago Cubs’ Ernie Banks, Billy Williams, and Lou Brock develop the skills that led them to the Baseball Hall of Fame. Today, at age 94, Buck is still bubbling over with enthusiasm for baseball, life, and his fellow human beings. He continues to serve on the Veterans’ Committee at the Hall of Fame and as chairman of the Negro Leagues Baseball Museum in Kansas City.

On May 6, 2006, the San Diego Padres will honor Buck O’Neil as part of their Third Annual Salute to the Negro Leagues. I am honored that this statement will be a part of that salute, and I send my great admiration and appreciation along to Buck O’Neil and all of the other great players of the Negro Leagues.

Mr. President, I know that you and all of our colleagues in the U.S. Senate will join me in sending our best wishes to Buck O’Neil for this very special day and for many more years of great service to baseball and the Nation.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I thank my colleague from Missouri as well for his great words on behalf of the contribution to baseball that has been made by some of our country’s finest sportsmen.

I thank my colleague from Alabama, Senator Sessions, for his good work in this Chamber. I also note he and I were participants in a code that just went into Iraq and Afghanistan. The issues we face around the world on national security are so important that it is going to require a coming together of our country to make sure we are working together in a better, safer, and more secure world.

I want to speak briefly to the bill that is currently before this Chamber, and that is the immigration reform bill that has been comprehensively form the floor out of the Senate Judiciary Committee. I believe from a national security and homeland security perspective that this Chamber is working on one of the most very important issues facing our Nation today, and that is the issue of making sure we take our broken borders and the lawlessness coming across the borders and create a system that is comprehensive in nature to address that lawlessness.

I believe the legislation which came out of the Judiciary Committee does that, and it does so by making sure, first and foremost, that we are strengthening our borders, and secondly, making sure that within the interior, we are creating the kind of immigration law enforcement program that is going to be effective; that looking at the immigration laws and simply ignoring them is a chapter which will go away if we are able to get our hands around passage of this bill. And finally, dealing with the fact that 11 million workers in America—those workers who toil in our fields, those workers who work in our restaurants, those workers who work in our factories, and all of those who make the kind of lifestyle we have in America possible—we need to address those issues with respect to what some have said is the big elephant in that room, and we need to do it in a thoughtful and humane manner that upholds the rule of law of our Nation.

I want to speak briefly about the importance of border security and what this legislation does.

In the days after 9/11, when we have hundreds of thousands of people coming into this country, without any sense of where they are coming from, whether they come here to seek a good job and to be a part of the American dream, or whether they come as terrorists across the border, it makes the point that we are not sure we are doing everything within our power to strengthen those borders. This legislation out of the Judiciary Committee does exactly that. It does so by adding 12,000 new officers to make sure our borders are being patrolled. We go from the staff level of about 12,000 Border Patrol officers up to an additional 12,000 and that will get us to almost 25,000 people who will be deployed along our borders to make sure we can enforce the law.

I want to speak briefly about the border fences in those places where we know now there are significant streams of illegal and undocumented workers coming back
and forth across the borders. So it creates those additional fences.

It creates virtual fences by deploying the kind of technology that allows us to detect movement across our border. It also makes sure we create the avenues and channels of entry so we don’t have the massive backup on the borders on either side.

I believe the border security aspects of this legislation are where Republicans and Democrats should come together in the name of national and homeland security, and we should be supportive of this legislation for that very purpose.

Second, this legislation is also about enforcing our laws. It is about making sure we have an immigration system where everyone in our country is standing up for enforcing the rule of law.

We will do that by providing an additional 5,000 new investigators to make sure that all immigration laws are being enforced, if necessary. Today there are many violations of our immigration laws that are taking place across every one of our States in America, and yet our immigration laws simply are on the books. They are not being enforced. A law on the books that is not enforced is almost like not having a law at all. So what we will do is hire 5,000 additional investigators and create the law enforcement capacity to make sure those laws are being enforced in the interior.

In addition, there is no requirement that is required of these 11 million undocumented workers and illegal aliens in our country for a very long time. Yet there has been no system providing them compensation for what they are doing to try to enforce the laws at the State and local level, essentially on behalf of the Federal Government because this is a Federal issue, after all. What this legislation will do is provide reimbursement for the States for the detention and imprisonment of illegal aliens.

The legislation also requires a faster deportation process. I go back to the old adage of justice delayed is somehow justice denied. It is difficult to find a place to house these individuals until they are deported. This legislation calls for an additional 20 detention facilities. Those 20 detention facilities will give us the capacity to process those who are breaking the laws of immigration.

The legislation also addresses a very important issue that is critical to State and local governments. State and local governments have been dealing with the influx of undocumented workers and illegal aliens in our country for a very long time. Yet there has been no system providing them compensation for what they are doing to try to enforce the laws at the State and local level, essentially on behalf of the Federal Government because this is a Federal issue, after all. What this legislation will do is provide reimbursement for the States for the detention and imprisonment of illegal aliens.

The legislation also requires a faster deportation process. I go back to the old adage of justice delayed is sometimes justice denied. We have people who are sometimes waiting in the system for months and months and years and years to go to anywhere for any kind of resolution. This legislation will require a faster deportation process.

There are significant provisions in this legislation that will make additional criminal activity for gang members, money laundering, and human traffickers. We know human trafficking across the borders creates tremendous hardship on people. It also destroys people and results in the deaths of many people. We know there is gang activity along the border that deals with drug trafficking and a whole host of illegal activity. We need to make sure those involved in that kind of criminal activity are brought to justice.

Finally, in terms of enforcing our immigration laws, it is important we address what has become an industry in this country in terms of production of fraudulent documents and identification cards used in this country. President Bush’s wish to create a tamperproof card that will go along with this guest worker program is a step in the right direction because it will get us to the point where we will have a tamperproof card and we can avoid the identity theft and identity fraud we see going on in this area.

Finally, I want to address a third point in what I consider to be this law that the Senate and the Senate bill and the penalties that come along with this legislation for the 11 million undocumented workers who are in this country. There is a monetary penalty that is applied. In addition, unlike all Americans, there is a requirement that those who are here illegally, and those who want to register, and they must register on an annual basis. For all of us who are Americans, there is no requirement of registration. If we don’t want to have a Social Security card or if we don’t want to have a driver’s license, or if we choose not to have a passport, then we leave it up to the individual. It is part of the system that we have set up in this country. The Government, our right as an American citizen is not to register. For this group of people, we are going to require them to register with the U.S. Government.

There is a whole host of other things that is required of these 11 million people, including the requirement that they learn English, including the requirement that they pass a criminal background check and that they pass a medical examination, and the list of requirements goes on and on and on. I believe the legislation that was produced by the Judiciary Committee is, in fact, a law and order bill. It addresses a very fundamental issue that is of paramount importance to all of us in this Nation and that is the security of our Nation and the security of our homeland.

Finally, I conclude by making a statement about the humanitarian issues that ought to concern all of us and all of our leaders. I hear my good friend Senator JOHN MCCAIN at the outset of the consideration of this legislation by the Senate a few days ago, talking about what he had seen in Arizona and how the Arizona Republican had reported that, I believe it was in 2004. 300 people had been found in the desert. Later he discussed how in the following year there were some 406 or 470 people who had been found dead in the desert, people who had died of thirst and hunger, rape and abandonment, and lies and lies, lies and lies, lies and lies in that desert in Arizona.

I believe America can, in fact, come to grips with this problem. I believe we have an opportunity here in the Senate to deal with this issue. I am very hopeful my colleagues, both my Democratic colleagues and Republican colleagues, who are working on this issue will not let this historic opportunity we have pass us by. It is this time, it is this day, it is this week where I believe we can make a step in the right direction because it is this time it is this day when we can and we will do what we need to do to deal with this issue. I am very hopeful whatever is produced by this legislation that is required of those 11 million people who are working on this issue will not let this historic opportunity that we have pass us by. It is this time, it is this day, it is this week where I believe we can and we will make progress because it is this time it is this day when we can and we will do what we need to do to deal with this issue.
accomplish a result they consider to be desirable. But words do have meaning. We can have some understanding of what these issues are about, and I want to discuss it in some detail.

Senator Kennedy said:

Many have called this adjusted status amnesty. But let’s look at it. Amnesty means forgiveness, not pardon.

Well, I don’t know exactly what that means. He said: This bill is not amnesty.

He goes on to say: “Amnesty is not a pardon.”

Senator Durbin, the assistant Democratic leader, said: “Amnesty basically says, We forgive you.”

He goes on to say:

Amnesty, very simply, is if you have been charged and found guilty of a crime, amnesty says, we forgive you. We are not going to hold you responsible for your crime.

But only if you have been charged and found guilty, apparently.

Senator Feinstein said: “Amnesty is instantaneous, with no conditions. And there are conditions,” she says, “on this” bill.

Senator Specter said:

Amnesty is a code word to try to smear good-faith legislation to deal with this problem, Mr. President. It is not amnesty because the law-breakers have not been unconditionally forgiven of their transgressions.

And Senator McCain said also:

There is no requirements. There must be no requirement whatsoever to call this bill amnesty.

He said:

Amnesty is simply declaring people who entered this country illegally citizens of the United States and imposing no other requirements on them. That is not what we do, Mr. President.

So in an effort to redefine this situation to mean what they want it to mean, they have said unless there is no condition whatsoever, you can’t have amnesty. But people agreed that 1986 was amnesty and placed quite a number of conditions—some more significant than the ones in this bill—on those who were given amnesty.

Those of us who are familiar with the law world—I served as a lawyer the best I could for a number of years, and I know Madam President is a lawyer—we know what Black’s Law Dictionary is. It is a dictionary lawyers use to define words in their legal context. Black’s Law Dictionary, as part of its definition of the word “amnesty,” says this:

The 1986 Immigration Reform and Control Act provided amnesty for many undocumented aliens already present in the country.

Black’s Law Dictionary, the final definition of legal words, says the 1986 Immigration Reform and Control Act provided amnesty for people here. It had conditions on it. It had some conditions on it; it just didn’t have many conditions on it. So everybody recognizes it as basically amnesty, and that is why they called it that.

Again, I am not trying to use a code word here. What I am saying is there is a systematic effort in this body to redefine the definition of amnesty so they can tell their voters back home that although they opposed amnesty, this bill is not amnesty, and that is why they voted for it. That, unfortunately, I would have to say, is where we are.

What does the Democratic leader in the Senate, Senator Harry Reid, say about what amnesty is? Does he say that 1986 was amnesty and it had quite a few restrictions on the movement to full citizenship in the United States? This is what the Democratic leader says. This is what he said on September 20, 1993, when making a speech on the floor in the Senate; it is part of the Congressional Record. He said:

In 1986 we granted amnesty, and I voted against that provision in law. We granted amnesty to 3.2 million illegal immigrants. After being in this country for 10 years, the average amnesty recipient had a sixth-grade education, earned less than $5 an hour, and presently qualifies for the earned-income tax credit.

The average income tax credit is if you don’t make enough money to pay income taxes, not only do you not have to pay them but they give you money back. The average benefit for a person who qualifies for the earned-income tax credit, I would say parenthetically if anybody is interested, is $2,100 per year.

So that is what Senator Reid had to say about it in 1993, that the 1986 law was amnesty. I don’t think anybody disputes that 1986 was amnesty.

He made another speech. We have a chart and I want to refer to it because it is one of the main criteria. Both of them said that. Surely we are not going to be taking in felons into the country.

Senator Feinstein said: Amnesty basically says, We forgive you.

They have said they are paying a fine, a big fine. Well, in the previous act, they say they have to pay a $185 fee for the principal applicant, $50 for each child, a $420 family cap. Now we have a $1,000 fine, but it does not apply to anybody under 21 years of age; they don’t pay anything. They paid $50 per child back in 1986. They don’t pay anything. I submit that is about a wash. There is a little difference in money. You had an inflation rate; what difference is $1,000 to $420?

Both of them say you should meet admissibility criteria. That means, I suppose, that you are not a felon. That is one of the main criteria. Both of them said that. Surely we are not going to be taking in felons into the country. In fact, regarding this bill to which Senator Feinstein and Cornyn have offered an amendment—which apparently is being blocked by Democratic Leader Reid from ever getting a vote—they are contending that this criminality requirement is not in this bill. In fact, this bill is weaker than the 1986 bill on the question of whether you have a criminal record.

In 1986, people were worried about welfare claims and so forth, so they put in language that said you are ineligible for most public benefits for 5 years after your application. They said if you are going to come here to be a citizen of the United States, we do not want you come here to claim welfare. We are going to prohibit you from claiming welfare for at least 5 years. After that, if you get in trouble and you need help, you can apply to have your case come here not with a desire to gain welfare benefits in our country which exceed the annual income of most people in a
lot of areas of the world. So they put that in. There is no such requirement in our bill. None of that. You can immediately go on welfare, presumably, under the legislation that is before us now.

It does require a background check and fingerprinting, but presumably that was done in 1986, also. But it focuses really on the crimes a person may have committed while they were in the United States. I don’t think it has a mechanism under this act to actually have the country verify—whether it is Brazil or Canada or Mexico—to see if they have a criminal history there. That is a weakness in the system. But even if it does, those systems are so immature and nonexistent, it would not be very effective, I suggest.

This requires an 18-month residency period. This one authorizes immediately a 6-year stay in the country. So they said you have to stay 18 months before you can apply for a special adjustment to permanent resident status. In this bill, you have to stay 6 years, so that is tougher. And you have to work. What are people here for if not to work? Spouses and children don’t have to work. Are they here for work? It is only a minimal work requirement—not continuous employment—and the proof level is very weak. Regardless, presumably the people who are here want to work, and they ought to be able to prove that they have.

Then you adjust to permanent resident status. That is the green card. In 1986, it required English language and civics. So, in 2006, it is English language and civics, a medical exam, payment of taxes—really? Presumably the people are paying their taxes. And Selective Service registration. So you earn your right to stay in this country by coming into the country illegally and paying your taxes. Thanks a lot.

The final step is, in 1986, you paid an $80 fee, $240 for a family. In this bill, it is a $1,000 fee and an application fee. All I am saying is, if you add those up, I don’t think a principled case can be made that 2006, in terms of conditions of entry and amnesty in our country, requires any more stringent requirements on them than in 1986, which Senator Reid and everybody else, including “Black’s Law Dictionary,” have concluded was amnesty. I say to my colleagues, I would be very dubious of someone who comes up to you and says: Now, Senator, I know you promised in your campaign repeatedly, just as President Bush did, that you would not support amnesty. Don’t worry about it. This bill is not amnesty. I am telling you, the American people are pretty fairminded, and they know perfection is not possible for any of us. But this has not been an issue which has not been discussed. Everybody has talked about the failure of the 1986 bill. As a result, we wanted to do something different. We said we were not going to do that again and we were not going to grant amnesty. I submit this bill does. I wish it were not so.

We can pass legislation that will work. I have repeatedly said we can pass legislation that has good enforcement. We have one that provides fair treatment to the millions of people who are here. They are not all going to have to be removed from our country and be arrested and prosecuted. That is not so. That is not part of any plan here. But we do need to recognize the number of undocumented workers who had worked in seasonal agricultural services prior to the Immigration Reform and Control Act was generally underestimated.

That is page 1 and 2 of their report, the executive summary.

What did the Commission recommend that Congress do? What did the Commission recommend, the bipartisan Commission? Did the Commission recommend that we pass a second legalization program such as the one for agricultural jobs that has been made a part of this bill, offered in committee and is now part of the committee bill that is on the floor? Did they recommend that as a second program to solve the illegal alien agricultural workforce dilemma that was still in existence in 1992, 6 years after the amnesty that was supposed to end all amnesties occurred?

No, the Commission concluded just the opposite. They found:

The worker-specific and industry-specific legalization programs as contained in the Immigration Reform and Control Act should not be the basis for future immigration policy.

That is page 6 of their report.

What did the Commission suggest that Congress should do? They concluded that the only way to have a structured and stable agricultural market was to increase enforcement of our immigration laws, including employer sanctions, and to reduce illegal immigration.

You talk to anybody on the street, and they will tell you the same thing. You talk to Americans. Overwhelmingly, 80 percent believe we are not enforcing the laws effectively on our borders, and any legalization today without fulfilling the conditions to control the immigration system. The congressionally created Commission on Agricultural Workers issued a report to Congress that studied the effects of the 1986 agricultural amnesty on the agricultural industry. They did a study on it because Congress wanted to find out what had really happened with regard to that legislation they passed. Of the first things the Commission acknowledged was that the number of workers given amnesty under the bill had been severely underestimated. They said this:

The SAW program legalized many more farm workers than expected. It appears that the number of undocumented workers who had worked in seasonal agricultural services prior to the Immigration Reform and Control Act was generally underestimated.
The Commission said this:

Illegal immigration must be curtailed. This should be accomplished with more effective border controls, better internal apprehension mechanisms, and enhanced enforcement of employer sanctions. The U.S. Government should also develop a better employment eligibility and identification system.

This was 1993, 13 years ago. What has been done about it? Let me repeat that. We need to establish a:

... better employment eligibility and identification system, including a fraud-proof documentation, for all persons legally authorized to work in the United States so that employer sanctions can more effectively deter the employment of unauthorized workers.

What a commonsense statement that is. Wasn't that what they promised back in 1986 when we were going to have an amnesty to end all amnesties? Remember that they said this would be a one-time amnesty and we were going to fix the enforcement system and therefore the American people would go with us on that. We are going to do this one-time fix and be generous to those who violated our laws. But trust us, we are going to fix the enforcement system in the future. That is what happened.

We have known that for 14 years—that the key to securing our borders and ending illegal immigration includes more border enforcement, more interior enforcement, and a foolproof worksite verification system. Still, we are not prepared to do that. We are told we should do the same thing we did in 1986 on a much larger scale.

I note that in 1986, we estimated there were 1 million people here who would claim amnesty. That is what people were told when the bill passed. After the bill passed, how many showed up? Fifty-three million people, three times as many.

I don’t know where they are saying 12 million people, and that is how many will be given amnesty now, not 1 million. They are saying there will be 11 million. Those would all be given a direct path to citizenship.

Let me point this out. When you adjust to permanent resident status, you get a green card. You are able to stay here permanently, as long as you live here, and after a period of time—5 years—you can make application and you become a citizen. If you haven’t been convicted of a felony in the meantime, presumably if you don’t pay your taxes, or you got caught for it or don’t get convicted of it, you can still do so. Presumably you are drawing welfare or Medicare benefits and those things, you can still make application.

We added up the years. Maybe about 11 years process, 10 years, maybe, in the 1986 act, and about 11 years in process. They are saying it takes 11 years for you to become a citizen. That is what it took for anyone who came here in the first amnesty and became a permanent resident. They didn’t get to become a citizen the next day; they had to go through the same process as this amnesty requires.

Let me explain why 1986 was a failure and why we can have every expectation that 2006 will be a failure. I am going to be frank with our Members. I don’t believe this is an extreme statement. I am prepared to defend it. I believe everyone here who is honest about it will admit it.

In 1986, we passed amnesty, and it became law as soon as that bill was signed. Those people were eligible to be made legal immediately in our country and then to become a citizen that day—the day the bill was signed. What did we have about enforcement? We had a promise that we were going to enforce the law in the future. We are going to fix this border, and we are going to have workplace enforcement.

That was a mere promise. It never happened because I don’t think any President wanted it to happen. We went back to the problem when President Carter was here, President Reagan, President Bush, President Clinton, President George Bush. None of them have demonstrated that they actually intend to enforce our border laws.

I used to be a Federal prosecutor. I used to deal with law enforcement issues. I actually prosecuted one day—I think when I was an assistant U.S. attorney—an immigration case, a stay-away on a ship. A bunch of them stowed away on a ship. I know a little bit about it.

But those actions which are necessary to make the legal system work were never taken by our Chief Executives. We in Congress can study the problem at the border, we can see what those problems are, and then we can pass a law to try to fix it. We can say we want more border patrol, we want more fencing, we want more UAVs, a virtual fence. We can pass those things, but unless the executive branch really wants it to succeed, then—even then, we may not get it work.

The truth is, they should be coming to us. President Bush comes to us and says what he needs to win the war in Iraq, and we give it to him. If he came to this Congress—I hate to say it because I think he is a great President and a great person, and I support him on so many things. But he has never come to our Congress and said: Congress, this border is out of control; I need A, B, C, and D, and I will get it. President Clinton wanted us to grant blanket amnesty to 11 million people, and after you do that: Trust me, I will get the border under control. That is a sad fact. Securing the border is the President’s responsibility.

What about Congress? We were in committee and we were debating the bill. I offered an amendment to add 10,000 detention beds for the Border Patrol. I do not know how many they need. I think that is not enough. We are at 1.1 people coming into our country. The number of people other than Mexicans who really need to be detained, sometimes for an extended period of time, has surged. We need the detention spaces to make the system work. Do you know what they all said, Democrats and Republicans? Fine. We accept that amendment. Senator Feinstein and I offered an amendment to speed up the hiring of new Border Patrol agents. They said: That is okay. Then it hit me. All who have been in this body for some time know the difference between authorization and spending the money, appropriations. In this body, people authorize all the time.

I just left one of the finest groups of people you would every want to meet outside—national forensic science leaders from around the country. They came to see me because I supported a bill, and we passed it, the Paul Coverdell forensic sciences bill. It was to add $100 million to help jump-start forensic sciences in America. Do you think that $100 million was ever appropriated? Certainly not. We may have gotten to $20 million one year. Because you authorize money to be spent for forensic sciences or for immigration enforcement does not mean that it is ever going to get spent. It has to go through the appropriations process. They decide how much they want to spend it on a project back home. Maybe they decided we need more money for Katrina, health issues, education, whatever. At the end of the day, you don’t get the money. So we have at least two major problems: One, will it ever be appropriated and two, if the money is appropriated, will the President actually use it effectively?

I admit that this Congress authorized a budget that set forth a projected expenditure for immigration enforcement that is larger than the President requested, but it remains to be seen if it will ever be funded.

Those are the things which make us concerned. We have a challenge quite directly the people who support this bill and say this is going to be different than 1986 to come down on the floor of this Senate, look at their colleagues and people who may be watching home, and say: I want to actually be able to pass a law to try to fix this problem at the border, we can see what those problems are, and then we can pass a law to try to fix it. We can say we want more border patrol, we want more fencing, we want more UAVs, a virtual fence. We can pass those things, but unless the executive branch really wants it to succeed, then—even then, we may not get it work.

It is not hopeless about this. I think we could. I think we could make this happen? I think we could. I am not hopeless about this. I think we could. Even then, I don’t get the sense that we are there yet.

I have compared it to leaping across a 10-foot chasm but leaping only 8 feet, and like the Coyote and the Roadrunner, you fall to the bottom of the pit. That is where we are. We have some things in this bill which make enforcement much more likely to occur, but it does not address the problem yet. We need to do a number of things.

For example, employment: The workplace law and provisions in the bill are
not effective and do not cover all employees of an employer. It is a critical step. You have heard it said that this bill has fencing in it. It is the most minimal amount of fencing; it is nothing like a legitimate fencing.

I will tell you, good fences make good neighbors. There is nothing wrong with a fence. There is nothing in the Scripture that says you can’t build a fence. You have thousands of people coming across the border in a given area, and you have just a few Border Patrol agents and they are trying to do their duty every day. And you say it is somehow offensive or improper or against the Lord’s will to build a fence to try to contain it so you can maximize the capabilities of the limited number of Border Patrol agents who are out there putting their lives at risk this very day to try to enforce these laws? They arrest 1.1 million a year. What possible objection could we have to legitimate fencing?

The bill in San Diego; it was an unqualified success. They said it could be breached. I am told the one in San Diego has never been breached. What happened on both sides of the fence, where lawlessness, crime, gangs, and drug traffickers exacted their toll on entire neighborhoods? Those neighborhoods have been restored. They have come back strong. They are prospering. The property values are up as a result of bringing some lawfulness to a lawless area.

Lettuce, broccoli, and tomatoes, you may have an aversion to fences? I will tell you why. Because those who want to have open borders, who have no desire to see the laws enforced, know, first of all, that it will work; and second of all, they have used it to twist the argument and to say that anybody who favors a fence wants no immigration, they want to stop all immigration, they just want to build a fence around America—totally mischaracterizing the need for a barrier on our borders. That is not fair. That is not correct.

The amendment I offered would have increased substantially the number of border-crossing points, so lawful people could come back and forth far easier and at less expense with a biometric card. They could enter and exit the country with it. This could work. We can make this work. We need more legal exit and entry points, and we need more legal entry cards. Does the administration have them trained in a prompt period of time? Are they being trained? Are they being used?

If we do that and we send a message throughout the world that the border is now closed and no longer open to those who want to come illegally, I think we will have a lot less people wandering off in the desert, being abused by those who transport them and putting their lives at risk and many of them dying. That is what you need to do. I am prepared to support any legislation that would increase legal immigration. When we add illegal immigration, we are going to need to increase the opportunity for people in numbers to come here lawfully, and we need to increase the exit and entry points.

Another thing, I mentioned this biometric card and entering and exiting the country. Let me tell you why some of us are concerned about promises in the future.

We passed, 10 years ago, the US-VISIT program. It is supposed to do just what I said. A person comes to this country legally, comes with a card. It is a computer-read card, and the person is then approved for entry. They need a biometric identifier, a fingerprint, and it can read that. You are allowed to enter the country when you leave, so people who do not leave can be identified and removed because they didn’t comply with the law.

Well, 10 years after passing that bill, we still don’t have that system up and running. They tell us that this summer, we will have some pilot program which can actually identify those when they exit in certain border places, which, of course, means it is no system at all.

We authorized 10 years ago a perfectly logical, sensible system to monitor the legal entry of people into our country, monitor their exit. What we have learned, particularly after September 11, is that many of the terrorists entered lawfully, but they did not exit on time.

We need additional bed space. This is so basic. Not an unlimited number of beds, but we need more. What is happening is, people come across the border, they use the legal entry points. American citizens cannot be readily taken back across the border and dumped if they are from Brazil, Russia, or China. What do we do with these people? They need to be held and they need to be transported back. We are doing that, to some degree. But what happens when we do not have the bed space? This is what happens. I read a newspaper article in the committee a couple of months ago on this subject. People come in from foreign countries. They come into the border, enter illegally, head off across the desert, they see a border patrol officer and turn themselves in. Why would they do that? The border patrol officer puts them in the van or his vehicle and he takes them another 100 miles inside the border to the Customs and Border Protection Office and he makes the determination you are in the country legally, comes with a card. It is then approved for entry. They need a biometric identifier, a fingerprint, and it can read that. You are allowed to enter the country when you leave, so people who do not leave can be identified and removed because they didn’t comply with the law.

We have an insufficient number of Border Patrol agents. There are just not enough. We need to get to that tipping point where people realize it is not going to work if they try to enter illegally. We added some Border Patrol agents in committee, but they say it takes 2 years to do just that. Why did we pass, 5 years ago, legislation to add increased numbers of Border Patrol agents. Senator Kyi, got that through. Being on the Arizona border, he knew the problem. What happened? They have taken 5 years and we have added 5 years later. They say it is hard to hire enough people.

I was reading recently a book on World War I. When World War I started, we had 130,000 people in our Army, and 18 months later we had 4 million people in uniform, 2 million of them in France. To say we cannot add 10,000 trained Border Patrol agents and get them trained in a prompt period of time is not credible. There has been a will to see this in committee. I am told is to say if we pass this legislation we will have a renewed will in the future? The American people have a right.

We had a hearing on Monday in the Judiciary Committee. It dealt with the proposed bill. We heard by people object to being returned to their country. Since 2001, 4 years, we have had a 600-percent increase in appeals to the Federal court, court of appeals. You can legitimately appeal a determination you are in the country illegally, but a sixfold increase in 4 years? What has that resulted in? It has resulted in a 27-month delay before your case is heard.

What does this tell an immigration lawyer who is meeting with a person who has been apprehended and who has an appeal pending about being deported and the guy or the woman does not want to leave the country and says, if you appeal, even if it is frivolous, it is hard to hire enough anyone ever reads it or makes a decision. That is why we are having this surge. That system is broken.

Senator Specter, Judiciary Committee chairman, had legislation in his bill in the Judiciary Committee to help fix it—not completely. I didn’t think—that made a substantial step toward fixing this broken system. They offered an amendment in committee to strip that language and it passed. So not only did we not improve the bill and hard workers bill that all so as to fix it, we stripped language that would have made a good step forward in fixing.

What does that say about the intent of the Members of this Congress to actually see the immigration law be enforced?

I repeat once again, our nation is a nation of immigrants. We believe in immigration. We have been enriched by immigration. But our Nation is a sovereign nation and it has a right to decide how many people come and what kind of skill sets they bring. Once it makes that decision, it should create a
legal system that will make sure that occurs. We have not done that. As a result, in 1986 we provided amnesty, which no one disputes. Not Senator LIEAHY, not Senator REID. We gave amnesty in 1986, thinking we could fix it once and for all. And 20 years later, we end up with not 3 million people here illegally but at least 11 million people here illegally and no enforcement mechanism close to being in place that would actually work. I encourage my colleagues to think carefully. We can fix our border enforcement. We can increase the number of people who come here illegally. We can tighten up the workforce workplace very easily. We can make this system work.

As we tighten up the border, we eliminate the magnet of the workplace, we can reach that magic tipping point where all of a sudden the message is going out around the world that if you want to come to America, the border is closed. That is not taking place in line and line and line and if your application and come lawfully because if you come unlawfully, it won’t work. Then we will have a massive flip. We will not see so many bed spaces. We may not even need as many Border Patrol agents as we do today. That is where the message is not out there. In fact, the opposite is out there. If we pass this bill, it will be business as usual. We should not do it.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Washington.

PORT SECURITY

Mrs. MURRAY. Mr. President, I rise today to report on some of the progress we have made in our effort to secure our Nation’s ports and our cargo container system.

This morning, I testified before the Senate Committee on Homeland Security and Governmental Affairs about the GreenLane Maritime Cargo Security Act which I introduced last year with Senators COLLINS, COLEMAN, and LIEBERMAN. That critical and effective bill is on the fast track both in the House and in the Senate.

While that hearing was starting, we received another urgent reminder of why we need to improve our cargo security in this Nation. This morning, this very morning at the Port of Seattle, 21 Chinese nationals were discovered. They had been smuggled into the United States in a cargo container. That incident is a stark reminder that we today are still not doing enough to keep our cargo container system secure. This appears to have been a case of human smuggling, but that cargo container could have been filled with anything from a dirty bomb to a cell of terrorists. Today our country is vulnerable to a terrorist attack. Time is not on our side.

I will spend a few minutes this afternoon outlining what I think is the need for legislation that backs up our legislation helps. By using cargo containers, terrorists can deliver a one-two punch to our country. The first punch would create an untold number of American casualties. The second punch would bring our economy to a halt.

Cargo containers carry the building blocks of our economy, but they can also carry the deadly tools of a terror attack. That is why we are not doing enough to keep America safe.

In the Senate it can feel as though the dangers at our ports are millions of miles away, but in recent years some in our Government have said they could never have imagined the devastation caused by recent disasters.

Let me make this crystal clear. On March 21, 2 weeks ago, a container ship called the Hyundai Fortune was traveling off the coast of Yemen when an explosion occurred in the rear of that ship. Here is a photo of what happened next. About 90 containers were blown off the side of the ship, creating a debris field 5 miles long. Thankfully, there were few fatalities and the crew was rescued. They are still investigating what events appear at this time to be terrorist related.

Imagine this same burning ship sitting a few feet from our shores in New York, or Puget Sound, off the coast of Los Angeles, Charleston, Miami, Port-Louis in the Gulf of Mexico, or La Guaira in Venezue- lico. Imagine we are not just dealing with a conventional explosion but we are dealing with a dirty bomb that has exploded on America’s shore. Let me walk through what would happen next. First, there would be an immediate and total loss of life. Many of our ports are located in or near major cities. If there was a nuclear device exploded at a major port, up to a million people could be killed. If this was a chemical weapon exploding in Seattle, the chemical plume could contaminate our rail system, Interstate 5, Sea-Tac Airport, and not mention our entire downtown business and residential areas. At the port there would immediately be a lot of people and try to contain the fire. But it is unclear today who, if anyone, would be in charge.

Then, when word spreads that it is a dirty bomb, panic is likely to set in and there would be chaos as first responders try to react and people who live in the area try to flee.

Next, our Government would shut down every port in America to make sure there were not any other bombs or any other containers in any one of our ports. That shutdown would be the equivalent of driving our economy right into a brick wall and it could even spark a global recession. Day by day we would be feeling the painful economic impact of such an attack. American factories would not be able to get the supplies they needed. They would have to shut their doors and lay off workers. Stores across our country would not be able to get the products they need to stock their shelves.

In 2002, we saw what a closure of just a few ports on the east coast could do. It could cost our economy about $1 billion a day. Now, imagine if we shut down all of our ports. One study concluded that if U.S. ports were shut down for just 12 days, it would cost $58 billion.

Next, we would soon realize we have no plan for resuming trade after an attack—no protocol for what would be searched, what would be allowed in, or even what we would do if it is not. There would be a mad scramble to create a new system in a crisis atmosphere.

Eventually, we would begin the slow process of manually inspecting all the cargo that is waiting to enter the U.S. ports. One report has found it could take as long as 4 hours to get it all inspected and moving again.

Finally, we would have to set up a new regime for port security. I can bet you that any new rushed plan would not balance strong security with efficient trade.

The scenario I just outlined could happen tomorrow. We are not prepared. Nearly 5 years after September 11, we still have not closed a major loophole that threatens our lives and our economy. Time is not on our side. We must act.

I approach this as someone who understands the importance of both improving security and maintaining the flow of commerce. My home State of Washington is the most trade-dependent State in the Nation. We know what is at stake if there were an incident at one of our ports. That is why I wrote and funded Operation Safe Commerce, to help us find where we are vulnerable and to evaluate the best security practices. It is why I have worked to boost funding for the Coast Guard and have fought to keep the Port Security Grant Program from being eliminated year after year.

Right after 9/11, I started talking with security and trade experts to find out what we need to be doing to both improve security and to keep our commerce flowing. Ten months ago, I sought out Senator COLLINS as a partner in this effort. I approached Senator COLLINS because I knew she cared about this issue. I knew she had done a lot of work on it before 2001, and I knew she was someone who would get things done. Since that day, we have worked hand in hand to develop a bill and move it forward. I am very grateful to Senator LIEBERMAN and Senator COLEMAN for their tremendous work on this issue as well.

The GreenLane Act, which we had a hearing on this morning, recognizes two facts: We must protect our country and we must keep our trade flowing.

We know we are vulnerable. Terrorists have many opportunities to introduce deadly cargo into a container. It could be tampered with any time from when it leaves a foreign factory overseas to when it arrives at a consolidation warehouse and moves to a foreign port, or even when it is en route to the United States.

There are several dangers. I outlined what would happen if terrorists exploded a container in one of our ports.

April 5, 2006

CONGRESSIONAL RECORD — SENATE

S2871
Mr. CORNYN. Mr. President, I want to return to the issue before us and which has been before the Senate for the last week and a half, and to say it has been my pleasure to work on the issue of immigration reform and border security ever since I have been in this Senate—a little over 3 years now.

As a Senator from a border State, it will come as no surprise that I have actually spent a fair amount of time along the border talking to my constituents, as well as visiting Mexico and other countries that are a source of a large number of immigrants who come to our country seeking a better life.

I believe that experience has given me some insight into what the challenges we have are when it comes to border security. Of course, we have proposals before this body to deal with this issue of our porous borders and the need to find some way to deal with the workforce demands of this growing economy of ours.

We need comprehensive immigration reform. I have consistently called for comprehensive reform because I believe we will not fix the broken immigration system unless we address all aspects of the problem; that is, border security; interior enforcement; worksite enforcement; and the 12 million who are in our country without authorization, finding some way to allow them to reenter our immigration system legally, and to give them a second chance living in the country, not in the shadows but out in the open and under the benefits and protection of our laws.

This is, as we have all discovered, an exceedingly complex issue. And no one—one—no one—has a monopoly on all solutions. So our approach is to improve the system. The Senator from Arizona, Mr. KYL, has one amendment pending that I believe will improve the proposal on the floor of the Senate, which is the bill produced by the Judiciary Committee. He has sought a vote, and I have joined him in seeking a vote, on that amendment to the bill that is on the floor. I have several other amendments that have been filed that will also, in my opinion, improve the work of the committee.

I have been provided an opportunity to have those amendments considered and voted on by the Senate because the Democratic leader has simply refused to allow any amendment that he personally does not agree with during the floor vote. We have had three votes in the last week and a half, relatively—

I should say completely noncontroversial votes—but the Democratic leader has refused to let the Senate vote on Senator KYL's amendment.

It is particularly disturbing to me because it is one that I believe the American people would wholeheartedly agree with, and that—whatever we decide to do with regard to the 12 million people who are currently living in our country in the shadows and outside the law—we ought to make sure whatever we do does not include a blanket amnesty for 500,000 or so felons, individuals who have committed at least three misdemeanors, and those who have had their day in court, who are under final orders of deportation or who have agreed to voluntarily leave the country once they have been caught in the country illegally.

Those individuals, either because they have had their day in court or because they are, in fact, felons or people with criminal records, ought not to get the benefits, whatever they may ultimately be, of the amnesty that is proposed in the underlying bill.

This is especially disturbing to me because, as I have said earlier, if you look at what happened in 1986, with the Immigration Reform Act that was passed then, Congress, in effect, told America you should trust us to enforce the laws, but, of course, as we now know, that did not happen. Indeed, when the amnesty was granted in 1986, some 3 million people stood to benefit from that amnesty.

I have demonstrated here on the floor that that amnesty, which we all agree, in fact, meets that definition, was a complete and total failure. The reason why it was a complete and total failure is because the American people were,
in essence, told one thing and Congress did another. I believe the American people will forgive an awful lot of mistakes, but they will not forgive being fooled twice. The proposal that is on the floor now, which I would call the bill that is being proposed, would, in fact, be a repeat of what happened in 1986, except to the extent that it is actually even worse because in 1986, in order to get the benefit of the amnesty, you could not be a felon. You could not be a person with at least three misdemeanors, but under this bill, as offered and as voted out of the Judiciary Committee, you can. Thus, you can see the importance of having a vote on this amendment, which we have been denied, even though it was offered last Friday.

Now here we come up on the midweek, and we are going to have a recess of Congress for the next 2 weeks after this Friday, and I am afraid that because of the lack of movement and progress, there are going to be some who are going to be blamed for our inability to move forward. And I submit—I hate to say this, but I submit that the blame lies on those who simply denied the greatest deliberative body which is capable of the chance to actually consider and vote on amendments to this bill. This is not democracy. This is not what we are trying to export to other countries that have known nothing other than a lynch mob or a thug. This is not our finest hour because what we are seeing is the minority leader on the other side simply denying democracy in action. It is intolerable and inexcusable.

It is clear to me that if we are unsuccessful in getting this bill through the floor and passed and an opportunity for the process to reconcile the differences between the Senate and the House version, should we get a Senate version, it will lie at the feet of the Democratic leader.

One of the things Congress promised the American people in 1986 was there would actually be a fraud detection system as part of the amnesty that was then granted to make sure it would actually be successful and that we would not have to find ourselves in the condition we are in today where at the time we had 3 million who benefited from the amnesty and now today the potential number is 24 million. We have a 12 million potential for amnesty is a huge magnet for those who come to this country in violation of our immigration laws. I don’t want to find the Senate, 5 or 10 or 20 years from now, saying: In 1986, it was 3 million who wanted to benefit from amnesty. In 2016, it was 12 million. And 20 years from now we find the number is 24 million.

We know this is a national security problem. We know that we have, as a sovereign nation, a right to protect our borders. We know there are on average 2,300 people coming into our country each day. Each day the Democratic leader denies us an opportunity to fix that problem, to allow the process to go forward, we are seeing 2,300 more people come into the country illegally. I hope and pray it is not a criminal, a terrorist, someone who intends to do us harm but, indeed, it could well be. The Senate bill was a bill that would grant an automatic path to citizenship for 12 million people who are in this country in violation of our immigration laws, yet he won’t allow a vote on an amendment that would bar felons and repeat offenders from participating in the program. He argues that he likes the bill voted out of the Judiciary Committee and doesn’t believe that amendment will, in fact, improve it. He certainly is entitled to his opinion, but he is not entitled to obstruct the process. He is not entitled to dictate to the Senate or the American people what this particular legislation will look like.

I simply don’t understand why this amendment, that would bar felons and repeat offenders and which actually clarifies that they can’t be given whatever benefit will be conferred by this bill, would create any controversy whatsoever. If the American people were polled or asked, do you think we ought to bar those who have the guts to say: no, think we ought to bar repeat criminal offenders from the grant of amnesty, I think they would say yes. If given an opportunity for a vote on the floor, this body will say yes, because we are the representatives of the American people. Yet we have been denied that chance for a vote.

There is simply a credibility gap with the American people on immigration and border security. Congress needs to openly debate and vote on amendments so there is transparency regarding who will receive green cards and whether there are sufficient protections against fraud that ran rampant during 1986, with the amnesty that was granted at that time. As it has worked on this issue and devoted time to it, I want nothing more than the opportunity to debate and vote on amendments. I am interested, and I believe most Senators are actually interested, in trying to find a solution to this problem. But we are met with obstruction and a refusal to let the process move forward. It is simply unacceptable.

We cannot debate and vote on amendments to this bill. There has been an agreement on who will participate in the program and the extent to which fraud can be detected and prevented. Yet the Democratic leader does not believe it is necessary to secure the confidence of the American people that Congress is not giving amnesty to felons or repeat criminals. Without public debate and votes with regard to the foundation of this proposal, none of us will be able to return home and defend the broader policy implications of this complex legislation.

The Kyl amendment has been pending since last Thursday. Not a single Senator has voted to table that amendment. Yesterday we went through a strange exercise where, in order to determine how we can obtain some progress on this bill, there was actually a motion to table the Kyl amendment that would bar felons and repeat offenders. Yet the Senator who voted not to table the amendment, Ordinarily that would indicate an agreement with the amendment. Yet we were not given an opportunity to vote on the amendment. The amendment ordinarily accepted by the manager of the bill or would be subject to a voice vote and become part of the larger bill, but that didn’t happen because we, unfortunately, have some people in the process who are not interested in finding solutions. They are not interested in allowing the process to move forward but, rather, they are more interested in trying to jam their solution down the throat of the rest of us. They would rather, they are more interested in trying to jam their solution down the throat of the rest of us a chance to offer suggestions and to get votes.

I don’t like to lose any more than anyone else, but I am willing to submit to this body amendments that I have already, on which I wish to have a vote. I hope to persuade my fellow Senators that these amendments are actually an improvement over the bill that is before the Senate. But if this body decides, 51 or more Senators decide, to vote against these amendments, if I am willing to accept that. That is democracy. That is majority rule. But to simply deny majorities and the process and say, if I don’t like it, I am not going to allow anybody else to amend it, is unacceptable. In an institution known as the world’s greatest deliberative body, it brings this body no honor to obstruct the process and to try to jam this unacceptable bill down our throats.

The current version of this bill disqualifies from the legalization program any alien who is ineligible for a visa. The Kyl-Cornyn amendment would clarify that by saying any alien who is ineligible for a visa or who has been convicted of a felony or three misdemeanors would be ineligible from the legalization program.

There are certain crimes, including felonies, that do not disqualify an alien for a visa. This amendment, therefore, ensures that no felon or repeat criminal offender will obtain an automatic path to a green card and permanent residence in the United States.

This amendment is the exact same thing as it was in 1986. In other words, the very amendment Senator KYL and I have offered to exclude felons and three-time misdemeanants was part of the 1986 amnesty. So the proposal on the floor is even weaker than the amnesty of 1986.

All we are trying to do is to bring it on a par with that amnesty of 1986. Crimes that do not automatically disqualify an alien for a visa and would not, therefore, be covered by the Judiciary Committee bill that is on the floor include assault and battery, manslaughter, kidnapping, weapons possession—for example, possession of a
sawed-off shotgun—contributing to the delinquency of a minor, burglary, including possession of tools to commit burglary, malicious destruction of property, possession of stolen property, alien smuggling, conspiracy to commit offenses against the United States, and money laundering. Unless we are willing to give up our constituent votes to have a vote on the amendment that is now pending that Senator KYL and I have offered to exclude felons and three-time misdemeanants, the proposal this body is asked to accept would grant amnesty to people who have engaged in alien smuggling, manslaughter, kidnapping, or illegal possession of a sawed-off shotgun.

The American people will forgive a lot, but they won’t be fooled again. And they won’t forgive us if a majority of this body tries to jam down the throats of the rest of the Senate provisions which would allow the entry of these individuals into the United States and would confer a blanket amnesty as a right to a green card and legal permanent residency in the United States. It simply defies common sense.

I have a number of additional amendments I intend to offer and intend to ask for a vote on. I will not be satisfied—and I submit there are other Senators who will not vote to close off debate—until we get a chance to have these considered on the Senate floor. One amendment, No. 3310, addresses the confidentiality provisions. The Judiciary amendment that is on the floor contains provisions that would prohibit the use of information furnished by an applicant to be used for any purpose other than a determination on the application. While the committee amendment would allow the information to be shared with law enforcement entities upon their request, the information could not be used by the Department of Homeland Security to investigate fraud in the program.

It is also worth noting that these provisions almost word for word were included in the 1986 amnesty but are missing from the proposal that is now on the floor. These confidentiality provisions have been cited by Government authorities as one reason why there is so much fraud in our immigration system, particularly the amnesty that was granted in 1986.

For example, the testimony of Paul Virtue, former Immigration and Naturalization Service general counsel, in 1989 before the House regarding fraud in the prior amnesty program:

> There is no question that the provisions of [that 1986 amnesty] were subject to widespread abuse, especially the Special Agricultural Worker program that granted agricultural workers who had performed 90 days of qualifying agricultural employment within a specific period temporary lawful status that automatically converted to permanent lawful status after one year.

Nearly 1.3 million applications were filed under this Special Agricultural Worker status, a number of foreign farm workers usually employed in the United States in any given year.

Much of the fraud that occurred under the IRCA— the 1986 amnesty bill— is attributable to statutory limitations placed on [the Immigration and Naturalization Service].

> The confidentiality restrictions of law . . . prevented INS from pursuing cases of possible fraud detected during the application process. The process was supervised by the courts, which ruled that INS could not deny an application simply because the supporting documentation was from a claimed employer suspected or convicted of fraud.

In 1986, just a few million amnesty applications were filed, but under this bill, Congress is now considering an amnesty for 12 million immigrants who are in this country without legal status. We need to make sure we don’t hamper the Immigration and Naturalization Service’s ability to detect fraud. Yet this amendment would repeat the worst failures of that 1986 amnesty.

One other amendment I have filed and intend to call up, if we are ever given a chance to have amendments and votes on this bill, is amendment No. 3309.

The committee amendment pending on the floor, which I offer this amendment to improve, would create safe harbors for illegal aliens who have filed applications for conditional immigration status.

To be clear, these are not aliens who have yet established eligibility, or have even gone through background and security checks. They have simply filed an application with the Government, and their application might be in a stack of 10 million other applications.

Under this committee amendment, the one pending on the floor, to be clear, the Department of Homeland Security would be required to issue a travel document and an employment authorization document to an alien before the agency has even determined eligibility under the program. Travel documents are as important as weapons. Yet this section would require the Department of Homeland Security to issue a travel document to all illegal aliens simply because they have filed an application.

Under the underlying bill, an illegal alien may not be detained, ordered deported, or removed while the alien has an application pending. That means any illegal alien can simply file an application to avoid deportation, and many will, of course, because it could take several years, and probably will take several years, for the Department of Homeland Security to process all applications.

Another disturbing point is there are also no carve-outs for criminal aliens or other dangerous illegal aliens who would normally be subject to mandatory detention. This underlying bill could be interpreted as not allowing the Department of Homeland Security to detain any alien, irrespective of how dangerous that alien is to society.

While the amendment does say an alien may be deported if the alien “becomes ineligible,” that is prospective and it means any illegal alien could be subject to deportation for criminal activity that occurs after they filed their application.

We should be unwilling to create a significant loophole for criminal illegal aliens who could avoid deportation or detention by simply filling an application with the Government.

The underlying bill would require the Department of Homeland Security to allow any alien apprehended before the program is operational, which could be several years down the road, to apply for amnesty after the program is up and running. If it does indeed take several years, that means our immigration enforcement system, which right now apprehends more than 4 million illegal aliens a year on the southern border, would grind to a halt because any alien who is apprehended could simply file an application or indicate an intent to file an application, and the Government would be required to stop the removal process to allow that to occur.

Mr. President, I know there are other Senators who wish to speak. I am going to stop in a moment to give them that opportunity.

My point is there are many commonsense amendments that I believe would garner the support of a majority of the Senate because they are commonsense amendments. But as long as we are blocked from having those amendments called up and considered and voted on, then there is no way that Members of this body should vote to close off debate, vote for cloture, because we will be product of that is simply unworthy of the trust that has been placed in us by the American people. I believe that no individual Senator and, indeed, no leader of either party should be allowed to refuse to allow this process to move forward. I think what is going to happen, because I think we are on a path toward failure—at least between now and Friday—and what we are going to see is the blame game.

What I think is going to be an attempt by those who have blocked this process from going forward to point the finger of blame at those who have voted against ending the debate because we cannot get a vote on our amendments. I think of the Senate that has failed. That blame should be squarely placed at the feet of the Democratic leader, who has denied us an opportunity to have a vote on these commonsense amendments—amendments that I believe the vast majority of people would agree with and, if given an opportunity, I believe the Senate would agree with.
I yield the floor.

The PRESIDENT proclaims, The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDENT. No. We are out of the bill.

Mr. DORGAN. Mr. President, I listened with some interest to my colleague. I have to observe, though, that said that now we are going to see the real blame game, and he tells us where the fault lies. Well, that is the first chapter of the blame game. I have not been out here with respect to amendments. I have been chairing a hearing for a couple of hours. But I say this to those who are talking about these amendments: Those of us on this side of the aisle have certainly had a great deal of experience with having our amendments not considered by the Senate.

Most recently, we had an amendment to a bill that would have dealt with this issue of the Dubai company taking over American ports. The United Arab Emirates' wholly-owned company, Dubai Ports World, was going to take over the management of American shipping ports. We attempted to offer an amendment, but it shut the Senate down. Today it is important for us to want an amendment such as that offered.

I have been trying for a couple of years to offer an amendment on the reimportation of prescription drugs to our country because the drug prices in this country. We have been thwarted on that. I could go on at some great length. To the extent there is a complaint that some have not been able to offer amendments, we understand that pretty well. We have been in that position for a couple of years now, including my colleague from Arizona, Senator MCCAIN, who offered an amendment for a couple of years now, pretty well. We have been thwarted here with respect to amendments. I have been chairing a hearing for a couple of hours. But I say this to those who are talking about these amendments: Those of us on this side of the aisle have certainly had a great deal of experience with having our amendments not considered by the Senate.

Again, I don't know what the approach has been this morning on the floor because I have not been here. When I listen to discussions about why we can not offer amendments, that is a cry that has been echoing in this Chamber for a couple of years, much to the regret of those of us who have had amendments to offer. It is a cry that has not been heard by the majority party, which now jumps to the front of the line to complain today.

I want to talk about this issue of the underlying bill, the immigration bill, and guest workers. I should also add by saying I don't have any particular claim to understanding or expertise in this area. I don't serve on the Judiciary Committee. I was not someone who helped write the underlying bill. So I don't come to the floor to claim to be an expert on the legislation. But I have spent a great deal of time in the last year or so doing research in a range of areas for a writing project dealing with American jobs for American workers, so I claim to know something about that.

I claim to know, for example, that we have lost somewhere around 3 million jobs in the last year or so. Jobs of those who have moved to China or Indonesia or Bangladesh or Sri Lanka—but most perhaps to China. We have lost millions of jobs in this country in the last 3½ to 4 years. American workers, middle-income workers, particularly workers in the manufacturing businesses, have been devastated by what has happened with this race toward globalization and the race by the largest American corporations to produce where is cheap, and then sell their products in our marketplace. All of that is going on in a very accelerated way.

Now we see, with the bill brought to the floor of the Senate, not only do we have a strategy in this country of allowing the export of good American jobs, now we will have a strategy of importing additional low-wage jobs.

I will review some numbers, if I might. We have somewhere around 11 million to 12 million people who have been here illegally and have stayed here. Some have been here a long while, and some recently arrived.

Is it surprising that we have a lot of people at the bottom of the economic ladder, have been devastated by what has happened with this race toward globalization and the race by the largest American corporations to produce where it is cheap, and then sell their products in our marketplace. All of that is going on in a very accelerated way.

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find Americans to do the work. So not only does the bill on the floor of the Senate describe that we will create a legal status for 11 million to 12 million people who are here because, practically speaking, nobody is going to round them up, or arrest them, or detain them, or export them—we will create a status for those folks—but in addition to that, it says let's also create a new guest worker program of 400,000 people per year each year, with an escalator of being able to increase that by 20 percent each year, which over 6 years could amount to 4.7 million more people coming into this country who now live outside of this country.

And so the bill provides a guest worker program saying we not only want to deal with the legalization of those who are here illegally—millions and millions and millions of them—we also want to add potentially another 4.7 million. And, by the way, there is more than that, but that is just the piece I am talking about. On top of that would be the provisions dealing with the new agricultural workers, which was an amendment offered in the committee.

So where do these 4.7 million people go—those who are now living outside of our country who come into our country legally—under this legislation? They go to find jobs in competition with American workers.

Let's talk about low-skilled, low-wage American workers.

This Congress, as stingy as it has been for low-wage, low-skilled workers, has decided for 8 years it will not increase the minimum wage. Boy, it is Katy bar the door if it comes to helping somebody at the top—tax breaks, unbelievable tax breaks for people at the top.

One of the world's richest people told me the other day when I was talking with him that he pays a lower income tax rate than a corporation in his office. Why? Because the priority in this Chamber, the priority in this Congress, is to drive down income tax rates for people who have capital gains. Who has capital gains? The wealthy. They have most of the capital gains. The wealthiest Americans are now paying the lowest tax rates, and this Congress can't be quick enough to see if they can't offer another gift to those at the top of the income ladder. I have nothing at all against those at the top of the income ladder. God bless them, that is what America is about; it is about success. But that does not justify saying that those who are the most successful shall pay the lowest income tax rates in our country, and that is what is happening. At the same time, Congress can't move quickly enough to provide the lowest tax rates to those with the highest incomes. It says to the people with the lowest incomes: We don't care if you are increasing the minimum wage. Sit there for 8 years, let inflation work against your purchasing power; doesn't matter to us, we don't intend to increase it. I think that is a terrible mistake, but that is the way the people at the bottom of the economic ladder have been treated in this country now for many years.

Now they will be treated again to the prospect of saying: Let's have some guest workers. Let's not just deal with this 11 to 12 million, let's have more people come in on top of that because we can't find Americans to do that work.

Why can't we find Americans to do that work? Let me read something from Robert Samuelson, a Washington Post editorial. I fully agree with this. He talks about:

"It's a myth that the U.S. economy "needs" more poor immigrants.

He is speaking especially of the guest worker provisions.

The illegal immigrants already here represent only about 1.9 percent of the current labor force, reports the Pew Hispanic Center. In no major occupation are they a majority. . . .

Hardly anyone thinks that most existing illegal immigrants will leave—

Or be rounded up, arrested, or deported. I understand that. I think all of us genuinely think that. I think there should be some enforcement of employer sanctions which we created but have not enforced, which would make a big difference with respect to illegal immigration. Here is what Samuelson said:

"In 2004, the median hourly wage in Mexico was $1.86 compared to $9 for Mexicans working in the United States, says Rakesh Kochhar of Pew. With high labor turnover in the jobs they take, most new illegal immigrants can get work by accepting wages slightly below prevailing levels. . . . But what would happen if new illegal immigration stopped and wasn't replaced by these guest workers?"

That is an assumption. First, I don't buy the assumption that even if this bill is passed with legalizing 11 to 12 million immigrants and then allowing up to 4.7 million more people who are now living outside our country, I don't buy the notion that we have plugged the border. I don't think we in any way inhibit illegal immigrants from coming across the border. I know my colleagues are talking about tightening the border and employer sanctions, and I will talk about that in a minute. Employer sanctions was the 1986 Simpson-Mazzoli bill. That was a miserable failure, and I will explain why.

Again quoting Samuelson.

"But what would happen if new illegal immigration stopped and wasn't replaced by guest workers?"

At some point higher wages would be going to American workers.

President Bush says that his guest worker program would "match willing foreign workers with willing American employers, when no Americans can be found to fill the jobs." But let's not sit there at subminimum wage, there would be willing Americans.

As long as you can bring illegal immigrants, which is what has been happening, into the country and they can work in the shadows and employers can employ them for subminimum wage, I understand why employers would not be employing American workers because they have a steady stream of workers they can employ below the minimum wage.

Business organizations understandably support guest worker programs. They like cheap labor and ignore the social consequences.

That is what is at work here. What is at work here is the same corporate interests who are exporting good American jobs are supporting this bill because they cannot only export good American jobs on the production side, but for those jobs you can't export, you can import cheap labor. And that is what this is about: Export good jobs and import cheap labor.

Let me talk for a moment about the debate over the Simpson-Mazzoli bill two decades ago at a time when we were told we had a significant immigration problem. The result was border enforcement, strengthening enforcement at the border, and also creating employer sanctions.

The purpose of that bill was to say to employers: Don't you dare hire illegal immigrants: if you are hiring illegal workers who are illegal, you are going to be in trouble, you are going to be slapped with a fine and subject to enforcement actions. So I went back and read the 1985 and 1986 debate about Simpson-Mazzoli. I won't quote by reading it on the floor of the Senate. It was fascinating debate in the House and the Senate. This was nirvana. This was the entire solution. It was going to work like a charm because if you say to employers you dare not hire people who are not here legally, you shut down the job, you shut down the magnet, you shut down illegal immigration, end of story.

The fact is it didn't work at all. We have people in my State, the State of North Dakota, today—in fact, I think there is a story in today's paper about illegal immigrants working on some energy plants in the middle of North Dakota, found to be illegal. The question is: Is anybody going to take action against the employer? That would be a Minnesota employer, by the way.

Most of our troubles come from Minnesota. We joke about that.

If a Minnesota employer hires illegal workers, and he is caught, are there any problems for the Minnesota employer? No, no, not even a slap on the wrist; just a pat on the back. Nobody is going to prosecute. Nobody is going to fine them. Nobody is going to take enforcement action. It is exactly why we are in the situation we are in today. There are no sanctions for employers who hire illegal aliens.

I want to say very clearly that I don't in any way, because I oppose this guest worker program that will bring 4.7 million people in to compete with American workers at the bottom of the economic ladder, I don't in any way want to diminish the dignity and self-
worth of immigrants. I don't mean that at all. I know in most cases these are hard-working people, good families. Most of us have come from immigrant families at some point in our lineage. Because someone would come out and say, that is not what I am about. I don't support this proposal offered by the President and offered on the floor of the Senate, saying not only are we going to legalize or give legal status to 11 or 12 million people who came here illegally, but in addition to that, we are going to allow 400,000 people a year with a 20 percent escalation clause for the 4.7 million additional people potentially in 6 years to come into this country. I am not going to support that. That is a strategy for corporations to provide a ladder of cheap labor coming into this country, displacing American workers.

We have a serious crisis in this country with respect to the plight of America's workers. A lot of people who worked hard all their lives, worked for companies and were proud of it are now discovering their jobs are not safe, their jobs are not secure. In many cases, their jobs are gone—gone to China, gone to Indonesia. Yes, they can find another job. The statistics show they are not going to find a job at 50 percent less income. In most cases, they have lost their pensions; they have lost their health care. These are middle-income American workers, and the low-income workers, the people at the bottom of the ladder, the people who are high school dropouts, they work hard, they struggle, and now what they have confronted in recent years is a corporate strategy of being able to hire illegal immigrants at subpar wages, so the jobs are not there for them.

We have a lot of people come to this floor and want to offer amendments. They say they speak for this immigration bill, and they say they speak for immigrants. Again, let me emphasize, I don't want to diminish their concern, but in most American families and most American workers, the people at the bottom of the ladder, the people who are high school dropouts, they work hard, they struggle, and now what they have confronted in recent years is a corporate strategy of being able to hire illegal immigrants at subpar wages, so the jobs are not there for them.

But this global economy has marched and now galloped forward without adequate rules with respect to jobs and income and opportunity in this country, and too few people seem to care about the diminished circumstances facing most American families who are called upon to support American workers. That, too, should play a central role in this discussion. That, too, should be a part of the consideration here in the Senate. Regrettably, it has not been. My hope is that as we consider how a country will have our better days ahead of us if we adopt public policy which is thoughtful and, yes, which has as a self-interest the long-term economic well-being of our country.

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I am interested in the long-term economic health of this country. We have a lot of kids who will grow up in this country, American kids, who want opportunity. Every single set of parents wants to leave a country that is better for their children. They want to leave a country that is better for their children, and that is simply not the case these days, regrettably. It is because we have an economic strategy that is off track, and we need to put it on track. I have ideas about how to do that. Others do as well. But one of those ideas would not include suggesting that we ought to displace American workers with 4.7 million additional immigrant workers who now live in our country but who will come into our country to assume low-wage jobs and displace jobs for low-wage American workers. That would not be included in my suggestion of how to fix what is wrong in our country.

There is so much to say about this subject. I know there is great passion. I have heard it from all of the groups. I have used a lot of statistics. This is not, after all, about statistics or data. It is about hopes and dreams and aspirations. It is about human misery. It is about living in the shadows. It is about all of those things. So I understand the passion that exists on the floor of this Senate about this matter. But I also, as one who is concerned about that there seems to be so little effort and so little activity on this floor about the passions and the hopes and the dreams and the inspiration American workers have about their future. So I am indicated previously, I know we have this global economy and I know part of that global economy plays a role in this immigration debate. People say you are a hopeless xenophobe who doesn't get it. We all see over the horizon, and you somehow mean it is true that as a country we will have our better days ahead of us if we adopt public policy which is thoughtful and, yes, which has as a self-interest the long-term economic well-being of our country.

I yield the floor and 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. DAYTON. 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. DAYTON. Mr. President, I take offense at the characterizations of the Democratic leader about obstructing this legislation, particularly from those southern border States who, in addition to the vulnerability of the Federal Government, should take the blame for some of the failures of these last few years that have perpetrated these 11 million, 12 million illegal immigrants upon the United States. I respect the comments of the Senator from North Dakota, putting those responsibilities, some of them, on the businesses of Minnesota, but I must say that the businesses of Minnesota and perhaps other Northern States have, to their credit, resisted the impulses of their colleagues from other States from whom they have not been responsible now are suddenly trying to take aggressive action to impose these sanctions upon all businesses. I believe strongly that Minnesota businesses and others in Northern States have been forced to accept illegal immigrants because of the failure of States on the southern border to stand up and to protect their borders, in addition to the Federal Government. I deeply object to the Democrats being hypocritical and saying that that is the failure of Northern States such as Minnesota.

I yield the floor and 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. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 322 be called up.

Mr. DAYTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHAMBLISS. Mr. President, I am disappointed that my colleagues across the aisle will not let those of us who have good faith amendments to call them up, debate them, and have a vote on them. This is most troubling.
because, while I disagree with many of the provisions in the bill, the border security provisions are absolutely critical. The majority of Americans consider border security to be one of the most important priorities considered by Congress. In holding up the amendment, I am not playing politics, I am holding up the chance to move forward on these critical border security issues. This legislation is too important to fall victim to politics as usual.

As I said, I strongly disagree with this legislation in its current form. I think the provisions relative to agriculture are not in the best interests of farmers and agribusiness people. I can't tell you how many phone calls and letters and emails I have received from my constituents in Georgia as well as from farmers across the Nation voicing their objection to many pieces of the Judiciary Committee bill and encouraging me in my efforts to make some important changes.

So I am astounded to hear the minority leader yesterday suggest that the Judiciary Committee's bill is good enough for him and therefore should be accepted whole hog by the Senate. That is not the way the Senate works. This bill is not the concept of debate. To suggest that this legislation should reflect the will of the 16 members of Judiciary Committee and ignore the will of the full Senate is to be little the enormous implications that will result from whatever legislation the Senate passes.

I recognize that a number of pending amendments are going to require the Senate to make some difficult votes. But we cannot try to avoid these votes for political expediency. The American people deserve to know where their Senators stand on these critical issues. And every Senator has the right to try to shape this legislation.

The folks on the other side of the aisle are playing politics as usual—which is obstruct, obstruct, obstruct. This bill is too important and their antics are going to prevent us from having a bill that actually means something and isn't just a repeat of the past. Georgians and the American people deserve more than politics as usual—they deserve a thoughtful and thorough debate.

Even though I am not allowed to offer my amendment at this time, I would like to take a few moments to speak about it. And at this point I would like to ask unanimous consent that Senator BROWNBACK be added as a cosponsor to amendment No. 3232.

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

Mr. CHAMBLISS. Mr. President, the Judiciary substitute bill mandates that the minimum wage that must be paid to workers admitted under the H–2A program shall be the greater of: the applicable state minimum wage, the prevailing rate or the adverse effect wage rate, often referred to as the AEWFR. In almost every case in every State, the AEWFR is significantly higher than the local prevailing wage. Interestingly enough, the U.S. Department of Labor does not determine this AEWFR. AEWFR wages are based solely on a U.S. Department of Agriculture's National Agriculture Statistics Service quarterly survey—a survey that has been the centerpiece of the Agriculture for decades; a survey that was never intended for the purpose for which the Department of Labor utilizes the collected data.

The AEWFR reflects the average wage for disparate field and livestock work over a multistate area. Packhing house work—an occupation filled by a large number of H–2A workers—is not surveyed. The NASS survey result is the average of all agricultural wages, including the wages that are paid to workers whose higher production levels entitle them to additional incentives or piecework pay. The U.S. Department of Labor then uses this average wage without regard for differences in occupation, area in which the work is performed, and the type of work being performed. This body is based on the concept of deducting that average into a minimum guaranteed wage for purposes of the AEWFR.

To put this in terms my colleagues can understand, this would be like if you took a survey of all congressional salaries and Congressmen to staff assistants, and then took the average of those salaries and mandated that the average wage must be the minimum amount paid to any congressional staffer.

Agricultural employers who use the H–2A program to avoid breaking the law by hiring legal workers are put at a distinct competitive disadvantage when compared to growers who use the available undocumented workforce. In fact, this competitive disadvantage caused by the additional expense of using H–2A is a major factor in the agricultural industry's increasing dependency on an illegal workforce.

Those employers who have been utilizing illegal workers have not been paying those illegal workers anywhere near the adverse effect wage rate. Most troubling to me is that in the Judiciary Committee's bill, once agricultural employers transition workers from illegal to blue card workers, there is still no mandated wage floor for them! Therefore, H–2A growers will continue to experience unfair competition if the AEWFR is not replaced with local prevailing wages.

I would like to point out that the wages required of employers of workers admitted under every other temporary, non-immigrant visa category is a local prevailing wage rate determined by the U.S. Department of Labor through specific occupational surveys by the various states.

I believe this should be the case for the H–2A program as well. Moving from an Adverse Effect Wage Rate requirement to a prevailing wage would allow the use of a more localized, occupation-specific, competitive wage when growers access legal workers through the H–2A program. This would naturally raise wages for some farm workers and better reflect the economic realities of the area in which the work is performed and the type of work being performed. It would also encourage agricultural employers to participate in a program designed to protect and identify the workers on our Nation's farms.

I urge you to support the amendment.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. NELSON of Nebraska. Mr. President, I will sound, unfortunately, like a broken record for the next 15 minutes or so.

Mr. CHAMBLISS. I will object to an amendment being called up at this time.

The PRESIDING OFFICER. The Senator from Nebraska has been recognized. The quorum call has been lifted. No other unanimous consent request has been made.

The Senator from Nebraska.

Mr. NELSON of Nebraska. It is important to stress again and again we must focus on border security first.

When I first announced and then introduced my border security bill last fall along with my colleagues, Senator Sessions and Senator Conurn, people across America were talking about securing our borders but there wasn't any action.

No bill in Congress was moving because most of the efforts tried to tackle everything and ended up doing nothing.

I proposed changing the way we address immigration reform and introduced a bipartisan bill that focuses on border security first.

Until we secure our borders, the U.S. will never be able to control the deeper problems of illegal immigration. I repeat: without securing our borders first, the U.S. will never be able to deal with its illegal immigration problems.

That is why I, along with my colleagues Senator Sessions, Senator Byrd, and Senator Vitter are offering our bipartisan border security bill as a complete substitute to the bill that Senator Specter and my colleagues, the Judiciary Committee have offered.

We all have great respect for Senator Specter and the hard work by the Judiciary Committee to complete the bill they reported out last week under difficult time constraints. It is a good thing that we have so many people working together trying to find solutions to our illegal immigration problem. But it is important that those efforts are not lost because we tried to tackle everything and accomplished nothing. Those efforts are not lost because we try to focus on border security.

My colleagues and I are convinced that there is only one way we are going...
to find consensus and see real action this year, and that is if we take the very important step of securing our borders first.

Our proposal would add 3,000 border patrol agents per year for 5 years and enhance border security technology.

It also adds: 1,000 new investigative personnel dedicated to stopping immigrant smuggling; 10,000 new Department of Homeland Security investigators dedicated to worksite enforcement; and 15,000 immigration enforcement agents dedicated to fraud detection.

At the same time, we give employers the tools they need to confirm the status of prospective employees to ensure that they are following the law.

If the companies have completed the verification process they will be protected in their hiring decison, human trafficking, and other border offenses. This will ensure that gangs, organized crime, and individuals looking to exploit illegal immigrants for profit are prosecuted and prevented from putting those profits in their pockets.

Currently, these offenders are difficult to prosecute and are soon back on the floor. We give employers the tools they need to confirm the status of prospective employees to ensure that they are following the law.

We believe that this is an important component for securing our borders and addressing the problem of illegal immigration. By removing the motivation behind most illegal immigration—securing employment through fraudulent documents or unscrupulous employers—another important step towards resolving our illegal immigration problems.

In addition to aiding employers identifying illegal immigrants, this proposal also helps border security agents to stop illegal smuggling, human trafficking, and other border offenses. This will ensure that gangs, organized crime, and individuals looking to exploit illegal immigrants for profit are prosecuted and prevented from putting those profits in their pockets.

Today as we continue this debate and continue to think about the bill that is before the Senate, we need to redirect our attention and put border security first so we can then go on. The “do everything” bill that is before the Senate today will end up doing nothing. The reason is if it is passed by this Senate and goes to the conference committee, it cannot be squared with the House version that has already been passed. It will be easier to square the circle than it will be to bring these two disparate bills together, and that is why we need to do something to secure our borders first.

I yield the floor.

I suggest the absence of a quorum.

Mr. FRIST. Mr. President, I ask unanimous consent that the record be opened.

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

Mr. FRIST. Mr. President, I come to the floor, and I am broadly supported by our caucus, because we come to a moment in time where people are looking at the Senate, America is looking at the Senate, and asking: Why? Why are we at a point where we are addressing with a problem that is not insurmountable—seemingly insurmountable at times but a problem which can be addressed, which addresses the issues that are so fundamental to our country—isues of national security, issues of fairness—challenges that if not addressed will continue to grow, thereby threatening the security of the American people, who are watching.

Republicans are here—let’s see it right here on the floor right now—and we have been here since last Wednesday on a bill doing what the American people expect; that is, identifying a problem, discussing a problem, putting together amendments in order to take a bill to the floor and, therefore, improve a bill. And yet we are being denied that basic opportunity.

Right this very moment, we are here to address a national problem, a problem that is pressing. It impacts every American listening. I mentioned the word “fairness” because it is basically a matter of fairness—of fairness to a group of people, the 12 million undocumented people here in this country today, who, yes, came here illegally, but who are listening right now, and asking that question, Will my plight be addressed and addressed appropriately?

It has to do with fairness to the Senate, where each of us came here probably for different reasons, but to participate in governing and moving America forward to a future that we know will be safer, that will be healthier, that will be more prosperous; and fairness for our constituencies, who are watching their heads right now, at first saying, well, there it is, the Senate, once again, not able to address problems, but then, after a moment, saying that is wrong; those are the people who are sent to Washington to represent us, to address the toughest, most fundamental problems that are out there today, and that is our secureseness, our security, to address issues that affect internal enforcement of the laws of the land, a nation of laws, and, yes, a nation that has captured the richness of our immigrants.

Tweleven million people are living in the shadows. I would argue that today our Democratic colleagues are living in the shadows by not standing up and addressing the problems, the challenges, the opportunities that have been identified. The minority refuses to vote. They refuse to give us simple votes, up-or-down votes, on issues we can debate on the floor, that we are ready to debate.

The other side of the aisle is refusing to govern. That is why we came to the Senate. They refuse to come to the
table to even attempt to address the problem. They are willing to let these 12 million people continue to struggle. They are willing to let our national security, by not addressing the problem, be compromised. They are willing to let our health care, our education, and our infrastructure be eroded.

I come to the floor to make the statement that the immigration system is broken, and yet the Democrats today do not have the courage to address the problem, to fix the problem. They show a lack of courage, I think, conviction, and leadership to fix the problem. You fix the problem by doing something, not coming with a solution and saying: This is it; take it or leave it. It is to allow us to have an amendment proposed, to debate that amendment, and then to vote on that amendment.

What happens, then, when we take an issue that is totally nonpartisan—it is not a red State, blue State, liberal, conservative or Republican issue—and all of a sudden politics gets injected into it? Thus I ask the other side of the aisle to please put the politics aside and allow this body—100 individuals—to cast votes, take up amendments on them.

There have been a lot of media reports saying that caucuses are fractured—our caucus is fractured and the Democratic caucus is fractured. I think that in many ways can be overlooked, but it does reflect the fact—not the fracturing but the diversity of ideas, good ideas, that need to come to the floor and be debated in order to solve these huge problems that are out there: on the border, first and foremost; interior enforcement at the workplace; the temporary workers, the 12 million people.

We have ideas right here. There are 50 different people with a bunch of ideas, yet not one is being allowed to come forth and address a problem. Yet neither do Republicans, because you don't have to have a very sophisticated leadership to be allowed to come forward and offer amendments as individual Senators see the situation in their own right?

Mr. FRIST. Mr. President, in response to my colleague and the manager of this bill, it is clear that by protocol, precedent—and I would even take it back to something more basic than that—and simple fairness and respect for individual Members, Members be allowed to come forward and offer their amendments and then, yes, discuss it with the Democratic leader, the Republican leader, and the Majority leader.

Mr. SPECTER. Mr. President, will the distinguished majority leader yield for a question?

Mr. FRIST. I am happy to yield to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, my question today is, is it up to a Senator or a caucus, the Members on one side of the aisle to take a look at the amendments and decide whether they damage the integrity of the bill, and if it is going to be, in the estimation of the unified Democrats, an effort to diminish this bipartisan bill, then they won't have a vote on those amendments.

My question is, is it up to a Senator or a caucus, the Members on one side of the aisle to take a look at the amendments and decide whether they damage the integrity of the bill and to set a standard that if an amendment is going to be, in the estimation of the unified Democrats, an effort to diminish this bipartisan bill, then they won't have a vote on that amendment? Or is it the practice and protocol of the Senate to allow Senators to vote for amendments as individual Senators see the situation in their own right?
but I want to relate to the Senate that the biggest mistake I ever made, the largest error I ever made was 15 or 18 years ago, as a Member of the U.S. Congress, when, with my chief of staff, my dear friend Reynaldo Martinez—he and I played basketball together. He was a star. I wasn’t. He beat everybody. We were the California Scholastic Federation champions when I was a sophomore in high school.

He was my chief of staff. He is retired, wonderful man. He has larry taylor in the Hispanic community. He has had a school named after him in Nevada. He has a youth center named after him. He is a very famous Nevadan and my dear friend.

A group of people came and talked to us and convinced us that the thing to do would be to close the borders between Mexico and the United States; in effect, stop people from coming across our borders to the United States. This period of time for which I am apologetically, mostly—lasted about a week or two. I introduced legislation. My little wife is 5 feet tall. We have been together for soon to be 50 years. As I said here on the floor a few days ago, her father was born in Russia. But of all the friends I have met with me consoling me, but he was in that family, mostly—lasted about a week or two. I introduced legislation. My little wife is 5 feet tall. We have been together for soon to be 50 years. As I said here on the floor a few days ago, her father was born in Russia. But of all the friends I have met with me consoling me, but he was in that family, mostly—lasted about a week or two. I introduced legislation. My little wife is 5 feet tall. We have been together for soon to be 50 years.
But there has been a shadow on our discussions. The fact is the Senate has not moved forward with debate and amendments and votes. The Senate is supposed to do that. That is what this body is supposed to be all about. Now for a week and a half we have not been able to have a vote on a single issue. We should not be afraid to debate these issues and to vote on them. That is what we are supposed to do. We don’t have to wait for cloture every time before we debate and have votes. Senator KYL, Senator CONYX have devoted thousands of hours to this issue. They deserve a vote on their proposal. That is the way the Senate is supposed to function.

There are those on the other side who have amendments that probably would be very tough votes for those of us on this side. We are here to take tough votes. That is what we come here for—to take tough votes. I could argue, as we do maybe too often, legitimately that this is one of the greatest challenges we face in our time—securing our borders, taking 11 million people out of the shadows who are exploited every day, fulfilling the job requirements that we all know are necessary to support our economic future.

I want to assure the Democratic leader that those of us on this side understand the leadership of our elected leader. We cannot vote for cloture when it is proposed by the other side. The majority rules. The majority sets the agenda in the Senate. It is something that has to be an expectation that somehow we would vote for cloture as proposed by the Democratic leader—I imagine if my friend from Nevada were in the majority, he could take great exception to the Senator from Tennessee filing cloture and then expecting the other side to follow that. We have a short period of time. I hope as these negotiations continue—and we are close, I must say. I think my friend from Massachusetts would agree with me, but say he finds it interesting to negotiate with. But I also point out that his word is good.

I hope people will listen to the Senator from Florida, who is in the chair. Mr. REID. Mr. President, I am sure it is an oversight by my friend from Arizona in just mentioning Senator SALAZAR, but also Senator MENENDEZ has been involved in the things we have done over here, and he is a great addition to our caucus.

My friend from Arizona, who has established his credentials as being courageous and none of the rest of us have, except perhaps Senator INOUYE, said we should not be afraid to take votes. So my suggestion—I made it yesterday and I make it today—is that there has been significant debate on the Specter-Leahy substitute. It is now before this body. We should not be afraid to vote on that. As I said, we are willing to vote. We don’t need to have cloture. We can have an up-or-down vote on that right now. That is one alternative that could be considered.

Mr. FRIST. Mr. President, I think our point has been made. If we are going to address an issue that deserves to be addressed and that the American people expect us to address, we have to change course here from the last several days. It is going to require amendments and debate and allowing amendments to come to the floor. There is no comparable Senate bill that has 128 amendments; the highway bill had 47; the Energy bill had 70. But to think we can make progress on a bill flying through the Senate without the opportunity for debate and amendment is unrealistic. It is outside of the realm of what the American people expect and what our responsibilities are as Senators.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I so appreciate that the majority leader has called this to the Nation’s attention because we have been working on this bill for almost 2 weeks now. The majority is the boss has not had its say. The Judiciary Committee worked very hard on this bill. However, it is a bill that I could not possibly invoke cloture on before we have had a chance to have input and the opportunity to change it in the direction that the full majority of this body—hopefully, a reconstituted majority of the body—would support.

The House of Representatives passed a bill that probably not one Member of the Senate would support. That is not going to be the final position of Congress. The Senate is taking a different approach. The Senate, in general, agrees that there should be a guest worker program. It has been very difficult to come up with the right solution. This country handles the 12 million people who are here illegally— a solution that is fair and equitable for the citizens of the United States and ensures law and order on our borders. It would be wrong for Congress to pass a bill which immigration security is business as usual, or that the laws of our country can be broken with no penalty whatsoever. Most of us want to pass a guest worker program that allows people to come back and forth legally in support of our economy, earn their benefits and be able to keep them—not in the underground, but aboveboard. Most of us want that.

Unfortunately, the bill before us does not provide the right solution. Yet, we are sincere in our desire to amend it. That is what our leader is trying to say. I think it is wrong for the Democratic minority to hold up amendments. We have worked for hours, days, weeks, and months on this bill, to offer alternatives, hear debate, and start shaping a bill that would put our country in the right direction, secure our borders, keep our friendships with our neighbor to the South, and treat people fairly.

Passing a bill that achieves these objectives is a goal I think we can all reach, but not if we cannot have amendments and are forced to vote on cloture, nor could all but one or two on our side. That is not bipartisan. It is not the process we have followed in this Senate.

I think one area we have not significantly addressed, one I would like to be able to talk about, is an alternative for people who do not seek citizenship in America. There are many wonderful Mexican workers who want to remain citizens of Mexico, who intend to stay with their families in Mexico, but who desire the economic opportunities in America. Why would we not provide them an opportunity to come out of the shadows, to work and earn their pay in the open, and then go home? Why should they wait in a 10-year line for U.S. citizenship, which they do not seek?

I strongly have not fully vetted this issue. The Judiciary Committee worked hard to produce a bill, a bill which I do not support. Yet, they certainly worked hard, did their homework, and were very thorough. We need not have a chance to vote on this bill with the rest of the Senate because most of us are not on the Judiciary Committee. Immigration is an issue that affects all of our States and our country as a whole. We need to address it in a sincere, productive way that will come to the right solution. The only way to do that is to allow the Senate to debate and vote on amendments. If we can come to a consensus, and have a 75-to-25 vote, or a 96-to-10 vote on a final bill, then we would have produced the right solution. We will not be able to do that if we invoke cloture before voting on amendments.

The PRESIDING OFFICER. Mr. President, I am seeking recognition, standing on the floor.

The PRESIDING OFFICER (Mr. Coburn). The Chair heard the Senator from Kansas first.

Mr. ROBERTS. Mr. President, I tell my friend from Illinois that I will be very brief.
I understand all of the discussion has been about cloture. It has been about the process of the Senate. It has been about denying Members—in this particular case, on our side—the ability to offer amendments. Let me say that we are about 2 weeks without doing anything about trying to secure our borders. We are doing some things, but we are not doing the things we need to do. There are 32,200 reasons why we should move and why we should reach accommodation, if we possibly can, on a good immigration reform bill. That is 32,200 people who will be coming across our borders during the 2 weeks we will be in recess. And 2,300 are coming across per day as of today. There have been about 150 come across our borders illegally while we have been speaking.

As a matter of fact, as chairman of the Senate Select Committee on Intelligence, I know how this affects our national security. I know all the talk has been about Qaeda and germs and allowing amendments. But let me talk a minute about national security.

Mr. President, 1.2 million illegal aliens were apprehended as they came across our borders last year. Two or three times that amount were not apprehended. If you lived in Tucson, the number was about 439,000 who were apprehended. Two or three times that amount were not apprehended. If you lived in Yuma, in California, that number was about 140,000, approximately, and in McAllen, TX, there were 135,000 in just one year.

Of the 1.2 million who were apprehended who came across illegally—I am not talking about the ones who came across and were not apprehended—165,000 were persons coming from countries other than Mexico. Where did they come from? We are talking about the Middle East. We are talking about Southeast Asia. We are talking about Eastern Europe. We know because we have apprehended people from Afghanistan, Pakistan, Iraq, and Iran. We have actually apprehended people from Iran, 10 of them, and Somalia and Venezuela.

I want to say something about these folks. Their goals may be to find a job and be part of the American dream, but they may not be as well. And truthfully, I think that is only a snapshot of the reality.

I think the intelligence community can tell you who we caught, but they can't tell you who we haven't caught. So at 2,300 people coming across the border who are illegal everyday—every day that we argue or that we don't argue it, that basically we don't have an opportunity to consider the amendments and move this bill forward, national security is being threatened.

I want Members to consider that and see if we can't work toward some solution that will allow a series of amendments to be considered and move on with this bill. Otherwise, in the next 2 weeks, I have to tell my colleagues, the people of Kansas are going to look at me or, for that matter, every Senator and say: What on Earth are you doing going on recess for 2 weeks when you have 32,200 more people coming in, most of whom are not vetted and some could be injurious to the national security of the United States?

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I asked my staff how many amendments have been filed to this bill. The number is 228 amendments; 228 amendments have been filed to this bill. If you follow the proceedings of the Senate, you know there is no way on Earth we can consider 228 amendments and actually vote on this bill by the end of this week or even by the end of next week. It is physically impossible. Decisions will have to be made, as they are made on every single piece of legislation, on which amendments will be cut, which amendments will be considered.

I have had amendments that I thought were extremely important that didn't make the cut. That is the nature of this Chamber. Sometimes we have to stay up past midnight, and at the point we will have to vote on a bill if we want a bill passed.

Our concern on this side of the aisle is that if we get mired down in the amendment process, we have a fundamental problem. What we are witnessing here you cannot analogize to a baseball game because in a baseball game, there is no clock. In the Senate, there is a clock, not just by day but by week. And at the end of this week, we are scheduled to go on recess.

For that reason, Senator HARRY REID, the Democratic leader of the Senate, filed a cloture motion yesterday. Under the Senate rules, that means that tomorrow morning at about 10 o'clock, we will vote as to whether we want to close off debate, close off the amendment number at 228, or let more amendments pile on.

What is that we would consider and pass this bill this week if we allow all amendments to be filed that each Member wishes? There is no chance whatsoever.

What Senator REID believes and I share is that we have a historic opportunity. We may never get this chance again. The last time we had any serious debate about immigration reform was more than a decade ago. Honestly, the situation has gotten worse in this country ever since we have a chance. We have a chance because on a bipartisan basis, the Senate Judiciary Committee produced a bill. It is not perfect, but it is a good bill, strongly supported by Senator KENNEDY on our side, and Senator GALLAGHER on the other side, supported by Republicans and Democrats who brought it out of the committee 12 to 6.

Our fear is that if we allow this process to mire down with hundreds of amendments, the clock will run out; we will have missed our chance.

It pains me to hear my colleagues on the other side of the aisle say there is no way we can vote for cloture, there is no way we can vote to close down the amendments that are going to be filed here. We have to stand together as a party. I think there is more at stake. I think this bill, this bipartisan bill, is evidence that both parties can come together and to this must come together. If we are going to solve an intractable problem, such as the problem of immigration reform.

America is not going to remember what we accomplished. The Senate Select Committee on Intelligence dealing with immigration has strong security provisions. There is a provision offered by Senator FRIST to make our borders stronger. Virtually the same provision is being offered on the Democratic side of the aisle in a bipartisan bill. There is no argument about enforcement, strengthening our borders, knowing who is here, where they work, where they live, and what they do. If we are going to be a secure nation, that is essential.

There is no argument about employer enforcement. It has to be part of the enforcement system.

Where we do have differences of opinion, of course, is what to do with 11 or 12 million people already here. We think we have struck the right balance, giving people an opportunity over an 11-year period of time to earn their way to citizenship. If they work hard, if they have a job, if they pay their taxes, if they have a criminal background check, if they are learning English, if they know about our Nation's history and its civics, if the people who are asking for this clearly are good citizens, people of good moral virtue, those are the ones we want as part of our Nation.

I hear my colleagues on the other side of the aisle say unless we can call one amendment or five amendments before 10 o'clock tomorrow morning, virtually as soon as we get up, that would be unfortunate. Voting for cloture doesn't mean there is an end to amendments. It means there is a limited time for those amendments pending, some 30 hours. We still have time to debate and amend this bill, and we will. But Senator REID and I share in the belief that we need a process that brings this to a conclusion. There is no way we can deal with 228 amendments and have this bill completed this week. That is why we moved forward on this bill as soon as this process a bipartisan basis and move this bill to final passage.

I yield the floor.
The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, first, I thank our majority leader for coming to the floor and pointing out what is happening because I think this is a mistake and I just told everybody this is an indication of what is fundamentally wrong with the Senate these days. It is important that in the light of day, the American people be told why immigration reform, on which the American people feel very strongly we should deal with this, they should put great focus on border security, is long overdue.

We made runs on it in the past. I was around when we passed immigration reform, by title at least, in 1986 and again in 1996. It didn’t work. We have to do more for border security. We have to decide if we want a temporary worker program, how is it going to be assigned, what are the responsibilities for it to be implemented, and exactly how are we going to wrap up the 12 million people who are in this country.

Frankly, I have very little to say on this subject because I am not a member of the Judiciary Committee. I do not consider myself to be an expert on the substance, as is my colleague from Arizona, Senator KYL. He worked on it. He is on the Judiciary Committee. They discussed it, considered it for weeks and months. I have a lot of respect for the work that was done in the committee.

I have been proud that our majority leader, Senator Frist, has forced this issue to a head. Some people have said: Wait a minute, we are not ready, we haven’t had time to cook this issue; there are too many problems. We should have done this last year, and we haven’t voted on one amendment. We have been dragging around here for over a week now. Senator KYL has tried to get a vote, and the minority in the Senate is blocking even a vote on a critical amendment by a senior Senator in the leadership of the majority, I might add, because they don’t want to vote. Frankly, if there are ways this issue can be stuffed down the opposition’s throat, I don’t want to do that. I thought we were going to rise to the occasion and have a bipartisan debate.

This is not the Senate. This is not the House. And, by the way, I have been a party to stuffing the minority, and people didn’t agree with me. I filled up the tree. I filed cloture instantly on bills and on amendments. But almost every way, almost every time it backfired on me. I admit it now. I remember filling up the tree and blocking Senator MCCAIN from offering his amendment on campaign finance reform. I did it more than once. I told him I was going to do it. In the end, he won.

This tactic that has been employed by the Democratic leadership blocking even a vote on amendments on an issue of this magnitude is outrageous and, quite frankly, I am offended cloture has been filed by the minority leader. It is not unprecedented. It has been done 18 times in the last 10 years. Yes, I did it, too, and again, it doesn’t add to anything. It destroys the potential for good will.

I will vote against any cloture motion filed by the minority leader. He does not manage the Senate. The majority leader does. And even when I disagree with him—I admire Senator McCAIN standing up and saying: I am not going to support that. Senator McCAIN has the high hand, he has the winning hand probably, but he said: Wait a minute, you can’t block Senators from even having a vote on their amendments, even though he is going to vote against them and speak against them.

What have we done here? This approach cannot stand, it will not stand, and what I am going to urge our leader- ership to consider doing is if we don’t get something worked out by sunrise, then the Senate Democrats are going to be cut out. There is a way we can get an agreement between the Republicans in the House and the Senate, the majority in the House and the Senate, and the new leadership to the floor and say: Vote for it, up or down. It can be done. I don’t want to do that. I object to that. But when David Broder writes these articles about how he can’t understand why the majority doesn’t block the bill, Mr. President, I want to give you a look at the Senate today. This is the kind of conduct which makes it impossible for us to get our work done and makes the majority decide to just ignore the minority.

I am one of those people whose votes hang in the balance. I am not locked into a position. I probably am willing to go further toward what the Judiciary Committee did than some of my colleagues. But I am offended by this, and it may affect my overall vote on the final product.

This bill has the potential to be bipartisan. It has the potential to be a major achievement by the Senate and by the Congress, and, more important, the American people. I hope our leadership will say: Oh well, maybe we just didn’t talk enough to each other, and let’s work this out. Let’s go forward. We are not going to be able to finish this legislation this week. So take next week. Take next month. This issue is too big, too important. The illegal alien problem we have in this country—and the need for immigration reform—is doing serious damage to our country. There are good aspects to the bill, but there is damage being done and the relationship between people is not moving in a positive way. This is where we show whether we are statesmen or political hacks who are just trying to find a way to avoid a tough vote. I read with my colleagues: Let’s find a way to go forward on this and get a solution we can all vote for and feel good about. Right now, we should be ashamed of what we are doing and the way we look.

I yield the floor.

Mr. KENNEDY. Mr. President, I would like to take a few moments of the Senate’s time to try to put this legislation at least into some perspective. Someone worried about legislation dealing with immigration for some period of time, so the American people can have an understanding of what this debate is really all about.

I think all of us understand what has been well stated here, and that our borders are broken and porous. Ten years ago, we estimated that about 40,000 were coming into this country illegally and we were catching maybe almost half of them. Now the estimates are from 400,000 to well over 1 million, and we are catching only 10 percent of them.

We have increased expenditures by $20 billion in terms of law enforcement and building fences and increasing border
guards 300 percent over the period of the last 10 years, and it doesn’t work. It has not worked, and it is not working today. Although there are a number of our colleagues who believe it offers the best way to try to get a handle on our immigration problem.

That was the position which was taken by the House of Representatives and passed by the House of Representatives, effectively criminalizing every individual who is undocumented here in the United States and criminalizing any individual who might have been indirectly helping that person, whether it was a minister, a member of the clergy, or a nonprofit organization such as a humane group that operates in a feeding program or looks after people who have been in shelters. That is why Bishop Mahony, the cardinal of Los Angeles, said that the House legislation was such a vicious piece of legislation. Those aren’t my words; those are his. That was the position of the House of Representatives. Many of us who have worked on immigration issues believe that fact is not the answer.

The fact is, it was the majority leader who introduced similar legislation in the Senate of the United States which we represented the position of the Republican Party. That was the position which was introduced by the majority leader. There wasn’t a great deal of turmoil or opposition at the time he did that; so that there may have been many who thought that was going to be the position of the Republican Party. That is at least one aspect of this debate and discussion.

Another aspect of it: Some 3½ years ago, the Senator from Arizona, Mr. MCCAIN, introduced legislation dealing with immigration in a more comprehensive way—rather than just law enforcement, looked at other factors in addition to law enforcement. Over 3 years ago, I introduced legislation that looked at different aspects in terms of legalization and other kinds of approaches but different from those of Senator MCCAIN. At about that time, Senator HAGEL and Senator Daschle introduced different legislation. This was all before the 2004 election.

Then, after the election, when we saw that these different pieces of legislation which were introduced were not working, Senator McCaIN and I worked together to introduce a bill in 2005 to introduce common legislation. We were convinced of a number of things. We were convinced, first of all, about the importance of securing our borders from a national security point of view. You have all these individuals who are coming in here, and in the wake of 9/11, we don’t know who they are, and this presents a national security issue. If you have millions of immigrants who are virtually underground because they are undocumented, this is a national security concern.

Homeland Security is worried about different cells in different parts of the country, and we know we have millions of immigrants who are subject to exploitation because they are undocumented, this is a national security issue.

So we looked at it and said: What are the features that are going to be necessary for national security, because that is very important, and to deal with the fact that there is this magnet, drawing people to the United States, the magnet of the American economy so that strong individuals who want to provide for their families, work hard, play by the rules, and provide for their families are offered jobs by American employers? So they come here and send money back to look after their children and families, to develop a community. Many hard-working individuals have come, and many of them have enlisted in the Armed Forces of our country. More than 70,000 are serving in the Armed Forces of our country. Permanent resident aliens are in the Armed Forces serving in Iraq and Afghanistan.

So we said: What is necessary is we have to bring these people out of the shadows. How are we going to do that? We have to entice them out so they feel they can be a part of our American system, and how is that going to happen? Since they cut in front of this line instead of waiting their turn, if they were to follow the immigration laws, we would say: You have to go to the back of the line. You have to go to the back of the line. You have to have a fine, pay your taxes, abide by the laws of this country, work hard, and then, 11 years from now—11 years from now—you will be eligible to become an American citizen. The other side says: We can’t do that because that is amnesty. That is amnesty.

It is very interesting that whenever we talk about the undocumented, in many instances men and women who work hard, provide for their families, who are devoted to their religion—98 percent of the undocumented are working today. Working. These are qualities which we admire—people who work hard, provide for their families, have beliefs in their God, are attentive to their church, care for their children—all qualities we admire. But that is too bad; we are just going to send them back or criminalize them. We are going to send them back. So then the issue is, we have a majority in the Senate. We have an agreement that we have to get a border and it has to be secure. We have the undocumented, and the question is, How are we going to deal with them? And we have differences in this body. Many say we have to send them back. We heard speeches even earlier today saying that we can’t permit, under any circumstances, that they remain here in this country. There has been no talk about how they are going to do it. Of course, it is not easy for us, and I didn’t see any asking for $240 billion to get the buses out there to ship them back, while their children, who are American citizens, are pleading that they remain here, and their children are going to school and want their parents to stay. No, no. Let’s just get a bumper-sticker solution and call it amnesty. Bumper sticker: It is amnesty. Bumper sticker: Bad. It is just a bumper sticker solution rather than dealing with a complex issue.

So Senator MCCAIN and I worked on this issue. We worked out the program, the penalties, the requirements for people who are here to be able to go their way toward the possibility of citizenship, bring them out of the shadows, treat them in a humane way, understanding that we have a problem and an issue. And as much as those on the other side of the aisle might bellyache about this solution, they don’t have any answer, other than criminalizing it. That is the answer they have: criminalizing. So we have what I consider a just solution. It may not be the right one, it may not be, but at least it is—trying to work out more effective ways and means of being able to do it. There are a variety of different ways. The Mexican Government has indicated that, I think there are a variety of different ways of trying to do that to lessen the pressure. We have basically the only proposal that gives any consideration to that whatsoever, and I think it can be extremely meaningful.

We find the remittances, as they go back to Mexico, to our communities. So many of the people who are here remit funds because they care about their families and their communities. We could work with Mexico to lessen the pressure.

Nonetheless, we understand that we are still going to be a magnet. So we say: OK, let’s set a figure. We had a negotiation, and 400,000 was the figure for temporary workers. After 4 years, they have an opportunity to petition for a green card. In terms of becoming American citizens if they demonstrate they have worked hard, paid their taxes, haven’t run into trouble with the law.

So we are saying we want to make the borders secure in terms of the security issues, and we want to make it safe for people to come here, and we want to have a process so that the magnet which is the American economy will draw people in an orderly fashion to American jobs but to advertise and see if there are Americans available. But if they are jobs Americans won’t do, there will be a
legal way for people to come in. So the person who is down in the center part of Mexico will have an alternative: Do you want to risk going across the desert and dying in the desert, or do you want to go to your embassy and find a job for which there are jobs? The people who are qualified and go to the United States and have at least some job protection in the job you have? That is the alternative. Legality. Legality. Legality.

Then we have the enforcement provisions. In the United States, if employers are going to hire undocumented aliens, then we have 5,000 individuals who are going to be trained and equipped to be able to go after employers who are going to attempt to violate the law. The temporary worker gets the biometric card, comes up and presents it to the employer, and then we know he or she is documented. If not, then the individual is undocumented, and then that person is going to be subject to penalties. It has never been tried before, but it is a local process and a legal system.

What many of us are saying here tonight is that we have a total package that talks about the border, talks about the temporary worker, talks about law enforcement, and talks about earned legalization. That is the package. That is the package that came out of the Judiciary Committee. It was a big, bold piece, not just border security like the Republican leader had or like the House of Representatives had. It garnered 12 members of the Judiciary Committee, Republicans and Democrats alike, in a bipartisan way, after 7 days of hearings, 6 days of markups, and scores of different amendments. What Senator Reid is talking about is why not let us have a vote on that particular approach to the challenge that we are facing on immigration? There are those who just want law enforcement—fine. But why is it that those who worked, and worked hard, and looked at this and studied it, and studied hard, and after days of hearings and a lot of work—why should we be denied the opportunity to have a vote on the total package?

That is what we are being asked. We are being asked: Let's split that package up somewhat. Let's try to divert it. I know those strongly opposed to it. I respect them. I have heard them. I listened to them. They are on our committee and strongly oppose it. I strongly respect that. But aren't we entitled to at least a chance to have a vote on a comprehensive approach? What is so difficult about it? I agree with the Senator from Mississippi, this is important. We ought to be continuing on this issue. It is of vital importance and consequence. It affects the lives of hundreds of thousands of people. We have heard what is out there, across the country—500,000 people in southern California, 100,000 people in Chicago. You are going to see next Monday in 10 different cities, more than a million individuals who are out there demonstrating.

Why are we not dealing with this? Why don't we deal with it? What many of us are asking, including myself, is give us at least the opportunity to vote on that. If that is not successful, if we cannot get the majority here, then so be it. We have to find a different approach.

We talk about trying to work through these accommodations. I am always interested in listening to individuals, people who are concerned about this. We have had, as I mentioned, early in this debate, the extraordinary stories from our friend and colleague, the Senator from New Mexico, Mr. DOMENICI, telling his life story—the absolutely extraordinary story of his parents, We listened to the good Senator from Florida, Mr. MARRERO, we listened to my colleagues. KEN SALAZAR's relatives were here 250 years before any of our ancestors were here down in the Southwest and out in Colorado. We listened to Bob MENENDEZ as well. We listened to the colleagues who have been engaged in this. They understand its difficulty and its complexity.

We do have a recommendation from our committee. It seems that in the life of this institution we ought to be able to have a vote on that particular proposal. If it does not carry, then we will have to deal with the other reality. But to deny us the opportunity to get to that as well as consider other amendments that some colleagues from Illinois pointed out, that will be relevant and current tomorrow, after cloture—I think would be an enormous loss.

I certainly have worked and I am glad to work to reduce the differences among us as well as can. I think all of us are going through the learning experience. As much as we know about immigration, we always learn more from talking with people who are concerned and interested and knowledgeable about the legislative process is an evolving process. I have certainly observed that over an extensive period of time. So we are always interested.

If there are ways we can achieve the outcomes that we talked about, at least from my point of view then it makes sense. What does not make sense is to try to separate different groups against each other. That I find difficult to accept. What we saw in the Cornyn-Kyl bill, which to some extent is a competitor of the bill that passed. That was rejected in the Judiciary Committee; that is to say, we lost that vote.

The Senator was talking a moment ago about alternatives in the Senate, I believe. I don't think he would want to be misunderstood in this regard. He said there is no answer but to criminalize them. I know the Senator—I know the Senator from Arizona has introduced legislation, which, in the Senate there has been nothing proposed except to criminalize the people who are here illegally because the Senator, of course, is aware of the alternative legislation Senator CORNYN and I introduced.

We can, in the Senate at all like to comment on that? Mr. KENNEDY. The remarks that I had were directed toward the undocumented. The Senator from Arizona has an amendment that is portrayed as only preventing the adjustment status for criminals, but if you look and examine the various provisions which are included in the Senate's amendment, April 5, 2006
I want to respond to several things that have been said here—first of all, to join the majority leader and the others who have spoken to the issue of the need for a debate and the ability to offer amendments and to vote on those amendments as a part of this very important legislation. I know that we will do anything more important this year than try to adopt comprehensive immigration reform. It is critical to my State. There are an awful lot of people in the State of Arizona who enjoin the protection of the law, and should. Simply because they came here illegally, they should not be denied that protection. We need to find a way to ensure that in some way the status of everyone who works in and remains in the United States is in a legal status. It is also critical that we secure the border and provide an enforcement mechanism to ensure that people who work here work here legally.

Let me divide my remarks in two pieces, if I could, first of all, to respond to something the Senator from Illinois, the minority whip, had to say when he was here. He noted there are about 200 amendments that have been filed. His point was that you have to figure out which ones to consider.

My point is this. If anything is certain, it is that if you do not start, you don't consider any of them. It is always the case that there are more amendments than you can consider. But at least we start the process at the beginning of the debate. I laid down an amendment last Thursday afternoon. It is the pending amendment. This is Wednesday afternoon. Tomorrow it will be pending an entire week. It was the first amendment laid down. The other 199 followed it. We have not even gotten a vote on amendment No. 1 yet.

To complain that there are 200 amendments out there and we just can't do anything and it has been a whole week and we can't figure out where to start and that is why we are stopping you from voting on any of them doesn't wash. Let's be very clear. The reason the Democratic side has prevented us from offering amendments and from voting on amendments is because they don't want to vote on them—period. It is not that there are so many they can't figure out which ones to allow a vote. They don't want to vote on any of them. Why? There are two reasons. The first is they like the bill as it is. That is a perfectly legitimate point. But that is always the case with one side or the other. But whichever side doesn't like the bill gets a chance to try to amend it. If the majority is right, that they have the votes, they can vote on these amendments down.

Senator KENNEDY just spoke to the amendment that is pending. He obviously does not think it is a good amendment. He does not want to deal against it. I think it is a real good amendment and it goes right to a point of the bill that is pending before us:

should criminals be allowed to participate in the benefits of this legislation? I say no. That is an amendment that people do not want to vote on. I guess that is the other thing. Not only do a lot of folks on the other side like the bill as it is, and therefore they don't want to see it changed—which is not really a good reason for denying us a right to offer amendments—but I don't think they want to take a vote on some of these amendments perhaps because it is somewhat embarrassing.

I am willing to concede that there are lots of drafting errors. I have made some including on this bill. So it is not always the way you want it to be. But including crimes of moral turpitude and drug crimes—whoever drafted the bill on the other side—they felt they had cut out criminals from participating in the program. The problem is, there can't be any other amendments offered. There is talk about some kind of compromise. Clearly, if a new amendment is offered there should be an opportunity to respond to that in some way, including potentially offering an amendment to it. It is because of the complexity of this bill to ensure that any amendment is germane. That is a term of art which you will hear in this body, but that is all you can do after cloture is invoked, and it is hard to do that. It is no simple proposition to say let's close off debate and finish the bill, whatever is germane. That is very difficult to do. Choking off debate with a cloture motion is done to stop filibusters. There has been a filthy war. We would like to get a bill. We would like to have debate and vote on amendments and vote on a bill.

Most of you in this body want comprehensive immigration reform.

The reason I engaged in the colloquy with the Senator from Massachusetts is because we have two competing versions. His version passed in the Judiciary Committee; mine did not. Both are comprehensive. They both deal with border security, with security in the entire area of the country, including at the workplace with a temporary
work program and with providing a new status for the people who are here illegally. They do that in different ways, but they both tackle the same comprehensive issue.

It is a straw man that anybody on this side of the border thinks we are going to just round up everyone and send them back and that there is no other choice. It is also wrong to say that we can’t start voting because we just do not know where to start. The reality is, we could have started and we should have started and this bill is not going to be completed until we start.

There were a couple of things that the Senator from Massachusetts said that I want to clarify. One is there is quite a bit of derogation with the House position. While there are some things in the House bill that I agree with and others that I disagree with, I must say this is a very different picture of what the House stands for and what Republicans stand for than what has been portrayed.

For example, I think there are probably many out there who believe the House bill stands for the proposition that we need to make it a felony for people to be in this country illegally. And since the House is controlled by Republicans, that must be the Republican position. Nothing could be further from the truth. I don’t know of a Republican Senator, No. 1, who wants to have it a felony for a status violation of the immigration law or for crossing the border illegally. When Representative SENENKENBRENNER, chairman of the Judiciary Committee, said we need to take that felony status and change it to a misdemeanor. So a vote was taken. On that vote there were 164 ayes and 257 nays. The vote lost. So it remained a felony.

Who voted against the amendment to make it a misdemeanor? Mr. President, 191 of the 202 Democrats voted against the amendment to turn the felony to a misdemeanor; 191 of the 202 Democrats voted to leave it a felony. The majority of Republicans voted to make it a misdemeanor.

Let us stop denigrating the House of Representatives, and in particular the Republicans, by somehow contending that either Republicans, or the majority of the House Members who are Republicans, wanted this to be a felony. It was the Democratic Members of the House who proposed that. We need to keep it a felony. The majority of Republicans voted to make it a misdemeanor.

We need to clear up some of the impressions that have been created around here because of very sloppy language. I will put it that way so I don’t ascribe any bad motive to anyone.

Part of that impression could have been created. That is what I was trying to correct with the Senator from Massachusetts a moment ago when he said that the alternative was to round them up and send them back and that there was no answer but to criminalize them. I appreciated what the Senator said because the Senate does not have a bill to criminalize the status of aliens, certainly not to make them felons. And no one I know of has proposed an alternative to round them up and send them back. Everyone has agreed. I shouldn’t ascribe any bad motive to anyone because there are people who believe it is somehow the only alternative. That is a false choice.

There isn’t a bill on the floor of the Senate today that does that.

Why are these false choices presented as the only alternative to the bill that is before us on the floor? As I pointed out, there are several other choices. One was introduced by Senator CORNYN and myself, a comprehensive bill that doesn’t round up everybody and send them back but criminalizes everyone. What we had was that we should engage with reason and without mischaracterizing things. There are good enough reasons to oppose each other’s bill without mischaracterizing them. If I have ever mischaracterized anything—I hope I haven’t—I apologize for it.

The Senator from Massachusetts said something else that is very important. He said it was a necessity to have an incentive for illegal aliens to come out of the shadows, and the bill that he and others had crafted provided this potential for citizenship to provide an incentive.

That is one approach. I disagree with it. But that is certainly an approach. But it is not the only approach.

I want to go back to what most people have said about the people who are here illegally to illustrate a point. Most folks say they just came here to do work that Americans won’t do. Let me stipulate that many—in fact, the majority—of the people did come here to work. There is no question about that. Let us not forget that between 10 and 15 percent of the people who are apprehended when they come here by crossing the border illegally are criminals. These are bad people. They don’t just come here to work. They come here for illicit purposes. They are criminals and that means to be dealt with as criminals. That is between 10 and 15 percent.

But there is another 85 to 90 percent who undoubtedly come here primarily to work, to earn money, mostly to send back to friends or relatives in their home country. So let us stipulate to that.

Most of them did not come here to become citizens of the United States. As a matter of fact, Senator HURRISON pointed out something which is very true. If you know one thing about Mexican citizens, it is that they are very proud. They have a beautiful country. It is actually a wealthy country. Its culture is tremendous culture and they are very proud of it. They are very patriotic and nationalistic.

I think it is a bit odd that we—not me but many here—just assume that they all want to be citizens of the United States. Many want the ability to be here permanently, to reside here and to work here permanently, if that is their choice and they have green cards for that reason. Many other people from other parts of the world have green cards but don’t choose to become citizens. That is fine. But we shouldn’t presume that everyone wants to be a citizen simply because they came here to do work that they can do.

The other fallacy is they came here to do work that Americans won’t do. I think you have to amend that slightly to say that they came here to do work that Americans won’t do at the price that people from other countries are willing to do it for.

In fact, there is a lot of work that Americans are willing to do, if the work is there, that people from foreign countries are doing today side by side. I mention the construction industry as a good example because in my State of Arizona it is hard to get enough good construction workers. There are many thousands, tens of thousands or more, working in construction that are illegal. There isn’t a bill on the floor of the United States in construction. We need their help. But I also know that in the field of construction there have been many times when a very well-qualified American citizen can’t find a job. It is very cyclical employment.

What we don’t want to do is assume that all of the people who came here from another country came here to do jobs that Americans won’t do and, therefore, there will always be a job for them because Americans will never do the work. Americans will do this kind of work. They will do it gladly. They don’t want to do it for free. They do want it to do it too cheaply. But there aren’t very many jobs that they will do for a pretty cheap price. If the jobs aren’t there, obviously the reason we have a temporary program is to issue a temporary permit while the job is there, and when the work returns you can start issuing more temporary permits.

One of the problems with the underlying bill is you convert all the temporary permits into permanent legal residency and then you have no ability to ask anyone who is a guest here to leave because they have a right to stay here permanently even though there is no job for them some years in the future.

The point is, it is true that you need an incentive for illegal immigrants to participate in a legal program. All of the bills have different kinds of legal programs. The Cornyn-Kyl bill has one; the bill on the floor has one. We provide a lot of incentives and some disincentives. You can stay for up to 5 years under our bill. Nobody is rounded up and deported. You can stay for 5 years.
One reason that number was fixed was because the survey of over 35,000 Mexican citizens who are illegal immigrants said if they could stay for 5 years and participate in the guest worker program, 71 percent of them said they would leave. Congress, I don’t think that they all would. I think it is totally wrong to assume they all won’t. There is an incentive to stay here for 5 years. You can also participate in a temporary work program when you come here. The sooner you go home the longer you can participate in that program. You can build a nest egg and take that back with you when you leave.

These are incentives in our bill as well. It may not be the incentive of citizenship. I don’t think you have to have that incentive in order to, as the phrase goes, bring people out of the shadows.

Different people can argue about this. Reasonable people can differ about all of these things. I am willing to listen to the debate on the other side. But I would ask a favor in return. Just as we allowed the bill to be passed out of the Committee, the Presiding Officer is well aware—and we didn’t filibuster the bill there, though it could have been filibustered—we allowed it to pass out knowing that it would pass over our votes. We had an alternative. We didn’t have the votes to pass. We would like an opportunity to vote on that alternative on the floor of the Senate. Is that too much to ask?

We would like an opportunity to vote on about five amendments. I am speaking now for Senator Conyn and myself. That is all. We boiled it down to just five along with our underlying amendment. I would like the opportunity to do that.

When we debated the energy bill, I think the comment was there were over 70 amendments, and these were significant amendments. This isn’t like the amendments to the budget bill. I think there have been two relatively insignificant ones—one good one that characterized them. There have been two amendments voted on. The authors, I am sure, thought they were all significant.

But the bottom line is nothing has gone to the heart of the bill one way or the other until that debate occurs and until those amendments are allowed to be offered and until they are allowed to be voted on. It is unfair to think that we could just shut off the debate, have one vote on finish passage and be done with it.

I will say this because there is another Member of the minority here. I have another amendment that I have repeatedly and recently laid down. All it does is say with regard to the temporary worker program that before that program actually starts, the mechanisms be in place for it to work. The experts say that it takes about 18 months. You can start getting ready for it. You can put those mechanisms in place, and the minute they are ready, the program can start.

You might disagree with the amendment, but it is not an unreasonable amendment. There are a lot of folks who say: How can we trust you to have a workable program? And the answer is, watch us. We will create it. The sooner you get the revenue for your program. That is the kind of thing we are talking about. I don’t think they are unreasonable.

I appreciate the indulgence of my colleagues, but I wanted to clear up some of the rhetoric they want to finish the voting until you start the voting. We need to start it. There are legitimate amendments. Nobody is filibustering.

Let us get on with the process so that we can conclude this important piece of legislation, get the bill to the House of Representatives, and hopefully be able to say at the end of this year that we were able to talk and successfully resolve the most difficult issue domestically facing this country today, the problem of illegal immigration.

I thank the Chair.

While the Senate from Maryland is present, allow me to congratulate her on her Lady Terps who in the first half didn’t look like they were going to pull it out but came back like the champs they are.

Mr. ALLARD. Mr. President, I also have been working on a terrorist visa amendment. I call up that amendment, No. 3216, for Mr. MUKILSKI. Ms. MIKULSKI. Mr. President, I object on behalf of the minority leader. The PRESIDING OFFICER. The objection is heard.

Mr. ALLARD. I am very disappointed we cannot get that amendment up. I have been working now for some time to get that amendment to move forward. It is an amendment I filed last week. It is a simple, commonsense amendment that denies visas to advocates of terrorism. Yesterday morning, I came to the Senate to speak on that amendment and asked for a vote.

Now, more than 24 hours later, we have still not had a vote on my simple, reasonable proposal. It is just one example of the Democrats continued obstruction of well intentioned efforts to debate and make improvements to the immigration bill.

Put simply, the Democrats are denying me a vote on my proposal to deny visas to terrorists. Any Democrat who says this is anything other than partisan obstructionism are themselves in denial.

To demonstrate the height to which this obstructionism has risen, I am again going to explain what my amendment does and how simple it really is. My amendment is so simple, in fact, that it adds only 6 words to the entire Immigration and Nationality Act. And half of those are the word “or.” The other three are “advocate,” “advocates,” and “advocacy.”

These 6 words are narrowly targeted to address a loophole in our current visa system that is evidenced by the following statement: Colleagues, believe it or not, this a heading from our very own Department of State Foreign Affairs Manual. The same Foreign Affairs Manual issued to the Department’s 25,000 employees located in more than 250 posts or missions worldwide.

Even more alarmingly, this is from the chapter that instructs our consular officers to whom a visa should be issued. Vissas are, of course, the ticket that foreigners, including terrorists, need to enter the U.S.

This instruction says to the consular officer deciding whether or not to issue a visa that they need not deny a visa to an individual who advocates terrorism. I, for one, cannot imagine a more pertinent ground for denial. If advocacy of terrorism is not grounds for exclusion, I don’t know what is.

Not only am I concerned about the message this sends to our dedicated consular officers, I am just as concerned about the message this sends to terrorists. It says to them, feel free to lay the groundwork for an attack at will and come to America to finish the job. This is not the message that the U.S. should be conveying to terrorists.

This Congress has already passed important legislation denying visas to terrorists, including the PATRIOT and REAL ID Acts. The REAL ID Act, signed into law on May 11, 2005, specifically states that one who endorses or espouses terrorist activity is inadmissible.

The real REAL ID Act became public law on May 11 of last year, 8 days after publication of this manual. Yet, today, more 10 months later, the State Department is still instructing its consular officers that advocacy of terrorism may not be a ground for exclusion.

Clearly, the State Department needs to be sent a message that we, in Congress, are serious about securing our borders. And particularly serious about preventing known advocates of terrorism—people who are most likely to wish harm to our country—from entering into the United States.

Admittance to the United States is a privilege, not a right. My amendment says, if you advocate terrorism, you lose the privilege of coming to the United States.

I would like the opportunity to debate this amendment. I, for one, am curious to hear from the Democrats their reason for opposing it.

It is a common sense amendment worthy of debate and a vote. I urge my colleagues to join me in calling for a vote on this legislation that slams the door shut in the face of advocates of terrorism who seek to enter our country.

I also submitted a second amendment last week which I believe is another commonsense amendment to improve the immigration bill.

My amendment No. 3213 calls upon the administration to develop a plan for securing the borders to curb the inflow of vast quantities of methamphetamine into this country.
Our Nation has been hard hit by the illegal trafficking of methamphetamine. My home State of Colorado is no exception. In just 10 years, methamphetamine has become America’s worst drug problem—worse than marijuana or heroin.

According to estimates from the DEA, an alarming 80 percent of the methamphetamine used in the United States comes from larger labs, increasingly abroad, while only 20 percent of the methamphetamine consumed in this country comes from the small laboratories.

Therefore, my simple amendment calls for a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government will implement to reduce the amount of methamphetamine being trafficked into the United States.

My amendment aims to build upon the methamphetamine provisions of the PATRIOT Act. We must impress upon the Department of State, the Attorney General, and the Secretary of the Department of Homeland Security the immediate need for a firm plan of action. It is imperative that such a plan include, at a minimum, a specific timeline to reduce the inflow of methamphetamine into the United States.

There must be a tough standard for keeping excessive amounts of pseudoephedrine products out of the hands of methamphetamine traffickers. We must outline a specific plan to engage the top five exporters of methamphetamine precursor chemicals. It is important that we protect our borders to ensure national security and the safety of our communities.

Now, here we are today, 1 week to the day after filing my methamphetamine amendment, and still there has been no opportunity for a debate, much less a vote. I urge my colleagues from across the aisle to allow us to proceed on this and other amendments worthy of debate.

Mr. President, I yield for a question from the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Colorado for his leadership on this issue. I do not know if he saw the program “Frontline” recently, but it talked about the methamphetamine scourge that is affecting the United States and the fact that now more of this illicit drug is coming in from Mexico. It is a serious, serious problem. I congratulate him for addressing this problem.

I hope he understands that when we offered to call his amendment, asked for unanimous consent to call his amendment and adopt his amendment, there was objection on his side of the aisle. We stand ready at this moment to call your amendment for a vote and to adopt it immediately. I think it is a very important amendment, and it is one of those that was on the agreed list and unfortunately a Member on your side objected to it. So I hope we can get to it soon. I thank the Senator for his leadership on this amendment.

Mr. ALLARD. Mr. President, I understand negotiations are going on between the leadership in both parties, and my understanding is the methamphetamine amendment may very well be included in a managers’ amendment and we will not have to be necessarily voting on that particular amendment.

There is a second amendment, though, that is very important we do bring up for a vote. I know this is also being discussed by the leadership. That is the one that advocates of terrorism be denied a visa.

I have two amendments. My hope is we can get that particular amendment up for a vote. It is the one I just recently asked for a vote on and was denied by your side. But I also understand the leadership on both sides are negotiating. I understand they are negotiating seriously. So I appreciate the fact it is being considered.

Mr. DURBIN. Mr. President, if the Senator will yield for a question or comment.

Mr. ALLARD. Yes.

Mr. DURBIN. I will just say that we believe the underlying bill, the Specter substitute bill, has very strong language to make it clear we do not want anyone in the United States associated with terrorism. We certainly do not want anyone in the United States associated with terrorism to reach legal status. That is reprehensible.

So I think it is important to work with the Senator from Colorado on his amendment to make sure we have included that category with which he is most concerned. I thank him for his leadership.

Mr. ALLARD. Mr. President, I thank the Senator from Colorado for indicating support for that. I just think we need to go and get more specific language in the bill that we will be considering and, hopefully, will be reported off the floor of the Senate. I am just trying to address that.

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

Mr. DURBIN. Mr. President, I send to the desk a second-degree amendment.

Mr. ALLARD. Mr. President, I thank the Senator from Illinois for indicating support for that. I think we need to go and get more specific language in the bill that we will be considering and, hopefully, will be reported off the floor of the Senate. I am just trying to address that.

Mr. President, I yield the floor and suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

After objection, it is so ordered.

The amendment is printed in today’s RECORD under “Text of Amendments.”

Mr. NELSON of Nebraska. Mr. President, 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 printed in today’s RECORD under “Text of Amendments.”

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

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

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

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the House Judiciary Committee. He is the author of the House immigration bill which passed in December. That bill includes very serious criminal penalties for those who are living in the United States undocumented, who may number as many as 11 or 12 million people. It also includes very serious criminal penalties for those who would help them reside in the United States if they are undocumented.

The charge under the Sensenbrenner bill is aggravated felony. It is the same charge leveled at someone accused of being a rapist. It is an extremely serious criminal charge, and the Sensenbrenner bill which passed the House includes this aggravated felony charge.

Most people across America believe the House bill has gone way too far in charging so many people who are in the United States with such a serious crime. On the floor it has been said by the Senator from Arizona that there was an effort to reduce that penalty to a felony on the floor of the House and that unfortunately the Democrats did not support that effort. It is true that 190 Democrats did not support that effort because they do not favor a criminal penalty for those who are here undocumented. Ultimately, the majority party in the House, the Republican Party, prevailed and the bill came to us with an aggravated felony as a charge against those who are here undocumented and those who help them.

What it means in the real world is that people of faith who are volunteers at soup kitchens or shelters for homeless people and those who are victims of domestic violence, volunteers who help children of the undocumented, tutoring them for classes, helping them in their lives, coaching their teams, nurses who provide volunteer assistance at clinics that treat the undocumented and the bill would never, ever consider that.

The reason I make special note of that is that on a bipartisan basis we removed the criminal penalty that was in the original bill. I think that was a positive step forward. The Senator from Arizona, who has raised this question, did not support our efforts to remove criminalization from the Specter bill, but the bill as it comes to the floor, thankfully, does not include criminalization. I hope that is the end of that issue as to whether we are going to charge Good Samaritans with a misdemeanor or a felony for helping needy people across America. I hope it is not revived as one of the concepts in this immigration reform.

The junior Senator from Arizona, Senator KYL, also raised questions about whether people who were guilty of a crime should be allowed to become legal in America or citizens in America. We tried to be very express in our statement in the bill, the Specter substitute, which was drafted originally by Senators MCCAIN and KENNEDY on a bipartisan basis. We are guilty of a crime; we don’t want you as an American. We understand you have done something in your life which disqualifies you from what we are going to offer you, a long and serious opportunity to become a citizen which has barriers to legalization and citizenship.

Under the Judiciary Committee bill, the Specter bill as reported, the following is a partial list of crimes that make an individual ineligible for legalization. I read this list because there have been suggestions on the floor by the Senator from Arizona that we are not serious about this. Let me tell you expressly the crimes that would disqualify you from ever becoming a legal resident of the United States. In this bill: Crimes of moral turpitude such as aggravated assault, assault with a deadly weapon, aggravated DUI, fraud, larceny, forgery; controlled substances offenses—sale, possession, distribution of drugs and drug trafficking; theft of another’s property; theft of public nuisances; multiple criminal convictions. Any alien convicted of two or more offenses, regardless of whether the offense arose from a single scheme of misconduct and regardless of whether the offenses are of a moral turpitude, for which the aggregate sentences to confinement were 5 years or more, crimes of violence, counterfeiting, bribery, perjury, certain aliens involved in serious criminal activity who have asserted immunity from prosecution, foreign government officials who have committed particularly severe violations of religious freedom, significant traffickers of persons, money laundering, murder, rape, sexual abuse of a minor, child pornography, attempts or conspiracies to commit most of these offenses—and there are some security-related crimes that make a person ineligible as well, espionage or sabotage—engaging in terrorist activity.

The reason I make special note of that is that there have been references several times on the floor by the Senator from Arizona to Mohamed Atta, the fact he was a terrorist, a man who was responsible for the tragedy of 9/11. Make no mistake, that bill would not give him an opportunity to become a citizen of the United States. Why in the world would we ever consider that? I am sure the Senators from both sides of the aisle who supported the bill would never, ever consider that possibility.

Those who were associated with terrorist activities, representatives of a terrorist organization, spouse or child of an individual who is inadmissible as a terrorist, activity that is deemed to have adverse foreign policy consequences, and those who are members in a totalitarian party.

We have cast the net far and wide to disqualify people from even being considered for legal status in this country if they have been guilty of this type of conduct.

So though the Senator from Arizona and I may disagree on some other aspects of the bill, when it comes to criminal activity I think we are in agreement. Criminal activity is going to disqualify you from being considered for legalization in the United States. That is a tough standard, but it is the right standard and I hope we can make it clear during the course of this debate that we believe it is important to maintain in the bill and that the amendment of Senator KYL does not add anything, really, remarkably, to this criminal disqualification.

The bill which passed out of committee, of course, sets up several things. First, it sets up an enforcement mechanism which is substantial, much like the amendment offered by Senator SESSIONS of Alabama in the committee. It adds 12,000 new agents to our Border Patrol, adds 1,000 investigators a year for the next 5 years, amends Senator SPECTER’s amendment; new security perimeter, under Senator SPECTER, virtual fence, tightened controls, exit/entry security system at all land borders and airports, construction of barriers for vehicles and mandating new roads where needed, fences, checkpoints, ports of entry, increased resources for transporting aliens, new criminal penalties for tunnels—that was a recommendation of Senators Feingold and Kyl for criminal penalties for evading immigration officers, by Senator SESSIONS—all of these amendments accepted, included in the bill in the enforcement section—new criminal penalties for money laundering offered by Senator SESSIONS, accepted as part of this bipartisan bill.

There is an amendment on a comprehensive surveillance plan by Senator SPECTER; and also, I should say, expanded smuggling of illegal aliens—approved interagency cooperation on alien smuggling; increased document fraud detection; biometric identifiers; expanded detention authority; and increased detention facilities and beds.

We require the Department of Homeland Security to acquire 20 new detention facilities to accommodate at least 10,000 detainees, a suggestion by Senator SESSIONS which is part of this bill; expanded terrorist removal grounds; expanded aggravation of section 101(f); increased Federal penalties for gang; removal of those who have failed to depart; increased criminal sentences for repeat illegal entrants; new removal grounds; passport fraud and fraud offense added; increased penalties; removal of criminals prior to release; new authority for State and local police to investigate, apprehend, arrest, detain, or transfer aliens to Federal custody; immigration status in the NCIC database; a new criminal penalty that we require; we prohibit time limits on background collection; impose criminal penalties for aid for the
undocumented; assistance to States to help prosecute and imprison undocumented criminal aliens; stronger employment verification procedures; penalties for employers who hire undocumented aliens are increased; additional worksite enforcement and fraud detection agents.

We add 10,000 new worksite enforcement agents, 2,000 every year for the next 5 years, and 5,000 new fraud detection agents, 1,000 each year for the next 5 years.

I regret this lengthy list so the Record would be clear that we have made serious efforts on a bipartisan basis to accept amendments even from those Senators who oppose the underlying bill so there is no question that we will have strong enforcement standards to secure our Nation’s borders, and to also say those employers who ignore the law will be penalized and will be investigated so that they understand we are serious.

The reason, of course, I bring this up is the suggestion earlier that this bill would not strengthen our borders. I think it does. I think it makes a genuine effort on a bipartisan basis to deal with our broken borders.

It says, however, that once in the United States, for the undocumented status we will give you a chance, a chance to work your way to citizenship. It is a long journey. It has many serious requirements as you move toward that goal, and many people won’t make it. Some will fail in the effort. But if you want to become legal in the United States of America, you need a clean criminal record. And I spelled out here the crimes that would clearly disqualify you.

You must show you have been employed here since January of 2004. You must remain continuously employed, pay approximately $2,000 in fines and fees, pass a security background check, pass a test, learn English, learn U.S. history, pay all your U.S. back taxes, and then if you have met all nine requirements, you go to the back of the line. It is your turn after all of those who have applied through the legal processes which are currently available.

So those who argue this bill is amnesty and it is automatic, that it is a free ticket to citizenship overlook the obvious. These are stringent requirements. We will see if they will move toward that goal, and many people won’t make it. Some will give up. But those who are determined to become American citizens and a part of our country, determined to be legal in their residency, who work hard and achieve it, if they keep their eye on the goal—and the goal is after 11 years—they will finally see that day when they can be sworn in as a citizen of the United States.

Tomorrow morning we are facing a very serious vote on cloture. There have been a lot of arguments made on the floor. Some amendments have been called. We tried to bring additional amendments to the floor in the last couple of days, unsuccesfully. There have been disagreements about which amendments should be called and in what order.

I don’t think history is going to long note or remember what order the amendments were that were called before this bill. If the cloture vote falls tomorrow, if 60 Senators don’t step forward to vote for it, sadly that could be the end of immigration reform for the entire year.

It is a very busy calendar we have in the Senate. These are things that are of great urgency. When we return after the Easter recess, we will have a supplemental appropriations bill for our troops in Iraq and Afghanistan. It is a very high priority. The Defense authorization bill will follow; then a string of appropriations bills that need to be enacted before we take our 4th of July break.

There is a lot to be done. I am hoping we can get it all done. But the thought that we can carve out another week or two without a later date may be fanciful. I am not sure we can achieve that. This is the moment.

Tomorrow many Senators will come to the floor and decide whether they will be part of history, whether they will be part of the future, which brings to the floor a definite deadline and timetable for debating this comprehensive immigration reform.

It has been decades since we took this up seriously. We have spent a lot of time on this. We have a bill that is supported by business and labor groups across America, including many religious groups that have come forward and encouraged us to do this in the name of humanity and of American values.

Tomorrow, with this cloture vote we will have a chance to be on the Record for time immemorial as to where we stand on this issue.

Some have already decided to oppose this and are going to, postcloture. I understand that. But for those who think they can vote against cloture and argue they were for this bill, they may have a tough time describing that to the people back home.

I think about those I met this last week. I mentioned it earlier on the floor. The students in the Catholic high school in Chicago are following this debate every single day. They know their future is at stake. These are children whom we have never met at an early age because their parents decided to come here. They have lived here their entire lives. They have gone to school here, lived in the neighborhoods of America, and some have been extraordinary successes against great odds. Their life’s dream is the same dream those children have, to be a part of America’s future and do something good in their lives. They will be denied that opportunity if the DREAM Act, which is part of this bill, does not pass. We have to get it done.

If the legal system catches up with them, it will tell them to return to a country they cannot even remember. If it doesn’t catch up to them, they will continue to reside in the United States in undocumented and illegal status, unable to get a driver’s license in many States, unable to be approved to be teachers and licensed to contribute to America, unable to secure the important difference in our future. Their fate is tied to this bill.

Those who vote against cloture tomorrow have basically said we don’t need them; that we don’t need to pass the DREAM Act; that these children and their fate and their future is none of our business. I think it is.

I think these young people, some of whom I was with this last Saturday, are amazing. They have overcome the odds. They want to contribute, have the chance every kid in America wants, to prove themselves and have an opportunity to show they are worthy of American citizenship. Why do we turn them down? Wouldn’t we want to make certain they have the chance? A vote for cloture tomorrow is going to give them that chance. A vote against cloture will not.

There are many who will argue that they are against this bill. I hope other amendments will be considered.

Senator KENNEDY came to the floor earlier and said if you don’t like this bill, vote for cloture. Close down the amendments that can be offered, limit the amount of debate and then vote on what the Senate will do. That is your wish. But give us a chance.

Tomorrow morning we will be asking for that chance from 60 Members of the Senate which is necessary for that cloture motion to prevail.

Senator KYL suggested that the only way to move forward to a vote on this comprehensive package and the amendments is if his amendment is voted on first. Senator KYL was in discussion with me this morning and acknowledged that we need to make some important changes to the amendment which is presently before us. There are some parts that are vague and uncertain. Lives hang in the balance.

I tried to make it clear to Senator KYL there are ways he can use his own language that he used in previous bills and tighten up the language in his bill so there is no uncertainty and less vagueness. I am prepared to sit down with him and the Senate staff and work with him during the course of the day. I know he is very busy. If he wants to work to bring the language together on this amendment, I want to work with him and hope we can find a way to strike some good language that might be acceptable to Senator KYL and work with him on that which I am proud to be part of. I thank him for his hard work in bringing this bill to the floor. We have had a rocky
I have listened and observed as the debate has gone forward and listened to the content of that debate over the past several days and come to somewhat of an objective point of view because I come from a State that is not near borders, but deals with the issues with a daily basis affecting many of our States on the northern or southern border.

Having said that, it is an issue which has captured the discussion being held across States such as mine, the State of South Dakota. The reason for that is very simple: People see day in and day out some of the images broadcast across the television screen and the people who come to the United States illegally. They deal with the burden and cost associated with some of the public services associated with illegal immigration in this country. So they view it very much as taxpayers. They view it as an issue that, frankly, needs to be addressed. They want to have this debate in a context in an appropriate and a timely way.

I have to say, too, I have heard a lot of people in the Senate reference their ancestry. Various Members of the Senate have described in detail how their ancestors came to this country, the personal perspective they have on the issue, and the experiences that have helped shed light and inform their opinions about it. I, too, am not the exception to that. I have roots that go back with a grandfather that came here from Norway, back in 1906, along with my great-uncle Matt, when they came through Ellis Island. The name that I now have, the Thune name, was not their name. Their name was Gjelsvik. They came through Ellis Island and the immigration officials asked them to change their name because they thought it would be difficult for people in these United States both to spell and pronounce. They did not speak English. I should say, almost no English. My understanding is that when they boarded the train that took them to South Dakota, the only English they knew were the words “apple pie” and “coffee.” So they had a lot of apple pie and coffee between Ellis Island and South Dakota.

They came to this country for the same reason that people all over the world come to this country. I am very sympathetic to those who want to come to this country for everything that we stand for: for opportunity, for freedom, to live the American dream.

My grandfather and my great-uncle came here and worked on the railroads when they were building the Transcontinental Railroad into South Dakota. They put their money together to start a merchandising company that later became Thune Hardware. So they were small business people in this country, something that so many people today face. They want to come to the United States for the miracle and for the dream that is America.
people listen to that debate, and then come and vote on those amendments so that eventually we can produce a product that is the composite view of the Senate, reflective of a majority of the Senators.

What has happened in the Senate is the minority has decided, one, we are not going to vote on amendments. If we do have any votes on amendments, they will dictate what those amendments are that we will vote on. So far as testing on a cloture vote on the underlying bill without having allowed any of the debate on any of the amendments so that we have an opportunity for people to be heard, people to offer their amendments, and people to improve, in their view, in their particular point of view, the legislation before it is ultimately passed out of the Senate and goes to conference with the House and enacted into law.

That fundamental problem with the way the Senate is functioning in this debate is that if we fail to allow individual Members to follow what is the protocol of the Senate, what is the tradition of the Senate, and that is the institution that allows for open debate, the institution that allows for amendments to be offered to legislation, for individual Senators to come over and to have their point of view heard in that debate and offer amendments that are more reflective of their particular ideas but ought to be addressed or this challenge ought to be met, we are undermining the basic foundation of what this Senate and this institution is all about. But, more importantly, we are keeping the people's business from being done.

We are, if we have this cloture vote tomorrow—and I suspect the minority will insist on this cloture vote because they want to have a vote on this bill without having any debate on any of the amendments. So they would have votes on and report a bill out. You have the minority of the Senate dictating the terms and conditions under which we will have this debate, the amendments that will be voted on, and, ultimately, the shape of the bill that will come out of here.

This side of the aisle, the majority, 55 Members of the Senate, want to be heard on this issue, as well. What we need to understand is, yes, there are rules that allow the Senate to slow things down, to allow for extended debate on subjects, but ultimately we need to move the process forward. That means voting on legislation.

We had a big debate in the last couple of years about inaction in the Senate due to obstruction, due to blockage, due to dilatory tactics employed by the minority. People have rejected that. People in this country want action. They want action on this specific issue. This is an issue that generates strong emotions all across the country. Frankly, I believe the American people expect and they deserve better than what they are getting from the minority in the Senate who have insisted, again, that we not vote on amendments that the majority wants to offer. Basically, we report the bill out, they dictate the bill that passes the Senate.

That is not right. We have heard people of both parties today, both Democrats and Republicans, and speak to this issue. We heard earlier today the Democrats get up and say: We are not really trying to block this. We are willing to vote on amendments—our amendments, not their amendments, not amendments that are offered by the majority side in the Senate.

That is not to say they do not have some good ideas, but the truth is, there is not a monoply on good ideas on either the Republican or Democrat side, and this Senate ought to be allowed to work in the way it was intended to work. Republicans and Democrats can both offer their amendments and they can both be voted on and we can shape the legislation in a way that is reflective of the majority view in the Senate.

Tomorrow we will have a cloture vote. It will fail because the minority is going to insist we have a cloture vote. But no one on this side is going to insist on cloture this time. We do not intend to block having votes on amendments that the Republicans in the Senate would like to have votes on.

As I tried to comfort, I tried to approach this debate in a very objective way and, frankly, as I look at it, there are some very critical components that need to be in a bill. First and foremost, border security. As I said earlier, one of the reasons that America stands unique in all the world is we are a nation of laws. We respect the rule of law. It means something in America.

There are other places in the world where the rule of law does not mean much, and tyrants and dictators come up with their own version of what the laws are. Here in the United States, we have a Constitution. We are a constitutional Republic. We have laws. We abide by those laws. We need to enforce those laws.

We have not been doing the job we need to be doing of enforcing our laws with respect to the borders, controlling the borders in this country. That has all kinds of implications. This should not be lost on the American people. One of the reasons people in South Dakota care about this issue, even though we are not a border State is, they understand, as I do, that controlling and protecting and securing our borders is a matter of national security. Irrespective of where you come from in the world, if you come to the United States—as I said earlier, I have Norwegian ancestry, but if you have Hispanic ancestry, European ancestry, Asian ancestry, whatever—we need to protect the American people.

If we leave the border open, if we leave the border open, who they did on September 11 to destroy and kill Americans, they do not discriminate about where that individual comes from in the world. They want to kill Americans, pure and simple. I don’t care what your race or national origin, ethnicity is, flatly, very simply, this is a matter of national security. And securing our borders has to be the fundamental component around which we build this debate.

That is one of the principles I come to the debate with. Again, I have no previous position as we enter this debate about individual legislation. I am listening to it. I will have the opportunity, I hope, at some point, if the Democrats will allow us to, to vote on amendments. But the reality is right now we are not having that opportunity. Again, I simply say that as a matter of principle, ultimately we need to report a bill out of here that does secure the borders of the United States so that people in this country can know with confidence and can tell their children that we are keeping our borders secure if for no other reason than as a matter of national security.

Secondly, I would say, as a fundamental principle, we need to enforce our laws. There has been a big debate about: What do you do about people who are already here illegally? I think that is a very important question in this debate. There are somewhere between 11 and 12 million people, we are told, who have come to this country who are now here illegally, and we have to figure out, from the standpoint of status, how we deal with those people in this country.

Again, a fundamental underlying principle ought to be that we cannot reward illegal behavior. We want to reward legal behavior. We want to reward people who came here and who followed the laws. I heard lots of people get up and talk on the floor about their ancestry and how they came to this country, but I suspect most of them, like my grandfather and great-uncle, came here by the rules that were put in place. They followed the laws.

We want to encourage and provide incentives for that kind of behavior. For people who want to come to America, we have a process by which they can come here, but it is consistent with a set of rules and laws we have in place. We have to make sure we are encouraging legal behavior, that we are discouraging illegal behavior, that we are not putting incentives in place for illegal behavior and, furthermore, that we are denying or conferring benefits on people who systematically decide to break the law.

So I happen to be of a view that I believe in a guest, temporary worker program, perhaps some form of permanent resident status. If we return to that—again, when you start talking about conferring the benefits of citizenship on people in this country who are here illegally without some sort of penalty for that—in other words, if we just wave our magic wand and say anybody who is here can stay, and so be it, we have done a disservice to our history and our traditions as a nation of laws.
I think it is important we understand there needs to be consequences to illegal behavior. We have talked about amnesty. It has been thrown around a lot here. Essentially, what that means is there is no consequence to behavior that is illegal. I think it is important we make it fundamentally clear to the people who do want to come to this country that we are a nation, yes, of immigrants, we welcome people, but we want people to come here according to the laws.

I would say that at the end of day, when this is all said and done, again, we need to have votes because this is an issue that around the country is generating tremendous heat, tremendous emotion, and has been percolating for some time. As people look at the images on their television of people who come here illegally, they are worried about national security, they are worried about the economic consequences, the consequences to the taxpayer payers of services to people who are here illegally.

People want action. They want action by the U.S. Senate. I think we have a responsibility, in this body, after everything is said and done—and usually that happens in the Senate is more gets said than done—but when everything is said and done, to come together on legislation that would accomplish the goal; that is, to address the issue of immigration in a way that is fair and in a way that is consistent with our culture and our history and our tradition as a welcoming country but is also consistent with our tradition as a nation of laws. I believe we can come to that kind of a resolution here in the Senate if—that is, if our colleagues on the other side will allow us to vote on amendments.

Now, the Senator from Georgia, who is currently the Presiding Officer in the Senate, has an amendment I would like to offer that is called the trigger amendment. Basically, it says that until it is certified that the borders are secure, then all these other issues we are talking about with respect to this debate are just conversation; that, first and foremost, we have to secure the borders, and it has to be certified we have made the efforts, that we are serious about doing that. I think it is a good approach. At least it ought to be an approach that is voted on.

Now, on the other side, the Democrats, do not want a vote on the amendment of the Senator from Georgia because they do not think that would be a good political vote for them. What it suggests to me is we have colleagues on the other side of the aisle who are a lot more concerned about having an issue, a political issue, than they are about having a solution to this problem. What we need in the Senate are more people on both sides, Republicans and Democrats, who will confront this issue for what it is.

That is probably the most difficult, challenging issue that is facing the country, on a domestic level at least, currently or for some time. We are fighting a war on terror in Iraq. It has demanded a lot of attention and a tremendous amount of resources. But when it comes to domestic issues—and there are many. I am very interested in those, and I think it is important we move forward throughout the year, we have votes scheduled on health care reform because health care costs are critical. We have to get that under control in this country.

We are going to have votes on extending some of the tax relief that will allow the economy to continue to grow and to create jobs and to make sure the economic engines are keeping this country moving forward. We are going to have votes on those types of issues as we go forward. And, of course, we are going to deal with the annual appropriations and budget process, and a whole range of other issues before the year is out.

There are important issues. They are all important to the American public. But I would submit to you that right now there is no more urgent issue, no issue that demands an answer, that demands a solution, that demands action by the Senate than the issue of immigration.

And what is the Senate going to do? Are we going to move forward? Are we going to, consistent with the tradition and the history of the Senate, allow for debate on amendments or are the Democrats, the minority in the Senate, going to continue to insist on blocking amendments, votes on amendments, simply because they do not want to vote on certain amendments because those amendments might be tough political votes for them?

Well, we all make tough political votes. There are amendments they are going to offer that I will not want to vote on. I hope some amendments offered by colleagues on my side of the aisle that I really do not want to vote on. But we are here to vote. That is what people send us here to do. It is to do the people's business. It is important we have the opportunity to deal with what is the most important singular issue I think the American public is focused on today and that they want us to deal with. It is the responsibility of the Senate to debate, allow for extended debate—to consider amendments but ultimately to vote. That means voting on amendments that are offered both by my colleagues on the Democratic side as well as my colleagues on the Republican side, even if they are amendments that I may not want to vote on.

I have to say again, there are amendments I probably would rather not vote on. If I was thinking purely about the political consequences of some of these votes. But the fact is, we are here to vote. We are here to do the people's business. It is high time we did it.

I encourage and I urge my colleagues on the Democratic side to join with my colleagues on the Republican side in putting aside the politics, putting aside the obstruction and the blocking of the agenda, and allow us to move forward to vote on amendments and to report out of the Senate a bill—and it may not pass in the Senate but allow this institution to act in the manner in which the people of this country expect us to act, and, frankly, in a way the American people deserve.

I hope tomorrow will be the day we will break the logjam, that we will be able to get a bill we can report that the Senate can take a final vote on but that is reflective of the majority views in the Senate, including an opportunity to vote on individual amendments and to move this debate and this process forward so we can get into conference with the House and shape a bill we can put on the President's desk that will send a loud, clear message to the American people we are serious about border security, we are serious about our Nation's history as a nation, a welcoming culture, a nation of immigrants, but we are serious about enforcing the rule of law in America.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The pro tempore of the Senate yields back.

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

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

The 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.

Mr. FRIST. Mr. President, as a prelude, we have a number of requests and items of business to take care of. I will explain here shortly.

Mr. President, I move to commit the bill to the Senate Judiciary Committee to report back forthwith with an amendment in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. Frist] moves to commit the bill to the Senate Judiciary Committee to report back forthwith with the following amendment No. 3921.

Mr. FRIST. I now ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. I send a first-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. Frist] proposes an amendment numbered 3425 to the instructions to the motion to commit.
The amendment is as follows:

At the end of the instructions, add the following amendment:

This section shall become effective one (1) day after the date of enactment.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3426 TO AMENDMENT NO. 3425

Mr. FRIST. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3426 to amendment No. 3425.

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

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

The amendment is as follows:

Strike "one (1) day" and insert "two days".

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk on the pending motion to commit.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

The undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 376, S. 2494, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Bill Frist, George Allen, Mitch McConnell, Pete Domenici, R.F. Bennett, Jim Talent, Craig Thomas, Elizabeth Dole, Conrad Burns, Jim DeMint, Saxby Chambliss, Johnny Isakson, Ted Stevens, Warren Carnahan, Norm Coleman, Trent Lott, John Thune.

Mr. FRIST. All right. Mr. President, what we have just done, so our colleagues will understand, is as follows: Tomorrow morning, notwithstanding the fact we have yet to vote on even the very first amendment offered, we will have a cloture vote that—

Mr. DURBIN. We have adopted three.

Mr. FRIST. I will stand corrected.

No, I will not stand corrected. On the very first amendment that was offered, we still have not had a vote. And, yes, there have been several other amendments that have been addressed. We will have a cloture vote, which was filed by the minority leader, on the underlying Specter substitute amendment, and that will be the first vote tomorrow morning.

I suspect that cloture vote will fail. And we have been very clear about our desire on this side to consider amendments from both sides of the aisle and our willingness for votes. We discussed that over the course of the day. It appears that this will not be likely and, therefore, we will be prevented from making any real progress on the bill.

So moments ago I offered a motion to commit, which incorporates an amendment by Senators Hagel and Martinez and others who have been working on this amendment over the course of the day. The fact that those cloture motions were filed tonight means that we would have the cloture vote on that motion on Friday. And depending on the outcome of that cloture motion, we could have a second cloture vote on the underlying bill, the so-called Frist bill, as well.

So we will have the Specter cloture vote tomorrow morning, and then one or possibly two other cloture votes on Friday morning.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield.

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, I would hope, the amendment—we have a general idea what it is about—I would hope this amendment is one, as it has been related to me, that is such that it improves the underlying Specter substitute, that it deals with the possibilities of that a little earlier—I think it is best for us to make that decision tomorrow, only because the Hagel-Martinez amendment is a negotiated compromise amendment that none of our colleagues have had the opportunity to really see yet.

I have had numerous phone calls over the course of tonight as well. I think it is important people have the opportunity to look at that carefully tomorrow and see how much time it takes for people to have both the opportunity to look at it themselves, as well as their staff. We ought to keep that potential on the table.

Mr. REID. So unless there is some agreement, the two cloture votes would begin occurring an hour after we come in on Friday.

Mr. FRIST. Through the Chair, that is correct.

Mr. REID. Is that right, I say to the Chair?

Mr. FRIST. There may be some other cloture motions to consider on Friday, which I will come to here shortly.

CLOTURE MOTION

Mr. FRIST. I ask the pleasure of the Senate.

Mr. DURBIN. We have adopted three.

Mr. FRIST. I will stand corrected.

Mr. DURBIN. We have adopted three. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 251, S. 1086, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, Senator Kennedy and other Senators have been told prior to this piece of legislation passing there would be a vote on hate crimes legislation that has been in this body for a long time. I would hope—and it is my understanding the chairman of the committee and the majority leader have already had phone calls in the past half hour or so from Senators—they have asked me, as the distinguished majority leader did earlier today, if I would agree to earlier cloture votes. I do not know what the pleasure is of the Senator from Tennessee, if you want to wait until Friday, or you want to try to complete this tomorrow.

It would be great if we could end this very acrimonious week on a high note. And we will not know that until we study this amendment. We are hearing of a lot of things that are in it and not in it. So time will only tell.

The PRESIDING OFFICER. Is there additional time?

Mr. FRIST. I would say, through the Chair to the majority leader, because we have already had phone calls in the last half hour or so from Senators—
an important piece of legislation. But also, as we have learned here in the Senate, people keeping their word is also important. I am confident it was some kind of a misunderstanding. I am hopeful that is the case. But until Senator Kennedy and others and Senator Specter work this out, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, just a moment of explanation because I think this bill is, in substance, broadly supported. I am disappointed to hear the objections tonight.

Let me comment very briefly on the bill because it is an issue that I think this body does feel strongly about and that we need to move forward on because it can make a difference. This particular bill is child predator legislation, and we all need to be working together to keep our children safe from child predators. As we all know, should not have to live in fear of sexual predators lurking in neighborhoods and enticing our children.

In the last 24 hours, we have all seen—actually here in the Senate and in this town—we have learned some shocking and tragic news about the growing problem of online child pornography. The abuse of the Internet has really, unfortunately, become the gateway to more serious violent sex offenses against both children and adults.

On Tuesday night, we learned of the arrest of another online child predator and the tragic plight of a child predator victim. The predator was an official from the Department of Homeland Security who was arrested for seducing a child over the Internet. Allegedly, this individual initiated a sexually explicit online chat with a child's family, as if he were a 14-year-old girl. He allegedly described in graphic detail the sexual acts he wanted to perform with her and offered to exchange sexually explicit photos. Law enforcement intercepted this individual before he could victimize an innocent child.

But for too many innocent children, the child predators are not caught until it is too late. Yesterday we also heard from one of the victims: 19-year-old Justin Berry from California who courageously testified before a House Energy and Commerce Committee hearing on sexual exploitation of children over the Internet. For 5 years, Justin was the victim of an online child pornography ring. At 13, this lonely teenager innocently hooked up a webcam to his computer, hoping to meet other teenagers online. Instead, he heard only from adult child predators. As he engaged in friendly chats and offered him compliments and gifts. One day, one predator offered to pay him $50 to take off his shirt in front of the webcam. Eventually, these predators lured him into performing pornographic acts in front of the webcam for an audience that grew to more than 1,500 people who paid him hundreds of thousands of dollars.

These shocking stories are not isolated incidents. They are symptomatic of a larger problem. I believe we should seize this opportunity to transform these tragedies into positive action. The bill I stood up tonight—S. 1086, the Sex Offender Registration and Notification Act—would help protect our kids against child predators. It was introduced by Senator HATCH. It has 33 bipartisan cosponsors. It was reported unanimously by the Senate Judiciary Committee. It is supported by the Fraternal Order of Police, the National Center for Missing and Exploited Children, the Boys and Girls Club of America, the Federal Law Enforcement Officers Association, and the National District Attorneys Association. And it is supported by the families of child predator victims.

Among its many provisions, the bill will create a national sex offender registry accessible via the Internet and searchable by zip code.

Require convicted sex offenders to register, including child predators who use the Internet to commit a crime against a minor;

Make failure to register a felony;

Encourage information sharing among local, State and Federal law enforcement; and

Toughen criminal penalties for violent crimes against children under 12.

Here in the Senate, we need to act to address this issue. In light of the events this week, we should not delay. We should act now before another innocent child becomes a victim of a child predator.

It is an issue we do need to address, and I believe it will pass in an overwhelmingly bipartisan way. In light of the events of this week, we should not delay. I look forward to working with my colleagues on the other side in getting this bill passed as soon as possible.

Mr. REID. Mr. President, very briefly, if the distinguished majority leader bill yields. I hope the concept of a national registry. It is important. But we also support the concept that people who are injured, maimed, or murdered as a result of hate crimes also deserve protection. We hope we can do all this at one time. I am hopeful and confident that can happen.

EXECUTIVE SESSION

NOMINATION OF BENJAMIN A. POWELL TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent to proceed en bloc to the following nominations on the calendar: No. 239, Benjamin Powell; No. 240, Gordon England; No. 241, Dorrance Smith; No. 242, Peter Flory. I further ask unanimous consent that the clerk report them individually at this time in order to file cloture motions.

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

The clerk will report the first nomination.

The legislative clerk read the nomination of Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Benjamin Powell to be General Counsel of the Office of the Director of National Intelligence.


NOMINATION OF GORDON ENGLAND TO BE DEPUTY SECRETARY OF DEFENSE

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Gordon England, of Texas, to be Deputy Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Gordon England to be Deputy Secretary of Defense.


NOMINATION OF DORRANCE SMITH TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.
The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Dorrance Smith to be an Assistant Secretary of Defense.


NOMINATION OF PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. Mr. President, I present a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter Cyril Wyche Flory to be an Assistant Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, Robert F. Bennett, John Thune.

Mr. FRIST. Mr. President, for clarification, I just filed cloture on four defense nominations that have been pending since last year.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING MARGO CARLISLE

Mr. COCHRAN. Mr. President, yesterday was a sad day for me because it was the day when friends and family of Margo Carlisle, my former chief of staff, gathered to bid her farewell. Margo worked faithfully in a number of positions of responsibility here in the Senate. She was the first female staff director of the Senate Republican Conference, and under the chairmanship of former Senator Jim McClure of Idaho. She was my chief of staff from 1991 to 1997. All who worked with her here know of her respect and appreciation for the Senate, and her conscientious devotion to public service.

She served as Assistant Secretary of Defense for Legislative Affairs from 1986 to 1989, and at that time, she was one of the highest ranking women in the Department of Defense. She received the Distinguished Public Service Medal in recognition of her outstanding performance of duty in this important office.

She also served as vice president of the Heritage Foundation, president of the Philadelphia Zoo, and was a member of the board of the Marine Corps University in Quantico and the Washington Home Hospice.

She is survived by her husband of 45 years, Miles; and two children, Mary 'Nici' Carlisle of Bethesda, Maryland, and Tristan Coffin Carlisle of Alexandria. We extend to them our sincerest condolences.

THE OIL AND GAS INDUSTRY ANTITRUST ACT OF 2006

Mr. LEAHY. Mr. President, I am proud to join with Senators Specter, Kohl, DeWine and others on a new bill, the Oil and Gas Industry Antitrust Act of 2006, which includes, as its centerpiece, our NOPEC legislation, which many of us have worked together on for years.

This measure—The No Oil Producing and Exporting Cartels Act, NOPEC—would make OPEC accountable for its anticompetitive behavior and allow the Justice Department to crack down on illegal price manipulation by oil cartels. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities. The tools this bill would provide to law enforcement agencies are necessary to immediately counter OPEC's anticompetitive practices, and they would help reduce gasoline prices now.

The Congress should pass this measure immediately instead of waiting until the price of gasoline at the pump is $4 a gallon. OPEC has America over a barrel, and we should fight back. If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to American antitrust law. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of this cartel's member nations.

It is time for the President to join the bipartisan majority in the Senate which already said "NO" to OPEC by passing NOPEC and by sending it to the other body, where it was killed.

The Senate has already passed this bill, which would make OPEC subject to our antitrust laws. In fact, the Judiciary Committee has approved the NOPEC bill three times. Regrettably, even though President Bush promised in 2000 that he would "jawbone OPEC," the Bush administration and its friends in the House have scuttled the NOPEC bill and the direct and daily relief it would bring to millions of Americans.

In addition, this bill makes it unlawful to divert petroleum or natural gas products from their local market to a distant market with the primary intention of increasing prices or creating a shortage in a market. This solves a real problem where products are being shipped for sale in that market but are later diverted and sold for less in another market.

We have an obligation to address those and other issues caused by oil cartels and by greedy companies who have money—that they have extracted from the American people—to burn. That is why I am also pleased that the bill includes provisions to conduct several studies that address serious competition, information sharing, and other antitrust problem areas related to the oil and natural gas industries. The American people deserve answers, and this bill also provides a path to getting those answers.

Authorizing tough legal action against illegal oil price fixing, and taking that action without delay, is one thing we can do without additional obstruction or delay.

The artificial pricing scheme enforced by OPEC affects all of us, not the least of whom are hardworking Vermont farmers. The overall increase in fuel costs for an average Vermont farmer last year was 43 percent, meaning that each farmer was forced to pay an additional $700 in fuel surcharges in 2006 alone. Vermonters know what the terrible consequences of these high prices can be: forcing many farmers to make unfair choices between running their farms or heating their homes. No one should be forced to make these choices, certainly not our hard-working farmers.

In summary, this bill will provide law enforcement with the tools necessary to fight OPEC's anticompetitive practices immediately, and help reduce gasoline prices now. I urge my colleagues to support this bill, and to say "NO" to OPEC as we have done in the past.

NOMINATION OF MICHAEL A. CHAGARES

Mr. MENENDEZ. Mr. President, I rise in strong support of the nomination of Michael A. Chagares to be a Circuit Judge on the U.S. Court of Appeals for the Third Circuit.

It is an honor that another person from my home State of New Jersey has
been called to serve this Nation by the administration. The confirmation of a judge to a lifetime appointment is a vital responsibility given to this body by the Constitution and one that I take very seriously.

Mr. Chagares has been nominated to replace the current Secretary of Homeland Security, Michael Chertoff, on the Third Circuit. No matter one’s political persuasion, we all take pride in the honor that has been bestowed on a fellow New Jerseyan.

Mr. Chagares is a New Jersey native who graduated from Gettysburg College and Seton Hall School of Law, with honors. Upon graduation, he clerked for Judge Greenberg on the Third Circuit. Over the past 15 years, Mr. Chagares has served the public with distinction in the U.S. Attorney’s Office for the District of New Jersey and has also worked in private practice.

In addition, he is a popular Professor of both appellate advocacy and civil trial practice at Seton Hall. I believe this popularity is a testament to his ability to both convey the essence of the subject matter and do it in a way that excites a new generation of lawyers.

The American Bar Association has rated Mr. Chagares as “well qualified” for the position that he has been nominated. It is a view that I share as well. I am pleased that see that people of their quality are willing to serve our Nation in the administration of justice, and join Senator Lautenberg in commending him to the Senate.

Mr. President, I urge my colleagues to support the nomination of Mr. Chagares to be a judge on our Nation’s Third Circuit Court of Appeals.

ADDITIONAL STATEMENTS

TRIBUTE TO LEE HUMPHREY AND COREY BREWER

• Mr. ALEXANDER. Mr. President, the University of Tennessee, Belmont University, and the University of Memphis men’s basketball teams all deserve congratulations for qualifying for the men’s NCAA tournament this year. The Lady Vols made it to the Sweet Sixteen in women’s basketball for the 25th consecutive time. None of these teams made it all the way to the championship, but two Tennesseans who play for the University of Florida did. We want them to win. But we are also proud of our young scholar-athletes who play for other teams. They are Tennesseans, too, and we want them to know we are proud of their accomplishments.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer read the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:06 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.j. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 355. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 356. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–6264. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to a rule entitled “Announcement and Report Concerning Advance Pricing Agreement (Announcement No. 2)”, received on April 4, 2006; to the Committee on Rules and Administration.

EC–6265. 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 “Announcement and Report Concerning Advance Pricing Agreement (Announcement No. 2)”, received on April 4, 2006; to the Committee on Finance.

EC–6266. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting a report of the Department’s activities during Calendar Year 2005 pursuant to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

EC–6286. A communication from the Deputy Assistant Administrator, Office of Diversification Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Schedules of Controlled Substances, Exempt Analogic Steroid Products” (RIN1117–AA98) received on April 4, 2006; to the Committee on the Judiciary.

EC–6288. A communication from the Director, Office of Management Programs, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States” (RIN1195–AA92) received on April 4, 2006; to the Committee on the Judiciary.

EC–6289. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Fiscal Year 2004 Superfund Five-Year Review Report to Congress; to the Committee on Environment and Public Works.

EC–6270. A communication from the Acting Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Oklahoma as a result of the emergency conditions resulting from the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6271. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled “Audit of the Estate Stabilization Fund’s Fiscal Years 2005 and 2004 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.
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EC–6272. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relative to the amounts made in the United States for the fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–6273. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department’s Annual Report on Community Mental Health Centers for Fiscal Year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–6274. A communication from the Administrator, General Service Administration, transmitting, a report relative to the purchase and sale of property and the disposal of excess property; to the Committee on Homeland Security and Governmental Affairs.

EC–6275. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report concerning equal employment opportunities for women and minorities; to the Committee on Homeland Security and Governmental Affairs.

EC–6276. A communication from the Chief Executive Officer, NeighborWorks America, transmitting, pursuant to law, the Agency’s Fiscal Year 2005 Annual Program Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC–6277. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to extend for two years, until September 30, 2008, the Department of Energy’s excepted service authority, which expires on September 30, 2006; to the Committee on Energy and Natural Resources.

EC–6278. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to extend for two years the National Nuclear Security Administration’s Facilities and Infrastructure Recapitalization Program; to the Committee on Energy and Natural Resources.

EC–6279. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to increase the minor construction threshold for certain Department of Energy construction projects from $5,000,000 to $10,000,000; to the Committee on Energy and Natural Resources.

EC–6280. A communication from the Acting Assistant Deputy Administrator, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Oil and Gas Lease Acreage Limitation Exemptions and Reinstatement of Oil and Gas Leases” (RIN1004–A938) received on April 4, 2006; to the Committee on Energy and Natural Resources.

EC–6281. A communication from the Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, a report entitled “Annual Status Report of Foreign Military Sales and Military Equipment Material for Fiscal Year 2005” to the Committee on Armed Services.

EC–6282. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the total cost for the planning, design, construction and installation of equipment for the renovation of Wedges 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC–6283. A communication from the Acting General Counsel, Office of General Counsel, Department of Defense, transmitting, the report of a proposed National Defense Bill for Fiscal Year 2007; to the Committee on Armed Services.

EC–6284. A communication from the Principal Deputy Associate Administrator, Office of Policy, Environment, Energy, and Forestry, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pyraclostrobin; Pesticide Tolerances” (FRL No. 7772–8) received on April 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6285. A communication from the Principal Deputy Associate Administrator, Office of Policy, Environment, Energy, and Forestry, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Naomuluron; Pesticide Tolerance” (FRL No. 7756–8) received on April 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6286. A communication from the Principal Deputy Associate Administrator, Office of Policy, Energy, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Emamectin; Pesticide Tolerance” (FRL No. 7765–4) received on April 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6287. A communication from the Principal Deputy Associate Administrator, Office of Policy, Energy, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “PFD&C Blue No. 1 PEG Derivatives; Exemptions from the Requirement of a Tolerance” (FRL No. 7765–1) received on April 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6288. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessel Fishing Trawl Gear in the Bering Sea and Aleutian Islands Management Area” (I.D. No. 030706A) received on April 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6289. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Fishing Trawler ‘Mareela’” (I.D. No. 0309106A) received on April 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6290. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea” (I.D. No. 030806A) received on April 4, 2006; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations, with an amendment in the nature of a substitute:

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 2506. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Finance.

S. 2507. A bill to suspend temporarily the duty on Spiromesifen; to the Committee on Finance.

S. 2508. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Finance.

S. 2509. A bill to authorize the issuance of charters and licenses for carrying on the sale, solicitation, negotiation, and underwriting of insurance or any other insurance operations, to provide a comprehensive system for the regulation and supervision of National Insurers and National Agencies, to provide for policyholder protections in the event of an insolvency or impairment of a National Insurer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. Reid, Mr. Baucus, Mr. KENNEDY, Mr. KERRY, Mr. Bingaman, Mr. Coburn, Mr. Dayton, Mr. Harkin, Mr. Kohl, Mr. Nelson of Florida, Ms. Cantwell, Mrs. Clinton, Mr. Dodd, Mr. Leahy, Ms. Mikulski, Mr. Pryor, Mr. Stabenow, Mr. Lautenberg, Mr. Johnson, Mr. Menendez, Mr. Rockefeller, and Mrs. Boxer):

S. 2510. A bill to establish a national health plan administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Finance.

By Mr. McCaIN:

S. 2511. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 307 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. DeMINT:

S. 2512. A bill to empower States with authority for most taxing and spending for highways, mass transit and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. TALENT:

S. 2513. A bill to suspend temporarily the duty on Spiropame; to the Committee on Finance.

By Mr. TALENT:

S. 2514. A bill to reduce temporarily the duty on Bronate Advanced; to the Committee on Finance.

By Mr. TALENT:

S. 2515. A bill to suspend temporarily the duty on Spiropame; to the Committee on Finance.

By Mr. TALENT:

S. 2516. A bill to suspend temporarily the duty on Spiromesifen; to the Committee on Finance.

By Mr. TALENT:

S. 2517. A bill to suspend temporarily the duty on Spiromesifen; to the Committee on Finance.

S. 2518. A bill to modify the article description for 2-Chlorobenzyl chloride, and for other purposes; to the Committee on Finance.

By Mr. TALENT:

S. 2519. A bill to suspend temporarily the duty on Spiromesifen; to the Committee on Finance.

By Mr. TALENT:

S. 2520. A bill to suspend temporarily the duty on Thiadioldip; to the Committee on Finance.

By Mr. TALENT:

S. 2521. A bill to suspend temporarily the duty on Pyrimethanil; to the Committee on Finance.

By Mr. TALENT:

S. 2522. A bill to extend the temporary suspension of duty with respect to Iprodione, and for other purposes; to the Committee on Finance.

By Mr. TALENT:

S. 2523. A bill to reduce temporarily the duty on Trifloxystrobin; to the Committee on Finance.

By Mr. TALENT:

S. 2524. A bill to suspend temporarily the duty on NAHP; to the Committee on Finance.

By Mr. TALENT:

S. 2525. A bill to suspend temporarily the duty on Fosetyl-Al; to the Committee on Finance.

By Mr. TALENT:

S. 2526. A bill to suspend temporarily the duty on Cyclotane-1,1,1-dichlorobenzylidene, dimethyl ester; to the Committee on Finance.

By Mr. TALENT:

S. 2527. A bill to suspend temporarily the duty on 4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one; to the Committee on Finance.

By Mr. TALENT:

S. 2528. A bill to suspend temporarily the duty on Anthramycin; to the Committee on Finance.

By Mr. TALENT:

S. 2529. A bill to suspend temporarily the duty on Oaxadizox; to the Committee on Finance.

By Mr. TALENT:

S. 2530. A bill to suspend temporarily the duty on 4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one; to the Committee on Finance.

By Mr. TALENT:

S. 2531. A bill to extend the temporary suspension of duty with respect to Ethoprop; to the Committee on Finance.

By Mr. TALENT:

S. 2532. A bill to suspend temporarily the duty on Fenamidone; to the Committee on Finance.

By Mr. TALENT:

S. 2533. A bill to suspend temporarily the duty on Alkylketone; to the Committee on Finance.

By Mr. TALENT:

S. 2534. A bill to suspend temporarily the duty on Oxadiazon; to the Committee on Finance.

By Mr. TALENT:

S. 2535. A bill to suspend temporarily the duty on 4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one; to the Committee on Finance.

By Mr. TALENT:

S. 2536. A bill to suspend temporarily the duty on Phosmet; to the Committee on Finance.

By Mr. TALENT:

S. 2537. A bill to suspend temporarily the duty on Flufenacet (FOE hydroxy); to the Committee on Finance.

By Mr. TALENT:

S. 2538. A bill to suspend temporarily the duty on MCPA; to the Committee on Finance.

By Mr. TALENT:

S. 2539. A bill to suspend temporarily the duty on Flufenacet (FOE hydroxy); to the Committee on Finance.

By Mr. TALENT:

S. 2540. A bill to suspend temporarily the duty on Naphthalene; to the Committee on Finance.

By Mr. TALENT:

S. 2541. A bill to suspend temporarily the duty on Quinoline, 6 ethoxy 1,2 dihydro 2,2,4 trimethyl; to the Committee on Finance.

By Mr. TALENT:

S. 2542. A bill to suspend temporarily the duty on trichloroethylene; to the Committee on Finance.

By Mr. TALENT:

S. 2543. A bill to suspend temporarily the duty on 1,3-Dibromo-5-dimethyl-hydantoin; to the Committee on Finance.

By Mr. TALENT:

S. 2544. A bill to suspend temporarily the duty on MCPA; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. Levin, Ms. Stabenow, Mr. Voinkovich, Mrs. Clinton, and Mr. Schumer):

S. 2545. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TALENT:

S. 2546. A bill to extend the temporary suspension of duty with respect to Fluifenacet (FOE hydroxy); to the Committee on Finance.

By Mr. ALLARD:

S. 2547. A bill to authorize a major medical facility project for the Department of Veterans Affairs at Denver, Colorado; to the Committee on Veterans’ Affairs.

By Mr. STEVENS (for himself and Mr. Lautenberg):

S. 2548. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DeMINT:

S. 2549. A bill to amend the Internal Revenue Code of 1986 to expand the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. Bingaman):

S. 2550. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

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

S. 2551. A bill to provide for prompt payment and interest on late payments of health care claims; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself, Mr. Dorgan, and Ms. Cantwell):

S. 2552. A bill to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. Kennedy, Mr. Leahy, and Mr. Fingold):

S. 2553. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself and Mr. DeWine):

S. 2554. A bill to amend the Internal Revenue Code of 1986 to provide for the possible use of health savings accounts to include premiums for non-group high deductible health plan coverage; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. Obama):
S. 2555. A bill to designate the facility of the United States Postal Service located at 2631 11th Street in Rock Island, Illinois, as the “Lane Evans Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ALLARD:
S. Res. 419. A resolution congratulating and commending the members of the United States Olympic and Paralympic Teams, and the United States Olympic Committee, for their resilience and inspired leadership; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself and Mr. SARAHANES):
S. Res. 425. A resolution to commend the University of Maryland women’s basketball team for winning the 2006 National Collegiate Athletic Association Division I National Basketball Championship; considered and agreed to.

By Mr. SPECTER (for himself and Mr. FEINGOLD):
S. Res. 426. A resolution supporting the goals and ideals of National Campus Safety Awareness Month; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mr. WARNER, Mr. BOND, Mr. VONNOVICH, Mr. CHAFEE, Ms. MUKOSHWI, Mr. VITTER, Mr. THUNE, Mr. DE MINT, Mr. ISAACS, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. DODD, and Ms. SNOWE):
S. Res. 427. A resolution commemorating the 50th Anniversary of the Interstate System; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):
S. Res. 428. A resolution congratulating the University of Wisconsin women’s hockey team for winning the 2006 National Collegiate Athletic Association Division I Women’s Hockey Championship; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):
S. Res. 429. A resolution congratulating the University of Wisconsin men’s basketball team for winning the 2006 National Collegiate Athletic Association Division I Men’s Basketball Championship; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):
S. Res. 430. A resolution commending the University of Florida men’s basketball team for winning the 2006 National Collegiate Athletic Association Division I Basketball Championship; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. CLINTON, Mr. CRAPAO, Mr. BIDEN, Mr. BYRD, Mr. FEINGOLD, Mr. REED, Ms. CANTWELL, Mr. LEVIN, Mr. LIEBERMAN, Mr. DODD, and Ms. SNOWE):
S. Res. 431. A resolution designating May 11, 2006, as “Endangered Species Day”, and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide; considered and agreed to.

By Mr. FRIST:
S. Res. 432. A resolution to authorize testimony of the Senate Select Committee on Transportation and Infrastructure to appear before the Committee on Transportation and Infrastructure, held May 10, 2006.

By Mr. DURBIN (for himself, Mr. ENZINOSKI, and Mr. LAUTENBERG):
S. Res. 433. A resolution honoring The American Society for the Prevention of Cruelty to Animals for the 140 years of service that it has provided to the citizens of the United States and their animals; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mr. KENNEDY, Mr. JOHNSON, Mr. BURKS, Mr. MENENDEZ, Ms. LANDRIEU, and Ms. FEINSTEIN):
S. Con. Res. 85. A concurrent resolution directing the Architect of the Capitol to establish a temporary exhibit in the rotunda of the Capitol to honor the memory of the members of the United States Armed Forces who have lost their lives in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Rules and Administration.

By Mr. BIDEN (for himself and Mr. SMITH):
S. Con. Res. 87. A concurrent resolution expressing the sense of Congress that United States intellectual property rights must be protected globally; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 410
At the request of Mr. BUNNING, the name of the Senator from New York (Mrs. SCHUMER) was added as a cosponsor of S. 410, a bill to amend title XIX of the Social Security Act to include physician assistant practitioners for purposes of covering physicians services under the medicare program.

S. 411
At the request of Mr. JOHNSON, the names of the Senators from Maryland (Ms. MIKULSKI) and the Senator from North Dakota (Mr. DOHRAN) were added as cosponsors of S. 411, 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.

S. 413
At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 413, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance premium taxes.

S. 414
At the request of Mr. REED, the name of the Senator from New York (Mr. HATCH) was added as a cosponsor of S. 414, a bill to require the Secretary of Labor to establish a task force to ensure that regulatory orders and regulations do not impede worker freedom of choice to select the health plan of their choice.

S. 415
At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 415, a bill to require the Secretary of Labor to enhance statutory and regulatory authority to monitor and address discrimination.

S. 416
At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 416, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1071
At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENZINOSKI) was added as a cosponsor of S. 1071, 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. 1103
At the request of Mr. LIEBERMAN, the name of the Senator from Kansas (Mr. BOND) was added as a cosponsor of S. 1103, a bill to establish a global network for avian influenza surveillance among wild birds nationally and internationally to combat the growing threat of bird flu, and for other purposes.

S. 1111
At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1111, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 1144
At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1144, a bill to provide that the Secretary of Labor to establish a task force to ensure that regulatory orders and regulations do not impede worker freedom of choice to select the health plan of their choice.

S. 1370
At the request of Mr. CARPER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1370, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1691
At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1691, 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. 1934
At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1934, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health, Education, and Labor Standards Act of 1980 to enhance employer and employee health plan disclosure.

S. 2140
At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. COBBUM) 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. 2185
At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. LATTENBERGER) was added as a co-sponsor of S. 2185, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.
At the request of Mr. Frist, his name was added as a cosponsor of S. 2200, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 2200

At the request of Mr. Grassley, the name of the Senator from Georgia (Mr. Chambliss) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug. S. 2250

At the request of Mr. Thune, his name was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2361

At the request of Mr. Dorgan, the names of the Senator from North Dakota (Mr. Conrad) and the Senator from Indiana (Mr. Bayh) were added as cosponsors of S. 2361, a bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes.

S. 2370

At the request of Mr. McConnell, the names of the Senator from North Dakota (Mr. Conrad), the Senator from Utah (Mr. Hatch), and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2397

At the request of Mr. Grassley, the name of the Senator from Mississippi (Mr. Lott) was added as a cosponsor of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2467

At the request of Mr. Akaka, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures in time with constructive activities, and offer character and counseling services. We know that after-school programs reduce risky adolescent behavior by involving teens in positive activities that also provide positive life skills. Teenage girls who play sports, for instance, are more likely to want to become sexually active, and to have fewer partners. They are consequently less likely to become pregnant.

S. CON. RES. 71

At the request of Mr. Lautenberg, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures in time with constructive activities, and offer character and counseling services.

S. 2493

At the request of Mr. Akaka, the name of the Senator from Oklahoma (Mr. Coburn) was added 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. 313

At the request of Ms. Cantwell, the names of the Senator from Nebraska (Mr. Nelson), the Senator from New Mexico (Mr. Bingaman) and the Senator from New York (Mr. Schumer) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

AMENDMENT NO. 3222

At the request of Mr. Frist, his name was added as a cosponsor of amendment No. 3214 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

S. 2322

At the request of Mr. Chambliss, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of amendment No. 3225 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. 3322

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Menendez:

S. 2508. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. Menendez. Mr. President, as we approach May, the National Month to Prevent Teen Pregnancy, I rise to introduce the Teen Pregnancy Prevention, Responsibility and Opportunity Act. This legislation will establish a comprehensive program for reducing adolescent pregnancy through education and information programs, as well as the Teen Pregnancy Prevention and role models both in and out of school.

As parents, there is nothing more important than protecting our children and giving them a future filled with hope and opportunity. As leaders, we also have a responsibility to our young people to provide for communities, parents, and children to help them achieve those goals. There are many ways we can provide parents with the tools they need to help kids make responsible decisions and avoid destructive behavior such as drug and alcohol abuse or sexual activity which can lead to unintended pregnancies.

The U.S. continues to have the highest teen pregnancy rate and teen birth rate in the Western industrialized world. In a fiscal context, it costs the U.S. at least $7 billion annually, and in a human context, this impacts one third of all teenage girls. It is time to do something about it.

While we have done a good job of progressively decreasing teen pregnancy, we can do much better.

With the sons of teen mothers more likely to end up in prison, and the daughters of teen mothers more likely to end up teen mothers themselves, we must act now to break this problematic cycle.

Our schools, community and faith-based organizations need access to funds to teach age-appropriate, factually and medically accurate, and scientifically-based family life education.

We need programs that encourage teens to delay sexual activity.

We need to provide services and interventions for sexually active teens.

We need to educate both young men and women about the responsibilities and pressures that come along with parenting.

We need to help parents communicate with teens about sexuality.

We need to teach young people responsible decision making.

And, we need to fund after school programs that will enrich their education, replace destructive behavior time with constructive activities, and offer character and counseling services.

We know that after-school programs reduce risky adolescent behavior by involving teens in positive activities that also provide positive life skills. Teenage girls who play sports, for instance, are more likely to want to become sexually active, and to have fewer partners. They are consequently less likely to become pregnant.

Let us join together to recommit ourselves to continuing to decrease the incidence of teen pregnancy, and recommit ourselves to offering family life education and positive after school programs that will foster responsible young adults.

The time is now to invest in our teens. As all parents know, we place overwhelming pressure on ourselves to make sure we raise our children well. Decisions we make—and they make—will affect them for the rest of their lives. We cannot afford to let the doors close on them. Instead we must continue to open the door of opportunity. I urge my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:
SEC. 3. EDUCATION PROGRAM FOR PREVENTING EDUCATION AND POSITIVE ROLE MODELS IN A SUCCESSION OF activities for sexually active teens or teens at risk of becoming sexually active; (C) educating both young men and women about the responsibilities and pressures that come along with parenting; (D) helping parents communicate with teens about sexuality; or (E) teaching young people responsible decision-making.

(d) MATCHING FUNDS.—(1) IN GENERAL.—With respect to the costs of the project to be carried out under subsection (a) by an applicant, a grant may be made under such subsection only if the applicant agrees to maintain, directly or through donations (from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs (§1 for each $3 of Federal funds) and such contributions are determined by the Federal Government, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(e) MAINTENANCE OF EFFORT.—With respect to the activities for which a grant under subsection (a) is authorized to be expended, such a grant may be made for a fiscal year only if the applicant maintains, directly or through donations (from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs (§1 for each $3 of Federal funds) and such contributions are determined by the Federal Government, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(f) EVALUATION OF PROJECTS.—The Secretary shall establish criteria for the evaluation of projects under subsection (a). A grant may be made under such subsection only if the applicant involved—

(1) agrees to conduct evaluations of the project in accordance with such criteria;

(2) agrees to submit to the Secretary such results of the evaluation as the Secretary determines to be appropriate; and

(3) submits to the Secretary, in the application under subsection (g), a plan for conducting the evaluations.

(g) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for a grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including agreements under subsection (c) through (f) and the plan under subsection (f)(3), as the Secretary determines to be necessary to carry out this section.

(h) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under subsection (a) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out.

(i) DEFINITIONS.—(1) AGE-APPROPRIATE.—The term “age-appropriate”, with respect to information on pregnancy prevention, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(2) FACTUALLY AND MEDICALLY ACCURATE AND COMPLETE.—The term “factually and medically accurate and complete” means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(B) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(3) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given such term in section 611 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.

(a) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Section 426 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 716) is amended—

(1) in paragraph (5), by striking “$2,250,000,000” and inserting “$2,500,000,000”; and

(2) in paragraph (6), by striking “$2,500,000,000” and inserting “$2,750,000,000”.

(b) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 4401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(1) by striking “There are” and inserting “(a) In GENERAL.—There are”; and

(2) by adding at the end the following:

“(b) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by section (a), States are authorized to be appropriated $73,000,000 for each of fiscal years 2007 and 2008 to carry out subpart 10.”.

(c) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a-11(f)) is amended by striking “$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “$883,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years”. [2007]

(d) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a-28) is amended by striking “$200,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “$325,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

SEC. 5. DEMONSTRATION GRANTS TO ENCOURAGE AGE CREATIVE APPROACHES TO TEEN PREGNANCY PREVENTION AND AFTER-SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary may make grants to public or nonprofit private entities for the purpose of assisting the entities in demonstrating innovative approaches to prevent teen pregnancies.

(b) CERTAIN APPROACHES.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to teen pregnancy prevention;

(2) Exposing teens to realistic simulations of the physical, emotional, and financial toll of pregnancy and parenting;

(3) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(c) MATCHING FUNDS.—
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 “Small Employers Health Benefits Program Act of 2006.”

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act, the terms “member of family”, “health benefits plan”, “carrier”, “employee organizations”, and “dependent” have the meanings given such terms in section 9801 of title 5, United States Code.

(b) OTHER TERMS.—In this Act:

(1) EMPLOYER.—The term “employer” has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001). Such term shall not include employers who employed an average of at least 1 but not more than 10 employees on 80 or more days during the year of application.

(2) EMPLOYER.—The term “employer” has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001). Such term shall not include the Federal Government.

(3) HEALTH STATUS-RELATED FACTOR.—The term “health status-related factor” has the meaning given such term in section 2791(d)(9) of the Public Health Service Act (42 U.S.C. 300gg-91(d)(9)).

(f) OFFICE.—The term “Office” means the Office of Personnel Management.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraphs (1) and (2) are to be made in a cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or assisted or subsidized by a significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(e) APPLICATION FOR GRANT.—A grant may be made under such subsection only if the applicant agrees to conduct evaluations of the project in accordance with such criteria; and

(f) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under subsection (a) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to restrict the Secretary's authority to make grants available under subsection (a).
benefits offered and shall include information concerning such maximums, limitations, exclusions, and other definitions of benefits as the Office considers necessary or desirable.

(2) Ensuring a Range of Plans.—The Office shall ensure that a range of health benefits plans are available to participating employers. Plans shall be offered to the Federal Employees Health Benefits Program.

(3) Participating Plans.—The Office shall provide coverage for a preexisting condition to begin not later than 6 months after the date on which the coverage of the individual under a health benefits plan commenced. The Office shall negotiate with each day that the individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for health benefits under this Act. This provision shall be applied notwithstanding the applicable provision for the reduction of the exclusion period provided for in section 9801(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181a(b)(3)).

(b) Rates and Premiums.—(1) In General.—Rates charged and premiums paid for a health benefits plan under this Act.—

(A) shall be determined in accordance with this subsection;

(B) may be annually adjusted subject to paragraph (3); and

(C) shall be negotiated in the same manner as rates and premiums are negotiated under such chapter 89; and

(2) Exclusion Period.—An enrollee who exercises this option shall pay the full periodic charges for coverage under a health benefits plan based on a community rate that may be annually adjusted.

(1) In General.—A carrier that enters into a contract under this Act shall prepare a plan under the terms of the contract provide for coverage of a preexisting condition to begin not later than 6 months after the date on which the individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for health benefits under this Act.

This provision shall be applied notwithstanding the applicable provision for the reduction of the exclusion period provided for in section 9801(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181a(b)(3)).

(c) Rates and Premiums.—(1) In General.—Rates charged and premiums paid for a health benefits plan under this Act.—

(A) shall be determined in accordance with this subsection;

(B) may be annually adjusted subject to paragraph (3); and

(C) shall be negotiated in the same manner as rates and premiums are negotiated under such chapter 89; and

(d) Standards.—The minimum standards prescribed for health benefits plans under section 8902(e) of title 5, United States Code, and for carriers offering plans, shall apply to plans and carriers under this Act. Approval of a plan may be withdrawn by the Office only after notice and opportunity for hearing to the carrier concerned without regard to subsections 5 and chapter 7 of title 5, United States Code.

(2) Conversion.—(1) In General.—A contract may not be made or a plan approved under this section if the carrier under such contract or plan does not offer to each enrollee whose enrollment in the plan is ended, except by a cancellation of enrollment, a temporary extension of coverage during which the individual may exercise the option to convert, without evidence of good health, to a nongroup contract providing substantially equivalent coverage. An enrollee who exercises this option shall pay the full periodic charges of the nongroup contract.

(2) Noncancellable plans.—The benefits and coverage described under paragraph (1) may not be canceled by the carrier except for fraud, over-insurance, or nonpayment of periodic charges.

(1) Requirement of Payment for or Provision of Health Services.—Each contract entered into under this Act shall require the carrier to agree to pay or provide a health service or supply in an individual case if the Office finds that the employee, annuitant, family member, former spouse, or person having coverage under 8960a of title 5, United States Code, is entitled thereto under the terms of the contract.

(2) Settlement of Claims.—(A) In General.—Claims shall be settled by the carrier under this Act in accordance with such regulations as the Board of contract appeals may prescribe with respect to Health Benefits Plans under this Act.

(B) defeated by the Board of contract appeals.

(3) Administration of Contracts.—(A) In General.—A contract entered into under this Act shall be a contract for the purposes of this Act and the Internal Revenue Code of 1986.

(B) General.—A contract entered into under this Act shall be construed to limit the applicability of title 5, United States Code, to participating carriers under chapter 89 of title 5, United States Code.

C. Apr 5, 2006

SEC. 7. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH ADJUSTMENTS FOR RISK.

(a) Application of Risk Corridors.—

(1) In General.—This section shall only apply to carriers with respect to health benefits plans offered under this Act during any of calendar years 2007 through 2009.

(2) Notification of Costs Under the Plan.—In the case of a carrier that offers a health benefits plan under this Act in any of calendar years 2007 through 2009, the carrier shall notify the Office, before such date in the succeeding year as the Office specifies, of the total amount of costs incurred in providing benefits under the health benefits plan for the year involved and the portion of such costs that is attributable to administrative expenses.

(b) Adjustment of Payment.—(1) Adjustment For Allowable Costs Within 3 Percent of Target Amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for a calendar year are at least 90 percent, but do not exceed 103 percent, of the target amount for the plan and year involved, there shall be no payment adjustment under this section for that plan and year.

(2) Increase in Payment If Allowable Costs Above 103 Percent of Target Amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for a calendar year are not less than 103 percent of the target amount for the plan and year involved, there shall be an increase in payment under this section for that plan and year.

(c) Costs Between 101 and 103 Percent of Target Amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 103 percent but not greater than 108 percent of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier of an amount equal to 70 percent of the difference between such allowable costs and 103 percent of such target amount.

(d) Costs Above 108 Percent of Target Amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 108 percent of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier of an amount equal to the lesser of 70 percent of the difference between such allowable costs and 108 percent of such target amount.

(e) Rule of Construction.—Nothing in this section shall be construed to prohibit the offering of any health benefits plan to a participating employer if such plan is offered to the Federal Employees Health Benefits Program.

(f) Requirement of Payment for or Provision of Health Services.—(1) In General.—A carrier that enters into a contract under this Act shall be responsible for determining costs charged or premiums paid for a health benefits plan involved for the year involved and the portion of such costs that is attributable to administrative expenses.

(2) Limitation.—Nothing in this subsection shall be construed to prohibit the offering of any health benefits plan to a participating employer if such plan is offered to the Federal Employees Health Benefits Program.

(g) Rule of Construction.—Nothing in this Act shall be construed to limit the application of the service charge system used by the Office for determining profits for participating carriers under chapter 89 of title 5, United States Code.
97 percent of the target amount.

(b) Costs between 92 and 97 percent of target amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 97 percent, but greater than or equal to 92 percent, of the target amount for the plan and year, the carrier shall be required to pay into the stabilization fund under section 8905(b)(2) of title 5, United States Code, an amount equal to 75 percent of the difference between 97 percent of the target amount and such allowable costs.

(c) Costs below 92 percent of target amount.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 92 percent of the target amount for the plan and year, the carrier shall be required to pay into the stabilization fund under subsection (b) (1) the total of the monthly premiums estimated by the carrier under this Act in any of calendar years 2007 through 2011, an amount equal to—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between 92 percent of such target amount and such allowable costs.

(d) Target amount described.—

(A) In general.—For purposes of this subsection, the term ‘target amount’ means, with respect to a health benefits plan offered by a carrier under this Act in any of calendar years 2007 through 2011, an amount equal to—

(i) the total of the monthly premiums estimated by the carrier and approved by the Office for the plan year involved; and

(ii) the amount of administrative expenses that the carrier estimates, and the Office approves, will be incurred by the carrier with respect to the plan for such calendar year.

(B) Submission of target amount.—Not later than December 31, 2006, and December 31 thereafter through calendar year 2010, a carrier shall submit to the Office a description of the target amount for such carrier with respect to health benefits plans offered by the carrier under this Act.

(C) Disclosure of information.—

(A) In general.—Each contract under this Act shall provide—

(1) a carrier offering a health benefits plan under this Act shall provide the Office with such information as the Office determines is necessary to carry out this section including the notification of costs under subsection (a)(2) and the target amount under subsection (b)(4) (B); and

(B) the Office has the right to inspect and audit any books and records of the organization that pertain to the information regarding costs provided to the Office under this section.

(D) Restriction on use of information.—Information disclosed or obtained pursuant to the provisions of this subsection may be used by the Office, and contractors of the Office only for the purposes of, and to the extent necessary in, carrying out this section.

SEC. 2. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH REINSURANCE.

(a) Establishment.—The Office shall establish a fund to provide payments to carriers that experience one or more catastrophic claims during a year for health benefits provided to individuals enrolled in a health benefits plan under this Act.

(b) Eligibility for Payments.—To be eligible for participation in such a reinsurance fund for a plan year, a carrier under this Act shall submit to the Office an application that contains—

(1) a certification by the carrier that the carrier paid for at least one episode of care during the year for covered health benefits for an individual in an amount that is in excess of $50,000; and

(2) such other information determined appropriate by the Office.

(c) Payment.—(1) In general.—The amount of a payment from the reinsurance fund to a carrier under this section for a catastrophic episode of care shall be determined by the Office but shall not exceed an amount equal to 80 percent of the applicable catastrophic claim amount.

(2) Applicable catastrophic claim amount.—For purposes of paragraph (1), the applicable catastrophic episode of care shall be equal to the difference between—

(A) the amount of the catastrophic claim; and

(B) $50,000.

(d) LIMITATION.—In determining the amount of a payment under paragraph (1), if the amount of the catastrophic claim exceeds the amount that would be paid for the healthcare items or services involved under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the Office shall use the amount that would be paid under such title XVIII for purposes of paragraph (2)(A).

(e) Definition.—In this section, the term ‘catastrophic claim’ means a claim submitted to a carrier, by or on behalf of an enrollee in a health benefits plan under this Act, that is in excess of $50,000.

(f) Termination of Fund.—The reinsurance fund established under subsection (a) shall terminate on the date that is 2 years after the date on which the first contract period becomes effective under this Act.

SEC. 3. CONTINGENCY RESERVE FUND.

Beginning on October 1, 2010, the Office may use amounts appropriated under section 1920(a) of the Social Security Act (42 U.S.C. 1395 et seq.) for purposes of paragraph (2)(A).

(d) Definition.—In this section, the term ‘catastrophic claim’ means a claim submitted to a carrier, by or on behalf of an enrollee in a health benefits plan under this Act, that is in excess of $50,000.

(e) Termination of Fund.—The reinsurance fund established under subsection (a) shall terminate on the date that is 2 years after the date on which the first contract period becomes effective under this Act.

SEC. 9. CONTINGENCY RESERVE FUND.

Beginning on October 1, 2010, the Office may use amounts appropriated under section 1920(a) of the Social Security Act (42 U.S.C. 1395 et seq.) for purposes of paragraph (2)(A).

(d) Definition.—In this section, the term ‘catastrophic claim’ means a claim submitted to a carrier, by or on behalf of an enrollee in a health benefits plan under this Act, that is in excess of $50,000.

(e) Termination of Fund.—The reinsurance fund established under subsection (a) shall terminate on the date that is 2 years after the date on which the first contract period becomes effective under this Act.

SEC. 10. EMPLOYER PARTICIPATION.

(a) Regulations.—The Office shall prescribe regulations providing for employer participation under this Act, including the offering of health benefits plans under this Act to employers.

(b) Enrollment and Offering of Other Coverage.—

(1) Enrollment.—Each participating employer shall ensure that each eligible employee has an opportunity to enroll in a plan under this Act.

(2) Prohibition on Offering Other Comprehensive Health Benefits Coverage.—A participating employer may not offer a health insurance plan providing comprehensive health benefit coverage to employees other than a health benefits plan that—

(A) meets the requirements described in section 2(4)(B); and

(B) is offered only through the enrollment process established by the Office under section 2.

(c) Offer of Supplemental Coverage Options.—

(A) In General.—A participating employer may offer supplemental coverage options to employees.

(B) Definition.—In subparagraph (A), the term ‘supplemental coverage’ means benefits described as ‘excepted benefits’ under section 770(c) of the Public Health Service Act (42 U.S.C. 1801 et seq.)

(c) Rule of Construction.—Except as provided in section 15, nothing in this Act shall be construed to require that an employer make premium contributions on behalf of employees.

SEC. 11. ADMINISTRATION THROUGH REGIONAL ADMINISTRATIVE ENTITIES.

(A) In General.—In order to provide for the administration of the benefits under this Act with maximum efficiency and convenience for participating employers and health carriers under this Act, and other individuals and entities providing services to such employers, the Office is authorized to enter into contracts with eligible entities to perform, on a regional basis, one or more of the following:

(1) Collect and maintain all information relating to individuals, families, and employers participating in the program under this Act in the region served.

(2) Receive, disburse, and account for payments of premiums to participating employers by individuals in the region served, and for payments by participating employers to carriers.

(3) Serve as a channel of communication between carriers, participating employers, and individuals relating to the administration of this Act.

(4) Otherwise carry out such activities for the administration of this Act, in such manner as may be provided for in the contract entered into under this section.

(5) The processing of grievances and appeals.

(b) Application.—To be eligible to receive a contract under subsection (a), an entity shall prepare and submit to the Office an application at such time, in such manner, and containing such information as the Office may require.

(c) Process.—

(1) Competitive bidding.—All contracts under this section shall be awarded through a competitive bidding process on a bi-annual basis.

(2) Requirement.—No contract shall be entered into with any entity under this section unless the Office finds that such entity will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial stability, legal authority, and other matters as the Office finds pertinent.

(3) Publication of standards and criteria.—The Office shall publish the Federal Register standards and criteria for the efficient and effective performance of contract obligations under this section, and determine shall be for a term of at least 1 year, and may be made automatically renewable from term to term in the absence of notice by the other party of intention to terminate at the end of the current term, except that the Office may terminate any such contract at any time after such reasonable notice and opportunity for hearing to the entity involved as the Office may provide in regulations) if the Office finds that the entity has failed to carry out the contract in a manner consistent with the efficient and effective administration of the program established by this Act.

(d) Terms of contract.—A contract entered into under this section shall include—
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(1) a description of the duties of the contracting entity;

(2) an assurance that the entity will furnish to the Office such timely information and reports as the Office determines appropriate;

(3) an assurance that the entity will maintain such records and afford such access thereto as the Office finds necessary to assure the correctness and verification of the information and reports under paragraph (2) and otherwise to carry out the purposes of this Act.

SEC. 12. COORDINATE WITH SOCIAL SECURITY BENEFITS.

Benefits under this Act shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those Medicare benefits) to the same extent and in the same manner as the tax coverage were under chapter 89 of title 5, United States Code.

SEC. 13. PUBLIC EDUCATION CAMPAIGN.

(a) In carrying out this Act, the Office shall develop and implement an educational campaign to provide information to employers and the general public concerning the health insurance program developed under this Act.

(b) ANNUAL PROGRESS REPORTS.—Not later than 1 year and 2 years after the implementation of the campaign under subsection (a), the Office shall submit to the appropriate committees of Congress a report that describes the activities of the Office under subsection (a). The percentages determined by the Office of the percentage of employers with knowledge of the health benefits programs provided for under this Act.

(c) PUBLIC EDUCATION CAMPAIGN.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 and 2008.

SEC. 14. APPROPRIATIONS.

There are authorized to be appropriated to the Office, such sums as may be necessary in each fiscal year for the development and administration of the program under this Act.

SEC. 15. REFUNDABLE CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSEES.

(a) In General.—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 36 as section 37 and inserting after section 37 the following new section:

"SEC. 36. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) DETERMINATION OF AMOUNT.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

"(1) 25 percent in the case of self-only coverage;

"(2) 35 percent in the case of family coverage (as defined in section 229(c)(5)), and

"(3) 50 percent in the case of coverage for two adults or one adult and one or more children.

"(b) BONUS FOR PAYMENT OF GREATER PERCENTAGE OF PREMIUMS.—The applicable percentage otherwise specified in subparagraph (A) shall be increased by 5 percentage points for each additional 10 percent of the qualified employee health insurance expenses of each qualified employee exceeding 60 percent which are paid by the qualified small employer.

"(c) SUBSECTION (b) EXPENSE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The expense amount described in this subsection is, with respect to the first credit year of a qualified small employer which is an eligible employer, 10 percent of the qualified employee health insurance expenses of each qualified employee health insurance expenses of which the qualified employee health insurance expenses relate becomes effective.

"(d) LIMITATION BASED ON WAGES.—With respect to a qualified small employer whose wages at an annual rate during the taxable year exceed $25,000, the percentage which would (but for this section) be taken into account as the percentage for purposes of subsection (b)(2) or (c)(1) for the taxable year shall be reduced by an amount equal to the product of such percentage and the percentage that such qualified employee's wages in excess of $25,000 bears to $5,000.

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SMALL EMPLOYER.—The term ‘qualified small employer’ means any employer which is an eligible employer, 10 percent of the qualified employee health insurance expenses of each qualified employee health insurance expenses provided for under this Act;

“(A) IN GENERAL.—The expense amount described in subsection (b) is paid by an employer for health insurance coverage under this Act;

“(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(2) QUALIFIED EMPLOYER HEALTH INSURANCE EXPENSEES.—

"(A) IN GENERAL.—The term ‘qualified employer health insurance expenses’ means any amount paid by an employer for health insurance coverage under such Act to the extent such amount is attributable to coverage provided to a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(3) QUALIFIED EMPLOYER.—

"(A) DEFINITION.—

"(1) IN GENERAL.—The term ‘qualified employer’ means any employer which is an eligible employer, 10 percent of the qualified employee health insurance expenses of each qualified employee provided for under this Act;

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(C) CERTAIN RULES MADE APPLICABLE.—

"(1) ANNUAL ADJUSTMENT.—For each tax year after December 31, 2006.

"(2) THE EXPENSE AMOUNT.—For purposes of this section, the term ‘expense amount’ means any amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement which is attributable to coverage provided to a qualified employee.

"(D) LIMITATION BASED ON WAGES.—With respect to a qualified small employer whose wages at an annual rate during the taxable year exceed $25,000, the percentage which would (but for this section) be taken into account as the percentage for purposes of subsection (b)(2) or (c)(1) for the taxable year shall be reduced by an amount equal to the product of such percentage and the percentage that such qualified employee's wages in excess of $25,000 bears to $5,000.

"(E) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EMPLOYEE.—The term ‘qualified employee’ means any qualifying employee which is a qualified small employer, 10 percent of the qualified employee health insurance expenses of which the qualified employee health insurance expenses provided for under this Act;

"(2) EMPLOYEE.—The term ‘employee’ means, with respect to any period, an employee which is an eligible employer, 10 percent of the qualified employee health insurance expenses of which the qualified employee health insurance expenses provided for under this Act;

"(3) QUALIFIED SMALL EMPLOYEE.—The term ‘qualified small employee’ means any qualifying employee which is an eligible employer, 10 percent of the qualified employee health insurance expenses of which the qualified employee health insurance expenses provided for under this Act;

"(4) ANNUAL ADJUSTMENT.—For purposes of this section, the term ‘wages’ has the meaning given such term by section 3121(a) of the Internal Revenue Code of 1986.

"(5) CREDITS FOR NONPROFIT ORGANIZATIONS.—Any credit which would be allowable under this section is not a qualified small business if such qualified small business were not exempt from tax under this chapter shall be treated as a credit allowable under this subpart to such qualified small business.

"(b) CONFORMING AMENDMENTS.—

"(1) Paragraph (2) of section 32(b)(1) of title 31, United States Code, is amended by inserting before the period ‘, or from section 36 of such Code’.

"(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36. Small business employee health insurance expenses

"Sec. 37. Overpayments of tax

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2006.

SEC. 16. EFFECTIVE DATE.

Except as provided in section 10(e), this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2007 and each calendar year thereafter.

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. VOINOVICH, Mrs. CLINTON, and Mr. SCHUMER):

S. 2545. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, today I am proud to introduce the Great Lakes Collaboration Implementation Act with my colleague, Senator LEVIN. I would like to thank him for all of his hard work on this legislation and the Great Lakes.

The Great Lakes are a unique natural resource that need to be protected for future generations. The Great Lakes hold one-fifth of the world’s surface freshwater, cover more than 9,400 square miles, and are at least twice as much land. Over thirty of the basin’s biological communities—and over 100 species—are globally rare or found only in the Great Lakes basin. The 637 State parks in the region accommodate more than 250 million visitors each year. The Great Lakes are significant to the eight States and two Canadian provinces that border them, as well as to the millions of other people around the country who fish, visit the surrounding parks, or use products that are affordably shipped to them via the lakes.

Unfortunately, the Great Lakes remain in a degraded state. A 2003 GAO
The bill addresses threats to fish and wildlife habitat by reauthorizing the Great Lakes Fish & Wildlife Restoration Act, a current program that provides grants to states and tribes.

The bill reauthorizes the State Revolving Loan Fund and provides $200 billion over five years to assist communities with the critical task of upgrading and improving their wastewater infrastructure.

The bill authorizes $150 million per year for contaminated site clean-up at Areas of Concern under the Great Lakes Legacy program. It also provides the EPA with greater flexibility in implementing the program by allowing the Great Lakes National Program Office to disburse funds to the non-federal sponsor of a Legacy Act project.

The bill establishes a new grant program within EPA, called the Great Lakes Mercury Product Stewardship Strategy Grant Program, to phase out mercury in products.

Restoring the Great Lakes to a healthy ecosystem is not something that will happen overnight. This is a long-term process, but Congress needs to act now. Our bill is a major step in improving Great Lakes programs.

The bill improves existing research programs and fills the gap where work is needed. We need baseline data to understand how the lakes are changing and where improvements are succeeding.

The bill authorizes NOAA to restore and remediate waterfront areas. Projects will require a non-federal partner who will provide at least a 35% cost-share. Individual projects may not cost more than $1 million.

Lastly, the bill establishes the Great Lakes Interagency Task Force and the Great Lakes Regional Collaboration process in order to coordinate and improve Great Lakes programs.

The Healing Our Waters Coalition and other groups dedicated to securing a sustainable restoration are part of the healing process. I believe that part of the reason we are standing here today with a comprehensive bill to restore the Great Lakes is due to the work of Peter Wege.

Peter Wege has been a leader and visionary for Great Lakes restoration for decades. Through the Wege Foundation, which he founded in 1967, he has made generous gifts to the people of Grand Rapids and communities all over Western Michigan for development. I believe that part of the reason we are standing here today with a comprehensive bill to restore the Great Lakes is due to the work of Peter Wege.
major route for intrastate and interstate commerce. The health and future of Michigan is directly linked to the health and future of the Great Lakes. In Michigan, we are blessed with a beautiful landscape of lakes, rivers, forests, and streams. We have more public access to waterways than all of the other 49 States combined. We are surrounded by four of the five Great Lakes and more than 40,000 interior lakes, streams, and trails. This rich abundance of natural resources has made the outdoors a critical part of Michigan’s economy and our way-of-life. The Great Lakes are key in this. Consider that the total revenue from Michigan’s fishing, hunting, and wildlife viewing is nearly $5 billion every year. Fishing brings $2 billion annually to our State economy. Michigan has the most registered boaters of any State, nearly one million, and recreational boating brings $2 billion annually to our State. It’s easy to see what restoring the Great Lakes is so important to us.

There are currently between 140 and 200 separate Great Lakes environmental programs administered by 10 Federal agencies. Each of these programs is important and has helped us significantly improve the health of the Great Lakes over the past 35 years. That said, true restoration will take local, regional, and national coordination on projects that address all of the critical challenges facing the health of the Great Lakes.

In May 2004, President Bush signed a Presidential Executive Order creating the Great Lakes Regional Collaboration, also called the GLRC. The group is composed of Federal agencies, Great Lakes governors and mayors, local communities, Native American Tribes, and other stakeholders from the Great Lakes Basin. In December of last year the GLRC released a report outlining comprehensive and collaborative restoration of the Great Lakes ecosystem—the Great Lakes Regional Collaboration Strategy. The report calls for $20 billion in Federal, State, and local funding to clean up toxic hotspots, restore wetlands, prevent the introduction of new invasive species, and modernizing water treatment systems.

The GLRC Strategy has been endorsed through the Great Lakes Regional Collaboration Resolution by Great Lakes mayors, governors, tribes, the Congressional delegation, and the Interagency Task Force.

The bill that I am introducing today with my colleagues takes the next critical step and turns the strategy document into an on-the-ground reality. Our commitment is strong. We have the will and the way, all we need now is the support of Congress to ensure the future of the Great Lakes—a magnificent natural resource that has been entrusted to our care.

Mr. LEVIN. Mr. President, I am pleased to introduce the “Great Lakes Restoration Implementation Act” with Senator Mike DeWine and our co-sponsors, Senators Debbie Stabenow, George Voinovich, and Hillary Rodham Clinton. I also want to thank Representatives Vern Ehlers and Rahm Emanuel for introducing similar Great Lakes restoration legislation in the House to give us a mechanism to protect and restore the Great Lakes. The bill would support that great responsibility to future generations.

By Mr. AKAKA (for himself and Mr. Bingaman):

S. 2550. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

Mr. AKAKA. Mr. President. As the tax filing deadline approaches, I am delighted to introduce the Free Internet Filing Act. The bill requires the Internal Revenue Service (IRS) to provide universal access to individual taxpayers filing their tax returns directly through the IRS Web site. I thank Senator Bingaman for this bill and working with me on so many issues that are important to taxpayers.

It is frustrating that individual taxpayers completing their own returns are not able to file directly with the IRS. Taxpayers are dependent on commercial preparers to electronically file their taxes. If a taxpayer takes the time necessary to prepare their returns by themselves, they must be provided with the option of electronically filing directly with the IRS. My legislation would make this direct filing possible.

The current system that provides a select group of taxpayers with the ability to file electronically for free using third party intermediaries, called the Free File Alliance, is a failure. In testimony before the Finance Committee yesterday, The National Taxpayer Advocate, Ms. Nina Olson, testified that “as currently structured, Free File amounts to a Wild, Wild West of differing eligibility requirements, differing capabilities, differing availability of and fees for add-on products, and many sites that are difficult to use.” Ms. Olson also stated that “the IRS should place a basic, fill-in template on its website to allow any taxpayer who wants to self-prepare his or her return to do so and file directly with the IRS for free.” I completely agree.

The current Free File Alliance agreement leaves out too many taxpayers. Taxpayers that make more than $50,000 are not eligible. In addition, tax preparers can add on value-added products and services, such as refund anticipation loans, to consumers that utilize their free file services that are accessed via the IRS Web site. Taxpayers should not be forced to access online filing through companies that charge fees for products and services.

Taxpayers are directed to these companies via the IRS Web site. This should not happen. While paying their taxes tens of millions of Americans dependent upon them and affected by their condition, the current problems will continue to build, and we may start to undo some of the good work that has already been done. We must be good stewards by ensuring that the federal government gives the Federal Research Obligation to protect and restore the Great Lakes. This legislation will help us meet that great responsibility to future generations.
and fulfilling their obligations, taxpayers should be allowed to file directly without being subjected to sales pitches or ads. Taxpayers should not have the additional worry associated with sharing their private financial information with a tax preparation company. In current environment where there have been so many electronic breaches of financial information, taxpayers should not be forced to hand over their private information if they want to electronically file their return with the IRS. Taxpayers should not lose out on the benefits of electronic filing simply because they are worried about sending their data to third parties.

My legislation will help increase the number of electronically filed returns. As Ms. Olson pointed out, nearly 45 million returns prepared using software are mailed in rather than electronically filed. With universal access to free software, that number could be substantially reduced. Electronic returns help taxpayers receive their refunds faster than mailing them in. This would also save the IRS resources and reduce possible errors that can occur when the mailed in returns are transcribed.

I want to take a moment to express my appreciation for all of the tremendous work that Ms. Olson has done in an attempt to improve the lives of taxpayers. It is a pleasure to work with Ms. Olson and her staff both in Washington and Hawaii. I look forward to continuing to work with the National Taxpayer Advocate, other Treasury officials, and my colleagues to expand access to Internet filing.

I ask unanimous consent that the full text of the bill be printed in the RECORD. I also ask unanimous consent that a letter of support from the Hawaii Alliance for Community-Based Economic Development be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD as follows:

S. 2550

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 “Free Internet Filing Act.”

SEC. 2. DIRECT ACCESS TO E-FILE FEDERAL INCOME TAX RETURNS.

(a) In General.—Secretary of the Treasury shall provide individual taxpayers with the ability to electronically file their Federal income tax returns through the Internal Revenue Service website without the use of an intermediary or with the use of an intermediary which is contracted by the Internal Revenue Service to provide free universal access. Free electronic filing (hereafter in this section referred to as the “direct e-file program”) for taxable years beginning after the date which is not later than 3 years after the date of enactment of this Act.

(b) DEVELOPMENT AND OPERATION OF PROGRAM.—In providing for the development and operation of the direct e-file program, the Secretary shall—

(1) consult with nonprofit organizations representing the interests of taxpayers as well as other private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary,

(2) promulgate such regulations as necessary to administer this section,

(3) conduct a public information and consumer education campaign to encourage taxpayers to use the direct e-file program.

(c) APPROPRIATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the direct e-file program. Any sums so appropriated shall remain available until expended.

(d) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION.—The Secretary shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives every 6 months regarding the status of the implementation of the direct e-file program.

(2) REPORT ON USAGE.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives annually on taxpayer usage of the direct e-file program.

HAWAII ALLIANCE FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT,

Honolulu, HI, April 4, 2006.

HON. DANIEL K. AKAKA,
U.S. Senate, 141 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: The Hawaii’s Alliance for Community Based Economic Development (HACBED) is writing in support of the “Free Internet Filing Act.”

HACBED is a 501(c)(3) organization established in 1992 to help maximize the impact of community-based economic development organizations (CBEDOs). We pursue our mission by increasing community control of their assets and means of production. We accomplish this in many ways—by providing technical support to help CBEDOs deal with organizational issues; by networking on a local and national basis for funding and financing for community-based efforts; and, by advocating for communities to play a more active role in the political process in order to effect systemic change.

To this end, HACBED has been facilitating statewide conversations to develop a comprehensive asset policy agenda. Core to this agenda is the recognition of the importance of creating policies that assist individuals, families and the broader community to build wealth.

Tax season is an essential time for low-income families to take advantage of their tax related benefits, including the earned income tax credit. Electronic filing of taxes is a quicker, more efficient way to process a tax return. In many cases, working families must pay a professional tax preparer to prepare their return and file electronically. By providing free universal access to electronic filing these low income working families would be able to keep more of their hard earned dollars in their pocket.

HACBED fully supports this bill and we look forward to working with you in the future to ensure these tax related services for low income families.

Sincerely,

BRENT DILLABAUGH,
Public Policy Director.

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

S. 2551. A bill to provide for prompt payment of claims; to provide for prompt payment of health care claims; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce legislation, along with my colleague, Senator LAUTENBERG, to preserve seniors’ and all patients’ access to local pharmacies, doctors and hospitals. Since these problems are on the horizon for our communities’ health care systems and often find themselves squeezed by insurance copies on the one hand and their obligation to take care of patients on the other, this bill aims to resolve the issue of prompt payment for health care claims in a timely fashion.

The Prompt Payment of Health Benefits Claims Act bill seeks to address the financial strains being faced by hospitals and physicians in my State of New Jersey and across the country. In addition, this legislation would address the new financial crisis pharmacies are facing in light of the new Medicare Prescription Drug Benefit. Specifically, the legislation requires prescription drug managers, private health plans and other private health insurers to pay manually filed claims within 30 days and electronically filed claims within 14 days. Failing to meet these timeframes would be required to pay interest for every day the claims goes unpaid. Insurers that knowingly violate these prompt payment requirements would be subject to monetary penalties.

A Federal prompt pay law is critical to ensuring that our pharmacies and health care providers maintain adequate cash flows and are able to continue functioning. Seniors and all patients depend on their local pharmacists and preferred physicians. They are the providers that know their patients best and ensure that they receive the important care they need and deserve. The threat of local pharmacies, physicians and hospitals going out of business has serious consequences with regards to the kind of care the community will receive.

The need for this legislation cannot be understated. In my State of New Jersey, local pharmacies have never had a more challenging financial situation. They are encountering lower reimbursement rates from the prescription drug managers and a 60-90 day lag time in reimbursements, which are putting many on the brink of going out of business. Almost half of all hospitals are operating in the red, and that number is growing. Physicians and hospitals are experiencing rising health care operating costs and tight Federal and State budgets. Untimely payment of claims has only compounded these problems.

The problem of late payments has reached such a crisis that the majority of States, including New Jersey, have enacted “prompt pay” laws to require insurers to pay their bills within a specific timeframe. Unfortunately, New Jersey’s law, like most similar State laws, is largely ineffective because it
lacks strong enforcement provisions and offers no incentives for private insurers to comply. Furthermore, State prompt-pay laws apply only to State-regulated plans, which only cover approximately half of New Yorkers that are insured. The bottom line is that pharmacies, physicians, hospitals and other health care providers should not have to shoulder the burden of unpaid claims. These local providers have fulfilled their obligations to provide care for patients, and my legislation will ensure that private insurers assume the financial responsibilities for the health coverage they are being paid to provide.

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:

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 "Prompt Payment of Health Benefits Claims Act of 2006".

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.
(a) In General.—Subpart B of part 7 of subtitle I of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

SEC. 714. PROMPT PAYMENT OF HEALTH BENEFITS CLAIMS.
"(a) TIMEFRAME FOR PAYMENT OF CLEAN CLAIM.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall pay all clean claims and uncontested claims—

(1) in the case of a claim that is submitted electronically, within 14 days of the date on which the claim is submitted; or

(2) in the case of a claim that is not submitted electronically, within 30 days of the date on which the claim is submitted;

(b) PROCEDURES INVOLVING SUBMITTED CLAIMS.—
(1) In general.—Not later than 10 days after the date on which a clean claim is submitted, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall provide the claimant with a notice that acknowledges receipt of the claim by the plan or issuer. Such notice shall be considered to have been provided on the date on which the notice is mailed or electronically transferred.

(2) Claim deemed to be clean.—A claim is deemed to be a clean claim under this section if the group health plan or health insurance issuer involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

(3) Claim determined to not be a clean claim.—
(A) In general.—If a group health plan or health insurance issuer determines that a claim for health care expenses is not a clean claim, the plan or issuer shall, not later than the end of the 10-day period described in paragraph (2), notify the claimant of such determination. Such notification shall specify all deficiencies in the claim and shall list with specificity actions necessary for the proper processing and payment of the claim.

(B) Determination after submission of additional information.—A claim is deemed to be a clean claim under this paragraph if the group health plan or health insurance issuer provides notice to the claimant of any deficiency in the claim within 10 days of the date on which additional information is received pursuant to subparagraph (A) of section 716.

(C) Payment of uncontested portion of a claim.—A group health plan or health insurance issuer shall pay any uncontested portion of a claim in accordance with subsection (a).

(D) Obligation to pay.—A claim for health care expenses that is not paid or contested by a group health plan or health insurance issuer within the timeframes set forth in this subsection shall be deemed to be a clean claim and paid by the plan or issuer in accordance with subsection (a).

(E) Date of Payment of Claim.—Payment of a clean claim under this section is considered to have been made on the date on which full payment is received by the health care provider.

(F) Interest Schedule.—
(1) In general.—With respect to a clean claim, a group health plan, and a health insurance issuer that fails to comply with subsection (a) shall pay the claimant interest on the amount of such claim, from the date on which such payment was due as provided in this section, at the following rates:

(A) 1 1/2 percent per month from the 1st day of nonpayment after payment is due through the 45th day of such nonpayment.

(B) 2 percent per month from the 46th day of such nonpayment through the 45th day of such nonpayment.

(G) 2 1/2 percent per month after the 46th day of such nonpayment.

(2) Contested claims.—With respect to claims for health care expenses that are contested by a group health plan, and a health insurance issuer, interest shall be paid on such nonpayment at the following rates:

(A) In general.—Not later than 10 days after the date on which a clean claim is submitted, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall pay all clean claims and uncontested claims—

(1) in the case of a claim that is submitted electronically, within 14 days of the date on which the claim is submitted; or

(2) in the case of a claim that is not submitted electronically, within 30 days of the date on which the claim is submitted;

(b) Procedures Involving Submitted Claims.—
(1) In general.—Not later than 10 days after the date on which a clean claim is submitted, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall provide the claimant with a notice that acknowledges receipt of the claim by the plan or issuer. Such notice shall be considered to have been provided on the date on which the notice is mailed or electronically transferred.

(2) Claim deemed to be clean.—A claim is deemed to be a clean claim under this section if the group health plan or health insurance issuer involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

(3) Claim determined to not be a clean claim.—
(A) In general.—If a group health plan or health insurance issuer determines that a claim for health care expenses is not a clean claim, the plan or issuer shall, not later than the end of the 10-day period described in paragraph (2), notify the claimant of such determination. Such notification shall specify all deficiencies in the claim and shall list with specificity actions necessary for the proper processing and payment of the claim.

(B) Determination after submission of additional information.—A claim is deemed to be a clean claim under this paragraph if the group health plan or health insurance issuer provides notice to the claimant of any deficiency in the claim within 10 days of the date on which additional information is received pursuant to subparagraph (A) of section 716.

(C) Payment of uncontested portion of a claim.—A group health plan or health insurance issuer shall pay any uncontested portion of a claim in accordance with subsection (a).

(D) Obligation to pay.—A claim for health care expenses that is not paid or contested by a group health plan or health insurance issuer within the timeframes set forth in this subsection shall be deemed to be a clean claim and paid by the plan or issuer in accordance with subsection (a).

(E) Date of Payment of Claim.—Payment of a clean claim under this section is considered to have been made on the date on which full payment is received by the health care provider.

(F) Interest Schedule.—
(1) In general.—With respect to a clean claim, a group health plan, and a health insurance issuer that fails to comply with subsection (a) shall pay the claimant interest on the amount of such claim, from the date on which such payment was due as provided in this section, at the following rates:

(A) 1 1/2 percent per month from the 1st day of nonpayment after payment is due through the 45th day of such nonpayment.

(B) 2 percent per month from the 46th day of such nonpayment through the 45th day of such nonpayment.

(G) 2 1/2 percent per month after the 46th day of such nonpayment.

(2) Contested claims.—With respect to claims for health care expenses that are contested by a group health plan, and a health insurance issuer, interest shall be paid on such nonpayment at the following rates:

(A) In general.—Not later than 10 days after the date on which a clean claim is submitted, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall pay all clean claims and uncontested claims—

(1) in the case of a claim that is submitted electronically, within 14 days of the date on which the claim is submitted; or

(2) in the case of a claim that is not submitted electronically, within 30 days of the date on which the claim is submitted.
Such notification shall specify all deficiencies in the claim and shall list with specificity all additional information or documents necessary for the proper processing and payment of the claim.

(II) DETERMINATION AFTER SUBMISSION OF ADDITIONAL INFORMATION.—A claim is deemed to be a clean claim under this paragraph if the group health plan or health insurance issuer involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the additional information is received pursuant to subparagraph (A).

(C) PAYMENT OF UNCONTENDED PORTION OF A CLAIM.—A group health plan or health insurance issuer within the timeframes set forth in this subsection shall be deemed to be a clean claim and paid by the plan or issuer in accordance with subsection (a).

(4) OBLIGATION TO PAY.—A claim for health care expenses that is not paid or contested by a group health plan or health insurance issuer within the timeframes set forth in this subsection shall be deemed to be a clean claim and paid by the plan or issuer in accordance with subsection (a).

(II) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under subparagraph (A) shall be deemed to be a clean claim and shall be paid by the PDP sponsor in accordance with paragraph (3) of subsection (d) of section 2707 of the Social Security Act (42 U.S.C. 1395w–112(b)).

SECTION 4. AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS.—(1) PROMPT PAYMENT OF CLEAN CLAIM.—

(2) CONTESTED CLAIM .—The term ‘contested claim’ means a claim for health care expenses that is denied by a group health plan or health insurance issuer during or after the benefit determination process.

(3) CONTESTED CLAIMS.—With respect to a prescription drug plan of-fered by a group health plan or health insurance issuer in connection with a group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan on the date such expenses are incurred.

(4) OBLIGATION TO PAY.—A claim for health care expenses that is denied by a group health plan or health insurance issuer shall be deemed to be a clean claim and paid by the plan or issuer in accordance with paragraph (3) of subsection (d) of section 2707 of the Social Security Act (42 U.S.C. 1395w–112(b)).

(b) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended—

(i) CLAIMS DETERMINED TO NOT BE A CLEAN CLAIM.—A claim is deemed to be a clean claim if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

(ii) CLAIMS DETERMINED TO NOT BE A CLEAN CLAIM.—A claim is deemed to be a clean claim under this paragraph if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

(iii) CLAIM DETERMINED TO NOT BE A CLEAN CLAIM.—A claim is deemed to be a clean claim under this paragraph if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

(iv) DETERMINATION AFTER SUBMISSION OF ADDITIONAL INFORMATION.—A claim is deemed to be a clean claim under this paragraph if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which additional information is received under subsection (d).

(v) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under subparagraph (A) shall be deemed to be a clean claim and shall be paid by the PDP sponsor in accordance with section 2707 of the Social Security Act (42 U.S.C. 1395w–112(b)).

The provisions of section 2707 shall apply to health insurance coverage offered by a group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

SEC. 4. AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

(4) PROMPT PAYMENT OF CLEAN CLAIMS.—

(II) DETERMINATION AFTER SUBMISSION OF ADDITIONAL INFORMATION.—A claim is deemed to be a clean claim under this paragraph if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which additional information is received under subsection (d).

(O) DETERMINATION OF PAYMENT OF CLEAN PORTION OF A CLAIM.—A PDP sponsor shall, as appropriate, pay any portion of a claim that would be a clean claim but for a defect or impropriety in a separate portion of the claim in accordance with subparagraph (A).

(IV) OBLIGATION TO PAY.—A claim submitted to a PDP sponsor that is not paid or paid in accordance with subparagraph (A) shall be deemed to be a clean claim and shall be paid by the PDP sponsor in accordance with paragraph (3) of subsection (d) of section 2707 of the Social Security Act (42 U.S.C. 1395w–112(b)).

(V) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under such subparagraph is
considered to have been made on the date on which full payment is received by the provider.

"(E) PRIVATE RIGHT OF ACTION—
"(1) In general—Nothing in this paragraph shall be construed to prohibit or limit a claim or action not covered by the subject matter of this section that any individual or organization has against a provider or a PDP sponsor.
"(ii) ANTI-REIMBURSEMENT.—Consistent with applicable Federal or State law, a PDP sponsor shall impose a fine not to exceed $1,000 per claim for each day a response is delinquent beyond the date on which such response is required under this paragraph.
"(ii) REPEATED VIOLATIONS.—If 3 separate fines under subsection (1) are levied within a 5-year period, the Secretary is authorized to impose a penalty in an amount not to exceed $10,000 per claim.
"(ii) REMEDIAL ACTION PLAN.—Where it is established that the PDP sponsor willfully and knowingly violated this section or has a pattern of repeated violations, the Secretary shall require the PDP sponsor to—
"(i) submit a remedial action plan to the Secretary; and
"(ii) contact claimants regarding the delays in the processing of claims and inform claimants of steps being taken to improve such delays.

(b) PROMPT PAYMENT BY MA-PD PLANS.—
Section 1927(f) of the Social Security Act (42 U.S.C. 1396w–27) is amended by adding at the end the following:
"(2) in paragraph (2), by inserting ''or'' and a semicolon after ''in the case of'' and ''(B) in paragraph (2)—
"(A) in paragraph (1)—
"(2) in subsection (b)—
"(A) in paragraph (3), by striking ''Indian tribe''; and
"(B) in paragraph (4)—
"(A) in subsection (a)(3), by striking ''INTEGRAL PART OF THE SAME TRIBAL TERRITORY''; and
"(C) by adding at the end the following:
"(2) in subsection (c), by striking ''tribal territory'' and inserting ''tribal territory''; and
"(D) in paragraph (4), by striking ''or'' and a semicolon after ''in the case of'' and ''(b) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREROGATIVE AND PARENTING WOMEN OFFENDERS.—Section 756 of the PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177) is amended by inserting ''and Indian tribes (as defined in section 2704)'' after ''to assist States'' and

(c) MEDICAID.—Section 1932(f) of the Social Security Act (42 U.S.C. 1396u–2(f)) is amended—
"(2) in subsection (b)—
"(B) in paragraph (2)—
"(A) in paragraph (1)—
"(2) in subsection (b)—
"(A) in paragraph (3)(C), by inserting '', Tribal'' after ''United States''; and
"(B) in subparagraph (B), by inserting ''. Tribal'', before ''and local'';

(2) in paragraph (2), by inserting ''. Tribal'' after ''in the law'';

(3) in paragraph (3)(C), by inserting ''. Tribal'' after ''support'';

(4) in paragraph (3)(D), by inserting ''. Tribal'' after ''and''; and

(5) by inserting ''. Tribal'' after ''under Title V''.

(3) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797c)'' after ''to assist States''; and

(4) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177) is amended by inserting ''and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797c))'' after ''to assist States''; and

(5) GRANT PROGRAMS FOR MENTAL HEALTH AMBULATORY CARE SERVICES.—Section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d) is amended—
"(1) in subsection (a), by striking ''States'' and in

SEC. 6. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Except as provided in section 4 and subsection (b), the amendments made by this Act shall apply with respect to

Indian children. Last year, the National Indian Housing Council expanded its training for dealing with meth in tribal housing: the average cost of decontaminating a single residence that has been used as a meth lab is $15,000. Meth is affecting every aspect of tribal life and something must be done.

The measure I am introducing today takes but a small step on the long journey toward ridding Indian country of the blight of methamphetamine. I encourage my colleagues to support it. 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. 2552

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress

SEC. 1. SHORT TITLE. This Act may be cited as the "Indian Tribes Methamphetamine Reduction Grants Act of 2006."  

SEC. 2. INDIAN TRIBES PARTICIPATION IN METHAMPHETAMINE GRANTS.

(a) IN GENERAL.—Section 2966a(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—
"(1) in paragraph (1)—
"(A) in the matter preceding subparagraph (A), by inserting ''and Indian tribes (as defined in section 2704)'' after ''to assist States'' and

(b) in subparagraph (B), by inserting ''. Tribal'', before ''and local'';

(2) in paragraph (2), by inserting ''. Tribal'' after ''in the law'';

(3) in paragraph (3)(C), by inserting ''. Tribal'' after ''support'';

(4) in paragraph (3)(D), by inserting ''. Tribal'' after '' under Title V''; and

(5) by inserting ''. Tribal'' after ''under Title V''.

(3) in paragraph (3)(C), by inserting ''. Tribal'' after ''United States''; and

(4) by inserting ''. Tribal'' after ''in the law'';

(5) by inserting ''. Tribal'' after ''under Title V''.

(3) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797c)'' after ''to assist States''; and

(4) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177) is amended by inserting ''and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797c))'' after ''to assist States''; and

(5) GRANT PROGRAMS FOR MENTAL HEALTH AMBULATORY CARE SERVICES.—Section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d) is amended—
"(1) in subsection (a), by striking ''States'' and in

SEC. 6. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Except as provided in section 4 and subsection (b), the amendments made by this Act shall apply with respect to

group health plans and health insurance issuers for plan years beginning after December 31, 2006.

(b) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between one or more employers ratified before the date of the enactment of this Act, the amendments made by this Act shall not apply to plan years beginning before the later of—
"(1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof) agreed to after the date of the enactment of this Act), or

(2) January 1, 2007.

For purposes of paragraph (1), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 7. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, is held by a court to be invalid, such invalidity shall not affect the remaining provisions of this Act, or amendments made by this Act.

By Mr. MCCAIN (for himself, Mr. DORGAN, and Ms. CANTWELL),
S. 2552.

A BILL to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I am joined today by Senators DORGAN and CANTWELL in introducing a bill to amend the recently passed PATRIOT Act reauthorization to ensure that Indian tribes are eligible for Federal methamphetamine-related grants.

The legislation would allow tribes, like States, to receive grants to reduce the availability of meth in hot spot areas; grants for programs for drug-endangered children; and grants to address methamphetamine use by pregnant and parenting women offenders.

The scourge of methamphetamine has afflicted much of our Nation, and it has had particularly devastating effects on Indian reservations. The problem of meth in Indian country, which the National Congress of American Indians identified this year as its top priority, is ubiquitous, and has strained already overburdened law enforcement, health, social welfare, housing, and child protective and placement services on Indian reservations. Last week a former tribal judge on the Wind River Reservation in Wyoming pled guilty to conspiracy to distribute methamphetamine and other drugs. The day before, the Navajo Nation police arrested an 81 year old grandmother, her daughter, and her granddaughter, for selling meth.

One tribe in Arizona had over 60 babies born last year with meth in their systems. At a hearing in the Senate Indian Affairs Committee last month on child abuse, witnesses testified that methamphetamine is a significant cause of abuse and neglect of
By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2555. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the “Lane Evans Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the U.S. Post Office at 2633 11th Street in Rock Island, Illinois, as the “Lane Evans Post Office Building.”

This legislation honors my friend and fellow Illinoisan LANE EVANS who has decided to retire instead of seeking re-election to the House of Representatives in November. Congressman LANE EVANS, born and raised in Rock Island, represents Illinois’ 17th Congressional District. He was first elected in 1982 and is serving his eleventh term in the U.S. House of Representatives. From the Quad Cities to Quincy, from Springfield to Decatur and Carlinville, in cities and towns throughout his district, LANE EVANS is deeply respected. His service will be greatly missed.

Congressman EVANS was a Vietnam-era veteran of the U.S. Marine Corps and rose to the position of Ranking Democratic Member of the House Veterans’ Affairs Committee. He is recognized as a leading advocate of veterans in Congress. He successfully led legislative efforts to pass Agent Orange compensation and health and compensation benefits for children of veterans exposed to Agent Orange who were born with spina bifida, a crippling birth defect. Congressman EVANS also led the effort to secure benefits for Persian Gulf veterans and to provide full disclosure about their possible exposure to toxins during their service. He has also worked to expand services to women veterans, pushed for increased help for veterans suffering from post-traumatic stress disorder, and established important new programs to assist in the rehabilitation and health care treatment of thousands of homeless veterans.

Congressman EVANS is also a member of the House Armed Services Committee and is Chairman of the Vietnam Veterans of Congress Caucus. He is also the Co-Chairman of the Alcohol Fuels Caucus, the Congressional Working Group on Parkinson’s Disease, and the International Workers Rights Caucus. Congressman EVANS has been named an “Environmental Hero” for his pro-environment voting record by the League of Conservation Voters and awarded the Conservationist of the Year Award for 1995 by the Heart of Illinois Sierra Club, the first time the organization gave the honor to a non-volunteer.

Congressman EVANS was born in Rock Island on August 4, 1951. He attended grade school and high school in Rock Island. Following graduation from high school, he joined the Marine Corps and was stationed in Okinawa. He received an honorable discharge in 1971. Congressman EVANS received a B.A. (magna cum laude) in 1974 from Augustana College in Rock Island, Illinois. He also attended Black Hawk College in Moline, Illinois. He is a 1978 graduate of Georgetown University Law Center in Washington, D.C. Following his graduation from law school, he practiced law in Rock Island where he served children, the poor and working families.

For over 20 years, LANE EVANS has been my closest friend in the Illinois Congressional Delegation. We came to the House of Representatives together and he proved to be an indomitable force. Time and again, LANE EVANS has shown extraordinary political courage fighting for the values that brought him to public service. But his greatest show of courage has been over the last 10 years as he battled Parkinson’s disease and those who tried to exploit his physical weakness. His determination to serve the 17th Congressional District he loves pushed him to work harder as Parkinson’s became a heavier burden each day. His dignity and perseverance in the face of this relentless and cruel disease is an inspiration to everyone who knows LANE EVANS.

I am pleased to offer this legislation to permanently and publicly recognize LANE EVANS and his service to the Congressional District, our State of Illinois, and the entire United States by naming the Rock Island Post Office in his honor. It would be a most appropriate way for us to express our appreciation to Congressman EVANS and to commemorate his public life and work.

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. 2555

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

SECTION 1. LANE EVANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, shall be known and designated as the “Lane Evans Post Office Building.”

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lane Evans Post Office Building.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 424—CONGRATULATING AND COMMEMDING THE MEMBERS OF THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS, AND THE UNITED STATES OLYMPIC COMMITTEE, FOR THEIR SUCCESS AND INSPIRED LEADERSHIP

Mr. ALLARD submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. Res. 424

Whereas athletes of the United States Winter Olympic Team captured 9 gold medals, 9 silver medals, and 7 bronze medals at the Olympic Winter Games in Torino, Italy;

Whereas the total number of medals won by American competitors the United States placed the United States ahead of all but 1 country, Germany, in total medals awarded to teams from any 1 country;

Whereas the paralympic athletes of the United States captured 7 gold medals, 2 silver medals, and 3 bronze medals at the Paralympic Winter Games, which were held immediately after the Olympic Winter Games, Torino, Italy;

Whereas the total medal count for the United States Winter Paralympic Team ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic Team, such as skater Joey Cheek, who donated his considerable monetary earnings to relief efforts in Darfur, Sudan, and skier Lindsey Kildow, who exhibited considerable courage by returning to the field of competition only days after a painful and horrendous accident demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games; and

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement; and

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress intended when it chartered the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006 United States Winter Olympic and Paralympic Teams for their performance on and off the field of competition in Torino, Italy;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its best wishes and encouragement to those athletes of the United States and the numerous staff members preparing to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.
Whereas the University of Maryland women's basketball team has worked vigorously, dynamically, and very enthusiastically to reach a championship level of play; and
Whereas the students, alumni, faculty, and fans of the Terrapins should be congratulated for their commitment to the University of Maryland Terrapins national championship women's basketball team; and
Whereas the student athletes, led by Crystal Langhorne and her teammates, Kristi Toliver, applying their teamwork, perseverance, and competitiveness; and
Whereas the 2006 University of Maryland Terrapins in overtime after overcoming a deficit of 13 points; and
Whereas people and students would be surprised by the extent of the problem. According to recent U.S. Department of Education statistics, from 2001 to 2003, there were a total of 84 homicides, 7,941 sex offenses, 9,256 aggravated assaults, and 3,367 arsons on college campuses during that period of time; and
Whereas Ms. MIKULSKI (for herself and Mr. SPECTER) submitted the following resolution—: Now, therefore,
(1) supports the goals and ideals of National Campus Safety Awareness Month; and
(2) fire safety issues; and
(3) crime prevention techniques; and
(4) alcohol and other drug education, prevention, and treatment programs; Now, therefore, be it
Resolved, That the Senate—
(1) congratulates the University of Maryland Terrapins women's college basketball team for winning the 2006 National Collegiate Athletic Association Division I National Championship; and
(2) recognizes the breathtaking achievements of Head Coach Brenda Frese, her assistant coaches, and all of the outstanding players; and
(3) directs the Secretary of the Senate to transmit a copy of this resolution to Brenda Frese, Head Coach of the national champions University of Maryland Terrapins and to the University of Maryland College Park President, Dr. Dan Mote for appropriate display.
to develop the Crime Awareness and Campus Security Act of 1989, which became law in 1990. This Act was modified and included in the Higher Education Act of 1998, as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Although the U.S. Department of Justice has concluded that only a third of all schools are reporting crime statistics in a manner fully compliant with the law, the Clery Act has significantly changed the landscape of campus security for the better, but as the statistics reveal, more work remains to be done.

Security on Campus has found that the beginning of each school year can be an especially dangerous time for students. This is particularly true for first year students who are on their own for the first time in a new environment and are experiencing new freedoms. Due to the increased risk of sexual assault that female college students face during this time, the period from the start of the Fall semester through the end of November is often referred to as the ‘Red Zone’. For this reason, Security on Campus has designated September 2006 as National Campus Safety Month to provide opportunity for colleges and universities to inform students about existing campus crime trends, prevention policies, crime prevention techniques, fire safety, and alcohol and other drug education, prevention and treatment programs.

Throughout the past several years, I have worked together with the Clerys, Security on Campus, and crime prevention professionals on campuses across the country to help raise much needed awareness about these dangers. Thus, I urge my colleagues, in honor of Jeanne Clery’s memory, to join me in this effort by supporting the goals and ideals of National Campus Safety Awareness Month.

Thank you, Mr. President. I yield the floor.

SENATE RESOLUTION 427—COMMEMORATING THE 50TH ANNIVERSARY OF THE INTERSTATE SYSTEM

Mr. INHOFE (for himself, Mr. WARNER, Mr. BOND, Mr. VONOVICE, Mr. CHAFFEE, Ms. MURKOWSKI, Mr. VITTER, Mr. THUNE, Mr. DE MINT, Mr. ISAKSON, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. OBAMA, and Mr. KENTON) submitted the following resolution; which was considered and agreed to:

S. Res. 427

Whereas, on June 29, 1956, President Dwight D. Eisenhower signed into law (1) the Federal-Aid Highway Act of 1956 (Public Law 84–627; 70 Stat. 374) to establish the 41,000-mile National System of Interstate and Defense Highways; (2) the Federal-Aid Highway Act of 1956 (Pub. L. 84–627; 70 Stat. 387) to create the Highway Trust Fund; (3) the Federal-Aid Highway Act of 1956 (Public Law 84–627; 70 Stat. 374) to establish the 41,000-mile National System of Interstate and Defense Highways; and (4) the Federal-Aid Highway Act of 1956 (Pub. L. 84–627; 70 Stat. 374) to create the Interstate System, known as the Dwight D. Eisenhower National System of Interstate and Defense Highways;

Whereas, in 1990, the National System of Interstate and Defense Highways was renamed the Dwight D. Eisenhower System of Interstate and Defense Highways to recognize the role of President Eisenhower in the creation of the Interstate Highway System;

Whereas, a network of superhighways, now spanning a total of 46,876 miles throughout the United States, has had a powerful and positive impact on the lives of United States citizens;

Whereas the Interstate System has proven to be a vital tool for transporting people and goods from 1 region to another speedily and safely;

Whereas the use of the Interstate System has helped the Nation facilitate domestic and international trade, and has allowed the Nation to create unprecedented economic expansion and opportunities for millions of United States citizens;

Whereas the Interstate System has enabled diverse communities throughout the United States to come closer together, and has allowed United States citizens to remain connected to each other as well as to the larger world;

Whereas the Interstate System has made it easier and more enjoyable for United States citizens to travel to long-distance destinations and spend time with family members and friends who live far away;

Whereas the Interstate System is a pivotal link in the national chain of defense and emergency preparedness efforts;

Whereas the Interstate System remains 1 of the paramount assets of the United States, as well as a symbol of human ingenuity and freedom;

Whereas the anniversary of the Interstate System provides United States citizens with an occasion to commemorate one of the largest public works achievements of all time, and reflect on how the Nation can maintain the effectiveness of the System in the years ahead;

NOW, THEREFORE, BE IT RESOLVED, That the Senate—

(1) proclaims 2006 as the Golden Anniversary Year of the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(2) recognizes and celebrates the achievements of the Federal Highway Administration, State departments of transportation, and the highway construction industry of the United States, including contractors, designers, engineers, labor, materials producers, and equipment companies, for their contributions to the quality of life of the citizens of the United States; and

(3) encourages citizens, communities, governmental agencies, and other organizations to promote and participate in celebratory and educational activities that mark this uniquely important and historic milestone.

SENATE RESOLUTION 428—CONGRATULATING THE UNIVERSITY OF WISCONSIN MADISON MEN’S CROSS COUNTRY TEAM FOR WINNING THE 2005 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I CROSS COUNTRY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. Res. 428

Whereas, on November 21, 2005, after finishing second for 3 consecutive years, the University of Wisconsin men’s cross country team (referred to in this preamble as the “Badgers cross country team”) won the National Collegiate Athletic Association Division I Cross Country Championship in Terre Haute, Indiana, by placing first ahead of—

(1) the University of Arkansas; and

(2) Notre Dame University;

Whereas the Badgers cross country team secured its place in the strong performances of its members, including—

(1) Simon Bairu, who won his second consecutive individual national championship with a time of 29:31.5; and

(2) Chris Solinsky, who finished third in the championship race with a time of 29:27:8;

(3) Matt Withrow, who finished ninth in the race with a time of 29:50:7; and

(4) Antiony Ford, who finished 14th with a time of 29:55:2; and

(5) Bert Eason, who finished 17th with a time of 30:05:3; and

(6) Tim Nelson, who finished 18th with a time of 30:56:4; and

(7) Christian Wagner, who finished 58th with a time of 30:55:7;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers cross country team, including—

(1) Simon Bairu;

(2) Brandon Bethke;

(3) Bryan Culver;

(4) Stuart Eason;

(5) Antony Ford;

(6) Ryan Gasper;

(7) Ben Gregory;

(8) Bobby Lockhart;

(9) Tim Nelson;

(10) Teddy O’Reilly;

(11) Tim Pietre;

(12) Joe Pierre;

(13) Ben Porter;

(14) Codie See;

(15) Chris Solinsky;

(16) Christian Wagner; and

(17) Matt Withrow;

Whereas, on October, 30, 2005, the Badgers cross country team won its seventh straight Big Ten championship with a record-setting score and margin of victory by sweeping the top four positions and eight of the top ten positions;

Whereas numerous members of the Badgers cross country team were recognized for their performance in the Big Ten Conference, including—

(1) Simon Bairu, who was named the Big Ten Men’s Cross Country Athlete of the Year and won the Big Ten Conference individual title;

(2) Matt Withrow, who was named the Big Ten Men’s Cross Country Freshman of the Year after finishing third in the conference meet; and

(3) Head Coach Jerry Schumacher, who was named the Big Ten Men’s Cross Country Coach of the Year for the fifth consecutive year;

Whereas Simon Bairu, Chris Solinsky, Matt Withrow, Antony Ford, Stuart Eason, and Tim Nelson earned All-American honors: Now, therefore, be it

RESOLVED, That the Senate—

(1) congratulates the University of Wisconsin’s men’s cross country team, Head Coach Jerry Schumacher and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Clerk of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 429—CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN’S HOCKEY TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. Res. 429

Whereas on March 26, 2006, the University of Wisconsin Badgers won the women’s Frozen Four in Minneapolis, Minnesota, with a
victory over the 2-time defending champion University of Minnesota Golden Gophers by 3 to 0 in the championship game after having defeated St. Lawrence University by 1 to 0 in the second game.

Whereas Jinelle Zaugg of Eagle River, Wisconsin, scored 2 goals, Grace Hutchison of Winnetka, Illinois, scored a goal, and Jessie Vetters of Madison, Wisconsin, had 6 saves in the championship game, and recorded the first shut-out in the history of the women's Frozen Four championship games;

Whereas on the University of Wisconsin women's hockey team (Sara Bauer, Rachel Bible, Nikki Burish, Sharon Cole, Vicki Davis, Christine Dufour, Kayla Hagen, Plummer, Meghan Horras, Canada Hutchins, Cyndy Kenyon, Angie Kelsey, Heidi Kletzien, Erika Lawler, Alycia Matthews, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Bobbi-Jo Slusar, Jessie Vetters, Kristen Witting, and Jinelle Zaugg) contributed to the success of this team;

Whereas Sara Bauer and Bobbi-Jo Slusar were named to the All-Western Collegiate Hockey Association (known as "WCHA") First Team, Sharon Cole, Meaghan Mikkelson and Hannah Redd-Thompson were named to the All-WCHA Second Team, Bobbi-Jo Slusar was named the WCHA Offensive Player of the Year, and Sara Bauer was named the WCHA Rookie of the Year;

Whereas Coach Mark Johnson, who won a National Collegiate Athletic Association (known as "NCAA") championship as a member of the University of Wisconsin men's 1977 championship team, was a star on the 1980 United States Olympic hockey team, which produced what is known as the "Miracle on Ice," and is one of the few people who have won a national championship as both a player and coach, and was named the WCHA Coach of the Year;

Whereas Sara Bauer and Bobbi-Jo Slusar were named first team All-Americans, and Sara Bauer won the Patty Kzaemper Award, as the Nation's top player;

Whereas Jessie Vetters won the 2006 NCAA Tournament's Most Outstanding Player award and was joined on the All-Tournament Team by Jinelle Zaugg and Bobbi-Jo Slusar; whereas on Monday, April 3, 2006, the University of Florida men's basketball team (referred to in this preamble as the "Florida Gators") defeated the men's basketball team of the University of California, Los Angeles, by a score of 73–57, to win the 2006 National Collegiate Athletic Association Division I Basketball Championship; whereas that victory marked the first national basketball championship victory for the University of Florida, and occurred 10 years after the school won the National Collegiate Athletic Association Division I Football Championship; whereas the head coach of the Florida Gators, Billy Donovan, became the second youngest coach to win the national championship, after leading the Florida Gators to a school-best, 33-6 record; whereas University of Florida sophomore Joakim Noah was chosen as the most outstanding player of the Final Four; whereas each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators reached the pinnacle of team achievement; and whereas members of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their committee and pride in the basketball program at the University of Florida; now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida men's basketball team for winning the 2006 National Collegiate Athletic Association Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida men's basketball team win the 2006 National Collegiate Athletic Association Division I Basketball Championship, and invites those who contributed to the pinnacle of team achievement to the Capitol Building to be honored; and

SENATE RESOLUTION 432—TO AUTHORIZE TESTIMONY OF A MEMBER OF THE SENATE IN E.M. GUNDERSON V. NEIL G. GALATZ

Mr. FRIST submitted the following resolution; which was considered and agreed to:

Whereas, when it appears that evidence submitted the following resolution; which was considered and agreed to:

Whereas, when it appears that evidence

S. RES. 432

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §28(b) and 28(b)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities; whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may be taken from such control or possession by the Senate; whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall withdraw himself from the service of the Senate without leave; whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as

SENATE RESOLUTION 433—DESIGNATING MAY 11, 2006, AS "ENDANGERED SPECIES DAY", AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO BECOME EDUCATED ABOUT, AND AWARE OF, THREATS TO SPECIES, SUCCESS STORIES IN SPECIES RECOVERY, AND THE OPPORTUNITY TO PROMOTE SPECIES CONSERVATION WORLDWIDE

Mrs. FEINSTEIN (for herself, Mr. CHAFER, Mrs. CLINTON, Mr. CRAPO, Mr. BIDEN, Mr. BYRD, Mr. FEINGOLD, Mr. REED, Ms. CANTWELL, Mr. LEVIN, Mr. LIEBERMAN, Mr. DODD, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as
will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it Resolved that Senator Harry Reid is authorized to testify in the case of E.M. Gunderson v. Neil G. Galatz, except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Senator Harry Reid in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 433—HONORING THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR THE 140 YEARS OF SERVICE THAT IT HAS PROVIDED TO THE CITIZENS OF THE UNITED STATES AND THEIR ANIMALS

Mr. DURBIN (for himself, Mr. ENZIGN, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 433

Whereas April 10, 2006, marks the 140th anniversary of the founding of The American Society for the Prevention of Cruelty to Animals (referred to in this preamble as "ASPCA");

Whereas ASPCA has provided services to millions of citizens of the United States and their animals since Henry Bergh established the society in New York City in 1866;

Whereas ASPCA was the first humane society established in the western hemisphere;

Whereas ASPCA teaches children the character-building virtues of compassion, kindness, and respect for all of God's creatures;

Whereas the dedicated directors, staff, and volunteers of ASPCA have provided shelter, medical care, behavioral counseling, and placement for abandoned, abused, or homeless animals in the United States for more than a century; and

Whereas ASPCA, through its observance of April as "Prevention of Cruelty to Animals Month", its Animal Poison Control Center, and its promotion of humane animal treatment through programs dedicated to law enforcement, education, shelter outreach, legislative affairs, counseling, veterinary services, and behavioral training, has provided invaluable services to the citizens of the United States and their animals; Now, therefore, be it,

Resolved, That the Senate—

(1) honors The American Society for the Prevention of Cruelty to Animals for its 140 years of service to the citizens of the United States and their animals; and

(2) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the president of The American Society for the Prevention of Cruelty to Animals.

SENATE CONCURRENT RESOLUTION 86—DIRECTING THE ARCHITECT OF THE CAPITOL TO ESTABLISH A TEMPORARY EXHIBIT IN THE ROTUNDA OF THE CAPITOL TO HONOR THE MEMORIES OF THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO HAVE LOST THEIR LIVES IN OPERATION AND IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mr. KENNEDY, Mr. JOHNSON, Mrs. ROSENBERG, Mr. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 86

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) honors The American Society for the Prevention of Cruelty to Animals for the 140 years of service that it has provided to the citizens of the United States and their animals; and

(2) the exhibit provides—

(A) an opportunity for visitors to write messages of support and sympathy to the families of the individuals represented in the exhibit; and

(B) a means to ensure that those messages are transmitted to the families.

(2) Operation Enduring Freedom.

(b) FORM OF EXHIBIT.—The exhibit displayed under this section shall be in such form and contain such material as the Architect may select, so long as—

(1) the exhibit displays the name, photograph, and biographical information with respect to each individual member of the United States Armed Forces who has lost his or her life in the Operations referred to in subsection (a); and

(2) the exhibit provides—

(A) an opportunity for visitors to write messages of support and sympathy to the families of the individuals represented in the exhibit; and

(B) a means to ensure that those messages are transmitted to the families.

SENATE CONCURRENT RESOLUTION 87—EXPRESSING THE SENSE OF CONGRESS THAT UNITED STATES INTELLECTUAL PROPERTY RIGHTS MUST BE PROTECTED GLOBALLY

Mr. BIDEN (for himself and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 87

Whereas the United States is the world's largest creator, producer, and exporter of copyrighted materials;

Whereas this important sector of the United States economy continues to be at great risk due to widespread unauthorized reproduction, distribution, and sale of copyrighted United States works, including motion pictures, home video and television programming, music and sound recordings, books, video games, and software;

Whereas estimates point to a rate of intellectual property piracy of between 70 to 90 percent in some countries, with annual losses to the United States economy in the billions of dollars;

Whereas the major copyright industries are responsible for an estimated 6 percent of the Nation's total gross domestic product and an annual employment rate of more than 3 percent;

Whereas strong overseas sales and exports by the major copyright industries are even more important as the United States trade deficit continues to increase, and as the United States economy becomes more reliant on the generation of intellectual property and in services related thereto;

Whereas the Congress is greatly concerned about the failure of some of the trading partners of the United States to meet their international obligations with respect to intellectual property protection;

Whereas in the Russian Federation, perpetrators of piracy, including one of the largest commercial Internet pirates in the world, are permitted to operate without meaningful hindrance from the Russian Government, and a number of factories located on government property produce pirated products;

Whereas the Russian Federation is now considering the adoption of a civil code that would annul the country's existing intellectual property law, and incorporate principles that do not conform to its international obligations;

Whereas the Senate and the House of Representatives have overwhelmingly passed legislation expressing the sense of the Congress that the Russian Federation must significantly improve the protection of intellectual property as part of its effort to accede to the World Trade Organization and to maintain eligibility in the generalized system of preferences (GSP) program;

Whereas markets in the People's Republic of China are replete with pirated versions of United States movies, sound recordings, business software, and video games, resulting in over $2,000,000,000 in losses each year to the United States economy;

Whereas the People's Republic of China has made a number of commitments to the United States which it has yet to meet, including pledges to significantly reduce piracy rates, increase criminal prosecutions of intellectual property rights infringements, reduce exports of infringing goods, improve national police coordination, and join global Internet treaties;

Whereas the People's Republic of China and the Russian Federation export thousands of pirated versions of products of the United States to other countries;

Whereas Mexico has a thriving market for pirated goods, with thousands of street vendors offering pirated products throughout the country;

Whereas Canada has become a source of camcorder piracy, has failed to bring its copyright law into conformity with international standards, and has failed to adequately prevent pirates from other parts of the world from entering the country;

Whereas India can further improve copyright protections, particularly with regard to enforcement, detention, sentencing, and coordination of national efforts;

Whereas Malaysia continues to be a leading source of pirated entertainment software and other copyrighted materials produced for export, and

Whereas steps must be taken to ensure that the rights of creators and distributors are protected abroad and that creative industries in the United States continue to flourish: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—
(1) the United States should not complete any agreement relating to the accession of the Russian Federation to the World Trade Organization until the Russian Federation takes concrete steps to address widespread intellectual property violations, including—
(A) the closure and seizure of factories and machinery used for piracy;
(B) imposition of meaningful penal sanctions;
(C) investigation and prosecution of organized criminal piracy syndicates; and
(D) rejection of proposals that would undermine its existing intellectual property rights regime and retreat further from global standards;
(2) the People's Republic of China should fundamentally change its intellectual property rights enforcement model by significantly increasing the application of criminal sanctions against major copyright pirates and imposing effective deterrent penalties;
(3) Mexico, Canada, India, and Malaysia should work in cooperation with the United States and the United States to address growing piracy problems within their borders;
(4) the failure of the countries listed in paragraph (2) and (3) to and protect against the theft of United States intellectual property will have political and economic consequences with regard to relations between these countries and the United States; and
(5) the President should use all effective remedies and solutions to protect the intellectual property rights of United States persons and maintain policies that vigorously respond to the failure by other countries to abide by international standards of protection or to otherwise provide adequate and effective protection of intellectual property as provided under United States law.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3312. Mr. THUNE 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 other purposes, which was ordered to lie on the table.

SA 3313. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3314. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3315. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3316. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3317. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3318. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3319. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3320. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3321. Mr. OBAMA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3322. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3323. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3324. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3325. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3326. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3327. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3328. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3329. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3330. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3331. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3332. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3333. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3334. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3335. Mr. KERRY 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 3336. Mr. KERRY 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 3337. Mr. KERRY 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 3338. Mr. BAUCUS 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 3339. Mr. BAUCUS 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 3340. Mrs. CLINTON 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 3341. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3342. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3343. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3344. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3345. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3346. Mr. BOND (for himself, Mr. ALAXANDER, and Mr. GREICO) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3347. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3348. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3349. Mr. BOND (for himself, Mr. ALAXANDER, and Mr. GREICO) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3350. Mr. COBURN 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 3351. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3352. Mr. VITTER 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 3353. Mr. VITTER 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 3354. Mr. ALEXANDER (for himself and Mr. BINGAMAN) 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 3355. Mr. ALEXANDER (for himself and Mr. BINGAMAN) 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 3356. Mr. SESSIONS 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 3357. Mr. SESSIONS 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 3358. Mr. SESSIONS submitted an amendment intended to be proposed by him
to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3359. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3360. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3361. Mr. GRASSLEY (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3362. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3363. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3364. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3365. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3366. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3367. Mr. LEVIN (for himself and Ms. COLLINS) 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 3368. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3369. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3370. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3371. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3372. Mrs. CLINTON (for herself, Mr. OBAMA, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3373. 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 3374. 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 3375. 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 3376. 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 3377. 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 3378. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.
bill S. 2454, supra; which was ordered to lie on the table.

SA 3419. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3420. Mr. SESSIONS proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3421. Mr. NELSON, of Nebraska proposed an amendment to amendment SA 3420 proposed by Mr. Sessions to the amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3422. Mr. KYL submitted an amendment to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3366 submitted by Mr. KYL and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3424. Mr. FRIST proposed an amendment to amendment SA 3423 submitted by Mr. KYL to the bill S. 2454, supra.

SA 3425. Mr. FRIST proposed an amendment to amendment SA 3424 proposed by Mr. KYL to the bill S. 2454, supra.

SA 3426. Mr. FRIST proposed an amendment to amendment SA 3425 proposed by Mr. KYL to the amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra.

TEXT OF AMENDMENTS

SA 3312. Mr. THUNE 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 252 of the amendment, between lines 2 and 3, insert the following:

(13) AGREEMENT TO COLLECT PERCENTAGE OF WAGES TO OFFSET COST OF EMERGENCY HEALTH SERVICES TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the “2-C Nonimmigrant Health Services Trust Fund”, consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this subsection or under rules promulgated by the Secretary of Health and Human Services Trust Fund established under section 404(c) of the Comprehensive Immigration Reform Act of 2006 at such time and in such manner as the Secretary of the Treasury shall determine.

On page 266, after line 22, add the following:

(c) 2-C NONIMMIGRANT HEALTH SERVICES TRUST FUND.—

(1) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the “2-C Nonimmigrant Health Services Trust Fund”, consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this subsection or under rules promulgated by the Secretary of Health and Human Services Trust Fund established under section 962 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the 2-C Nonimmigrant Health Services Trust Fund such amounts equivalent to the amounts received by the Secretary of the Treasury as a result of the provisions of section 218(b)(13) of the Immigration and Nationality Act.

(3) EXPENDITURES FROM TRUST FUND.—Amounts in the 2-C Nonimmigrant Health Services Trust Fund shall be available only for making payments by the Secretary of Health and Human Services out of the State allotments established in accordance with the Immigration and Nationality Act for the provision of eligible services to 2-C nonimmigrants to the extent that the eligible provider was not otherwise reimbursed (through insurance or otherwise) for such services, as determined by such Secretary. Such payments shall be made under rules similar to the rules for making payments to eligible providers under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(4) STATE ALLOTMENTS.—Not later than January 1 of each year, the Secretary of Health and Human Services shall establish an allotment for each State equal to the product of—

(A) the total amount the Secretary of the Treasury notifies the Secretary of Health and Human Services was appropriated or credited to the 2-C Nonimmigrant Health Services Trust Fund during the preceding year; and

(B) the number of 2-C nonimmigrants employed in the State during such preceding year (as determined by the Secretary of Labor).

(5) DEFINITIONS.—In this subsection:

(A) ELIGIBLE PROVIDER.—Eligible Services.—The terms “eligible provider” and “eligible services” have the meanings given those terms in section 1011(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(B) H–2C NONIMMIGRANT.—The term “H–2C nonimmigrant” has the meaning given that term in section 101(a) of the Immigration and Nationality Act.

SA 3313. Mr. FRIST 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. NONCITIZEN MEMBERSHIP IN THE ELIGIBLE PROVIDER’S H–2C WORKER PROTECTION AGREEMENT.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1400) is amended—

(1) in subsection (b), by striking “section (a)” and inserting “subsection (a) and (d)”;

(2) by adding at the end the following:

(1) Expiration.—Effective on the date that is 7 years after the date of enactment of this Act, any vehicle that is or has been converted for the purpose of transporting migrant or seasonal agricultural workers shall provide the same level of safety as a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale, for the purpose of transporting migrant or seasonal agricultural workers. The requirements shall provide a level of safety that is as close as practicable to the level of safety provided for in a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or modify the regulations contained in section 3001, or the provision pertaining to transportation that is primarily on private roads (39 U.S.C. 500 et seq.), or the Federal Motor Vehicle Safety Standards issued under chapter 301 of title 49, United States Code.

SA 3314. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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:

Subtitle E—Farm Worker Transportation Safety

SEC. 5. SHORT TITLE.

This subtitle may be cited as the “Farm Worker Transportation Safety Act”.

SEC. 652. SEATS AND SEAT BELTS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS.

(a) SEATS.—Except as provided in subsection (d), in promulgating vehicle safety standards under the National Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of migrant and seasonal agricultural workers by farm labor contractors, agricultural employer or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in any vehicle covered by such standards is provided with a seat or seat belt, as described in section 302 of title 49, United States Code.

(b) SEAT BELTS.—Each seating position required under subsection (a) shall be equipped with an operational seat belt, except that this subsection shall not apply with respect to seating positions in buses that would otherwise not be required to have seat belts under the Federal motor vehicle safety standards.

(c) PERFORMANCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall issue minimum performance standards for the strength of seats and the attachment of seats and seat belts in vehicles that are converted, after being sold for purposes other than resale, for the purpose of transporting migrant or seasonal agricultural workers. The requirements shall provide a level of safety that is as close as practicable to the level of safety provided for in a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale.

(2) EXPIRATION.—Effective on the date that is 7 years after the date of enactment of this Act, any vehicle that is or has been converted for the purpose of transporting migrant or seasonal agricultural workers shall provide the same level of safety as a vehicle that is manufactured or altered for such purposes prior to being sold for purposes other than resale.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or modify the regulations contained in section 5001, or the provision pertaining to transportation that is primarily on private roads (49 U.S.C. 5001 et seq.), and any other requirements, processes, or procedures of the Transportation Department, or the Federal Motor Vehicle Safety Standards issued under chapter 301 of title 49, United States Code.
Mr. LEVIN (for himself and Mr. KENNEDY, and Ms. STABENOW) 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 34, between lines 8 and 9, insert the following:

SEC. 3316. Mr. COLEMAN 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 34, between lines 8 and 9, insert the following:

SA 33115. Mr. COLEMAN 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 34, between lines 8 and 9, insert the following:

SA 3317. Mr. FRIST 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. 12. SCREENING OF MUNICIPAL SOLID WASTE.

SA 3319. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) 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 55, strike lines 5 through 7 and insert the following:

SEC. 12. SCREENING OF MUNICIPAL SOLID WASTE.

SA 3319. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) 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 55, strike lines 5 through 7 and insert the following:

SEC. 12. SCREENING OF MUNICIPAL SOLID WASTE.

SA 3317. Mr. FRIST 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 34, between lines 8 and 9, insert the following:

SA 33115. Mr. COLEMAN 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 34, between lines 8 and 9, insert the following:

SA 3317. Mr. FRIST 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 34, between lines 8 and 9, insert the following:

SA 33115. Mr. COLEMAN 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:
SA 3320. Mr. OBAMA submitted an amendment intended to be proposed by him as an amendment to S. 2544, 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:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SECTION 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A (8 U.S.C. 1324a) is amended as follows:

(1) Authority to require certification.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with the requirements of subsections (c) and (d), or

(ii) permanent resident card or other document designated by the Secretary, if the document—

(i) contains a photograph of the individual and such other identifying information as the Secretary determines is sufficient for the purposes of this subparagaph; and

(ii) is evidence of eligibility for employment in the United States; and

(iii) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(3) Extension.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

(4) Publication.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

(d) Document Verification Requirements.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirement of subsection (d) and the following paragraphs:

(1) Attestation by employer.—

(A) Requirements.—

(i) In general.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility of employment of the individual by examining—

(I) a document described in subparagraph (B); or

(II) a document described in subparagraph (C) and a document described in subparagraph (D).

(ii) Signature requirements.—An attestation requirement may be manifested by a handwritten or electronic signature.

(iii) Standards for examination.—An employer has the requirement of this paragraph with respect to examination of a document if the document examined reasonably appears on its face to be genuine and authentic in the case of a document (or combination of documents) that reasonably appears on its face to be genuine and that is sufficient to meet the requirement of clause (i), nothing in this paragraph may be construed as requiring the employer to solicit the production of any other document or as requiring the individual to produce such another document.

(iv) Requirements for employment eligibility system participants.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employer eligibility verification requirements contained in this section.

(b) Documents establishing both employment eligibility and identity.—A document described in this subparagraph is an individual’s—

(i) United States passport; or

(ii) social security account number card issued by the Commissioner of Social Security;

(iii) driver’s license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States provided that such a card or document—

(i) contains the individual’s photograph or information, including the individual’s name, date of birth, gender, eye color, and address; and

(ii) contains security features to make such license or card resistant to tampering, counterfeiting, and fraudulent use.

(D) Documents establishing identity of individual.—A document described in this subparagraph is a document—

(i) containing the individual’s photograph or information, including the individual’s name, date of birth, gender, eye color, and address; and

(ii) containing security features to make such document resistant to tampering, counterfeiting, and fraudulent use.

(E) Authority to prohibit use of certain documents.—

(A) Authority.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions on, the use of such document or class of documents for purposes of this subsection.

(B) Certification of use.—The Secretary shall publish notice of any finding under clause (i) in the Federal Register.

(2) Certification of employer.—

(A) Requirements.—
(I) IN GENERAL.—The individual shall attestation, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien who is authorized for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited, or referred for a fee, in the United States.

(II) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

(3) RETENTION OF ATTERTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, recruiting, or referring for a fee, of the individual.

(A) In the case of recruiting or referral for a fee of an individual, 3 years after the date of the recruiting or referral; or

(B) In the case of the hiring of an individual the later of—

(i) 3 years after the date of such hiring;

(ii) 1 year after the date of the individual’s employment is terminated; or

(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

(4) DOCUMENT RETENTION AND RECORD-KEEPING REQUIREMENTS.—

(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

(i) I N GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual under this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purpose of complying with the requirements of this subsection, except as otherwise permitted under law.

(B) RETENTION OF CLARIFICATION DOCUMENTS.—An employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual’s identity or eligibility for employment in the United States.

(C) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

(D) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

(5) DOCUMENT IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

(6) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

(I) REQUIREMENTS FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

(II) MANAGEMENT OF SYSTEM.—

(A) IN GENERAL.—The Secretary shall, through the System—

(i) provide a response to an inquiry made by an employer through the Internet or other electronic working day after an employer submits an inquiry regarding the individual; and

(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

(B) INITIAL RESPONSE.—

(i) IN GENERAL.—The Secretary shall, through the System, tentatively confirm or nonconfirm an individual’s identity and eligibility for employment in the United States, not later than 10 working days after an employer submits an inquiry regarding the individual.

(ii) MANUAL VERIFICATION.—If a tentative nonconfirmation is made for an individual under clause (i), the Secretary, through the System, shall conduct a secondary manual verification not later than 9 working days after such tentative nonconfirmation is made.

(iii) NOTICES.—Not later than 10 working days after an employer submits an inquiry to the System regarding an individual, the Secretary, in cooperation with the Commissioner of Social Security, shall implement the process established by the Secretary, in consultation and coordination with the Commissioner of Social Security, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status; and

(iv) to allow for monitoring of the use of the System and provide an audit capability; and

(v) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status; and

(vi) to prevent unauthorized disclosure of personal information during use, transmission, storage, and disposal of that information, including the use of encryption, carrying out periodic stress testing of the System to detect, prevent, and respond to vulnerabilities or other failures, and utilizing periodic security updates;

(vii) to allow for monitoring of the use of the System and provide an audit capability; and

(viii) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status; and

(ix) to prevent unauthorized disclosure of personal information during use, transmission, storage, and disposal of that information, including the use of encryption, carrying out periodic stress testing of the System to detect, prevent, and respond to vulnerabilities or other failures, and utilizing periodic security updates;

(x) to maintain the privacy and security of the information during use, transmission, storage, and disposal of that information, including the use of encryption, carrying out periodic stress testing of the System to detect, prevent, and respond to vulnerabilities or other failures, and utilizing periodic security updates;

(xi) to ensure the accuracy of such records; and

(xii) to permit individuals to request access to their records and to view their own records in order to ensure the accuracy of such records; and

(xiii) to contact the appropriate agency to correct any errors made in the electronic verification process established by the Secretary, in consultation and coordination with the Commissioner of Social Security.

(xiv) LIMITATION ON DATA ELEMENTS STORED.—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation under the System shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, and in no case shall the data stored be other than—

(i) the individual’s full legal name;

(ii) the individual’s date of birth;

(iii) the individual’s social security account number, or employment authorization status identification number;

(iv) the address of the employer making the inquiry and any prior inquiries concerning the identity and authorization of the employee by the employer or any other employer and the address of such employer;

(v) a record of each prior confirmation, tentative nonconfirmation, or final nonconfirmation made by the System for such individual; and

(vi) the date of any prior nonconfirmation made by the System.
(vi) in the case of the individual successfully contesting a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous information regarding the identity or eligibility for employment of the individual, including the source of that error.

(G) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B), (C), (D), and (E), the information maintained by the Commissioner in order to confirm the validity of the information provided;

(iii) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information concerning the successful resolution of any erroneous information maintained by the Commissioner is authorized to be employed in the System, within the time periods required by subparagraphs (B), (C), (D), and (E).

(H) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B), (C), (D), and (E), the information maintained by the Secretary in order to confirm the validity of the information provided;

(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by a employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

(ii) a determination of whether such number was issued in the name of the individual;

(iii) a determination of whether the individual is authorized to be employed in the United States; and

(iv) any other related information that the Secretary may require.

(I) OFFICE OF ELECTRONIC VERIFICATION.—

(i) IN GENERAL.—The Secretary shall establish the Office of Electronic Verification in the Bureau of Citizenship and Immigration Services.

(ii) RESPONSIBILITIES.—Subject to available appropriations, the Office of Electronic Verification shall work with the Commissioner of Social Security—

(I) to establish the availability of such information maintained in the System in a manner that promotes maximum accuracy;

(ii) to provide a process for correcting erroneous information by registering not less than 75 percent of the new information and information changes submitted by employers within all relevant databases within 24 hours after submission and registering not less than 99 percent of such information within 10 working days after submission;

(iii) to ensure that at least 99 percent of the data received from field offices of the Social Security Administration and the Department of Homeland Security is registered within all relevant databases within 24 hours after receipt;

(iv) to ensure that at least 99 percent of the data received from field offices of the Social Security Administration and other points of contact between citizens and the Social Security Administration is registered within all relevant databases within 24 hours after receipt;

(v) to employ a sufficient number of manual status verifiers to resolve 99 percent of the tentative nonconfirmations within 3 days;

(vi) to establish and promote call-in help lines accessible to employers and employees on a 24-hour basis with questions about the functioning of the System or about the specific issues underlying a tentative nonconfirmation;

(vii) to establish an outreach and education program to ensure that all new employers are fully informed of their responsibilities under the System; and

(viii) to establish a computer audit of a substantial percentage of workers' files in a database maintained by an agency or department of the United States each year to determine accuracy and require corrections of errors in a timely manner.

(J) RIGHT TO REVIEW SYSTEM INFORMATION AND RECORDS.—Any individual who contests a tentative nonconfirmation or final nonconfirmation may review and challenge the accuracy of the information provided through the System in a manner that promotes the data entered into the System upon which, such a nonconfirmation was based. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation to the Office of Electronic Verification. The Office of Electronic Verification shall review any such information submitted pursuant to a challenge and decide the appeal within 7 days of the filing of such a challenge. The Office of Electronic Verification shall at least annually study and report on the most common causes for erroneous nonconfirmations and issue recommendations concerning the causes of such nonconfirmations.

(K) PRIVACY IMPACT ASSESSMENT.—The Commissioner of Social Security and the Secretary shall each complete a privacy impact assessment as described in section 206 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note) with regard to the System.

(L) TRAINING.—The Commissioner of Social Security and the Secretary shall provide appropriate training materials to participating employers to ensure that employers are able to utilize the System in compliance with the requirements of this section.

(M) HOTLINE.—The Secretary shall establish a fully staffed 24-hour hotline to receive inquiries by employers concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particular data that resulted in the nonconfirmation notice under the System.

(N) REQUIREMENTS FOR PARTICIPATION.—Except as provided in subparagraphs (A) and (B), the Secretary shall provide the requirements for participation in the System as follows:

(A) CRITICAL EMPLOYERS.—

(I) REQUIREMENT.—

(D) DISMISAL.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require employers to participate in the System, with respect to employees hired by an employer after the date the Secretary requires such participation.

(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers, with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (B), (C), (D), and (E) prior to the effective date of such requirements.

(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion, to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis.

(G) WAIVER.—

(A) AUTHORITY TO PROVIDE A WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers until the date that the Comptroller General of the United States to Congress of such waiver prior to the date such waiver is granted.

(B) REQUIREMENT TO PROVIDE A WAIVER.—The Secretary shall waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers until the date that the Comptroller General certifies in a report to Congress of such waiver that such employers are able to utilize the System and are able to comply with the requirements of the System with respect to an individual.
...
(ii) Low error rates and delays in verification.—

(i) That, during a year, the System provides incorrect tentative nonconfirmation notices under paragraph (2)(B)(ii) for no more than 1 percent of all such notices sent during such year.

(ii) That, during a year, the System provides incorrect final nonconfirmation notices under paragraph (2)(C)(i) for no more than 3 percent of all such notices sent during such year.

(iii) That the number of incorrect tentative nonconfirmation notices under paragraph (2)(C)(i) provided by the System during a year for individuals who are citizens of the United States is not more than 300 percent more than the number of such incorrect notices sent to citizens of the United States during such year.

(iv) Measurable employer compliance with system requirements.—

(i) The System has not and will not result in increased discrimination or cause reasonable employers to conclude that employees of certain races or ethnicities are more likely to be penalized when offered employment by the operation of the System.

(ii) The determination described in subclause (i) is based on an independent study commissioned by the Comptroller General to make representations as to why a claim was or has failed to comply with a predecessor act or has failed to fail to comply with the requirements of subsection (a);

(iii) for a monetary or other penalty should not exceed $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

(b)Penalty claim.—

(i) Pay a civil penalty of not less than $10 and not more than $4,000 for each unauthorized alien with respect to each such violation.

(ii) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

(iii) Pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

(iv) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

(c) Criminal penalties.—

(i) An employer who violates any provision of paragraph (1)(A) or (2) of subsection (a) shall be fined 1 time during the 2-year period preceding the violation under this subsubsection and non-retaliatory manner.

(iii) Recommendations regarding whether or not the System should be modified prior to further expansion.

(v) Certification.—If the Comptroller General determines that the System meets the requirements described in subparagraph (B) for a year, the Comptroller General shall certify such determination and submit such certification to Congress with the report required by subparagraph (D).

(vi) Sunset provision.—Mandatory participation in the System shall be discontinued at the end of the enactment of the Comprehensive Immigration Reform Act of 2006 unless Congress reauthorizes such participation.

(e) Compliance.—

(1) Complaints and investigations.—The Secretary shall establish procedures for filing complaints and investigating potential violations of subsection (a).

(2) Authority in investigations.—

(A) In general.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security shall have reasonable access to examine evidence of any employer being investigated, and if

(B) Failure to cooperate.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(i), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

(C) Department of labor.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 [29 U.S.C. 211(a)] to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

(2) Civil penalties.—

(A) Penalties.—If the Secretary determines that the System remains in, or agreement to participate in, the System meets the requirements described in subparagraph (A), the Secretary may request that the Comptroller General or proffer of evidence the employer wishes to submit, shall be filed and considered in accordance with procedures to be established by the Secretary.

(III) Reversal by secretaty.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceeding related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

(III) Applicability.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

(IV) Penalty claim.—If after considering evidence and representations submitted by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

(V) Civil penalties.—

(A) Filing or continuing to employ unauthorized aliens.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

(1) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

(2) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $1,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

(3) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previous order issued and fined under any such provision, pay a civil penalty of not less than $5,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

(B) Recordkeeping or verification practices.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

(1) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

(2) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $1,000 and not more than $4,000 for each such violation.

(3) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $500 and not more than $1,000 for each such violation.

(C) Other penalties.—Notwithstanding subparagraphs (A) and (B), the Secretary
may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect upon further violations, and in appropriate cases, the civil penalty described in subsection (g)(2).

(D) REDUCTION OF PENALTY.—Notwithstanding subsections (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed on employers, based on factors including the employer's hiring volume and compliance history, a good faith implementation of a compliance program, participation in a temporary worker program, and验证 the employer's cooperation with violations of this subsection to the Secretary.

(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted by the Secretary for inflation, as provided by law.

(F) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the day the final determination is issued, file a petition in any appropriate district court of the United States for review of the order. The filing of a petition provided for in this paragraph shall stay the Secretary's determination until the appeal process is completed. The burden shall be on the employer to show that the final determination was not supported by a preponderance of the evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security or fines through bond or other guarantee of payment acceptable to the Secretary.

(G) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit in any appropriate district court of the United States requesting that an employer is engaged in a pattern or practice of employment, recruitment, or referring of unauthorized aliens with respect to whom any such paragraph to the employee or, if the employer cannot be located, the deposit of such amount as miscellaneous receipts in the general fund.

(H) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

(I) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—An employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section, or is convicted of a violation of this section, the employer may be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years.

(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

(J) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—An employer who holds a Federal contract or cooperative agreement and is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer may be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

(B) NOTICE TO AGENCIES.—Prior to debaring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise the Administrator of General Services, the Department of Homeland Security, and any other appropriate lead agency of the debarment.

(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the appropriate lead agency to determine the appropriate lead agency to determine the duration or scope of the debarment.

(D) TERMINATION CONTRACTS, GRANTS, AND AGREEMENTS.—

(1) C OMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall advise the Secretary of Homeland Security of the debarment of an employer.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to require any limitations or restrictions on any employer.

(E) ADJUSTMENT FOR INFLATION.—All penalties imposed under this section may be adjusted by the Commissioner of Social Security for inflation, as provided by law.

(F) CIVIL PENALTIES AND INJUNCTIONS.—

(1) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reason to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

(2) CRIMINAL PENALTIES .—Any employer who engages in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1) is subject to a fine of not more than $20,000 for each violation, and a civil penalty of $2,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, the deposit of such amount as miscellaneous receipts in the general fund.

(G) WAIVER.—The Secretary is authorized to reduce or mitigate any penalties imposed under this subsection, and the final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit in any appropriate district court of the United States requesting that the employer shall be fined not more than $20,000 for each violation of subsection (a)(1)(A) or (a)(2)

(H) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

(I) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—An employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section, or is convicted of a violation of this section, the employer may be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years.

(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

(J) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—An employer who holds a Federal contract or cooperative agreement and is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer may be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

(B) NOTICE TO AGENCIES.—Prior to debaring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise the Administrator of General Services, the Department of Homeland Security, and any other appropriate lead agency of the debarment.

(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the appropriate lead agency to determine the appropriate lead agency to determine the duration or scope of the debarment.

(D) TERMINATION CONTRACTS, GRANTS, AND AGREEMENTS.—

(1) C OMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall advise the Secretary of Homeland Security of the debarment of an employer.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to require any limitations or restrictions on any employer.

(E) ADJUSTMENT FOR INFLATION.—All penalties imposed under this section may be adjusted by the Commissioner of Social Security for inflation, as provided by law.

(F) CIVIL PENALTIES AND INJUNCTIONS.—

(1) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reason to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

(2) CRIMINAL PENALTIES .—Any employer who engages in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1) is subject to a fine of not more than $20,000 for each violation, and a civil penalty of $2,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, the deposit of such amount as miscellaneous receipts in the general fund.

(G) WAIVER.—The Secretary is authorized to reduce or mitigate any penalties imposed under this subsection, and the final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit in any appropriate district court of the United States requesting that the employer shall be fined not more than $20,000 for each violation of subsection (a)(1)(A) or (a)(2).
the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out section 274A of the Immigration and Nationality Act, as amended by section 301(a).

e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 302. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to enforcement and support of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324 and 1326a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000 the number of positions for investigators dedicated to enforcing section 274(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 303. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(i)(I) (8 U.S.C. 1182(a)(6)(C)(i)(I)), is amended by striking "citizen" and inserting "national".

SEC. 304. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274b(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by striking paragraphs (2), (3), and (4) and inserting the following:

"(5) not to deny or grant a request for an employment verification under this section on the basis of a person's race, color, religion, sex, national origin, age, sexual orientation, or alienage;"

(b) STUDY.—The Director of the Bureau of the Census shall, subject to the availability of appropriations, undertake a study examining the impacts of the proposed regulations and any other changes to section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324a) on the demographic characteristics and health status of the population of the United States, including the impact of such regulations on the health status of aliens and the United States, as they relate to the total population of the United States.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of the Census shall submit to Congress a report on the findings of the study described in paragraph (b), including the following information:

(1) An estimate of the total legal and illegal immigrant population of the United States, as they relate to the total population of the United States.

(2) The projected impact of legal and illegal immigration on the size of the population of the United States, including the impact of such changes on the size of the American population and the size of the population of the United States.

(3) An estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(4) The impact of the current and projected foreign-born populations on employment and wage rates, particularly in industries such as agriculture, construction, and manufacturing, where a large proportion of foreign-born are concentrated, an estimate of the associated public costs, and the additional effects the proposed regulations would have.

(5) The impact of the current and projected foreign-born populations on the need for additions and improvements to the transportation infrastructure of the United States, an estimate of the public expenditures required to meet this need, the impact on Americans' mobility if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(6) The impact of the current and projected foreign-born populations on enrollment, class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(7) The impact of the current and projected foreign-born populations on quality health care and on the cost of health insurance, an estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(8) The impact of the current and projected foreign-born populations on the criminal justice system in the United States, an estimate of the associated public costs, and the additional effect the proposed regulations would have.

SEC. 401. IMMIGRATION IMPACT STUDY.

(a) EFFECTIVE DATE.—Any regulation that would increase the number of aliens who are entitled to legal status may not take effect before 90 days after the date on which the Director of the Bureau of the Census submits a report to Congress under subsection (c).

(b) STUDY.—The Director of the Bureau of the Census, jointly with the Secretary of Homeland Security, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Transportation, the Secretary of Health and Human Services, the Attorney General, the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and non-immigrant status, along with the current level of illegal immigration, on the infrastructure and quality of life in the United States.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of the Census shall submit to Congress a report on the findings of the study described in subsection (b), including the following information:

(1) An estimate of the total legal and illegal immigrant population of the United States, as they relate to the total population of the United States.

(2) The projected impact of legal and illegal immigration on the size of the population of the United States, including the impact of such growth, and the proposed regulations would affect these projections.

(3) The impact of the current and projected foreign-born populations on the natural environment, including the consumption of non-renewable resources, waste production and disposal, the emission of pollutants, and the loss of habitat and productive farmland, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which current standards will deteriorate if such expenditures are not forthcoming, and the additional effects the proposed regulations would have.

(4) The impact of the current and projected foreign-born populations on employment and wage rates, particularly in industries such as agriculture, construction, and manufacturing, where a large proportion of foreign-born are concentrated, an estimate of the associated public costs, and the additional effects the proposed regulations would have.

(5) The impact of the current and projected foreign-born populations on the need for additions and improvements to the transportation infrastructure of the United States, an estimate of the public expenditures required to meet this need, the impact on Americans' mobility if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(6) The impact of the current and projected foreign-born populations on enrollment, class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(7) The impact of the current and projected foreign-born populations on quality health care and on the cost of health insurance, an estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(8) The impact of the current and projected foreign-born populations on the criminal justice system in the United States, an estimate of the associated public costs, and the additional effect the proposed regulations would have.

SEC. 402. NONIMMIGRANT TEMPORARY WORKER.

(a) TEMPORARY WORKER CATEGORY.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended to read as follows:

"(H) an alien—"

"(i) who is admitted under section 101(a)(15)(H)(i)(I);"

"(ii) who is admitted under section 101(a)(15)(H)(i)(II);"

"(iii) who is admitted under section 101(a)(15)(H)(i)(III);"

"(iv) who is admitted under section 101(a)(15)(H)(i)(IV);"

"(v) who is admitted under section 101(a)(15)(H)(i)(V);"

"(vi) who is admitted under section 101(a)(15)(H)(i)(VI);"

"(vii) who is admitted under section 101(a)(15)(H)(i)(VII);"

"(viii) who is admitted under section 101(a)(15)(H)(i)(VIII);"

"(ix) who is admitted under section 101(a)(15)(H)(i)(IX);"

"(x) who is admitted under section 101(a)(15)(H)(i)(X);"

"(b) STUDY.—The Secretary of Labor, the Secretary of Transportation, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Director of the Census, the Attorney General, and the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and non-immigrant status, along with the current level of illegal immigration, on the infrastructure and quality of life in the United States.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Interior, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Attorney General, and the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and non-immigrant status, along with the current level of illegal immigration, on the infrastructure and quality of life in the United States.

Sec. 703. Authorization of Appropriations.

There are authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out this subtitle.

SEC. 705. Provisions Notwithstanding Other Law.

Nothing in this Act shall be construed to repeal, strike, modify, or amend any other provision of law, except to the extent such provision of law is inconsistent with the provisions of this Act.

Sec. 223. Employment of Aliens for Construction Work, etc.

The Secretary of Labor shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for investigators dedicated to enforcing section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324 and 1326a) during the 5-year period beginning on the date of the enactment of this Act.

Sec. 224. Employment of Aliens by Federal Agencies.

The Secretary of Labor, the Secretary of Transportation, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Director of the Census, the Attorney General, and the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and non-immigrant status, along with the current level of illegal immigration, on the infrastructure and quality of life in the United States.

Sec. 225. Construction of Federal Housing Projects.

The Secretary of Housing and Urban Development shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for investigators dedicated to enforcing section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324 and 1326a) during the 5-year period beginning on the date of the enactment of this Act.
SEC. 403. ADMISSION OF NONIMMIGRANT TEMPORARY GUEST WORKERS.

(a) Temporary Guest Workers.—

(1) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1311 et seq.) shall be amended by inserting after section 218 the following:

"SEC. 218A. ADMISSION OF H–2C NON-IMMIGRANTS.

"(a) Authorization.—The Secretary of State may grant a temporary visa to an alien who demonstrates an intent to perform labor or services in the United States to perform temporary labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(L), (O), (R), or (T) if the Secretary of State determines and certifies to the Secretary of Homeland Security that an unexpired petition is on file and in effect under section 212(m)(2) for an employment described in section 212(m)(6) for which the alien will perform the services; or

"(iii) if such a waiver is otherwise in the public interest.

"(2) REQUIREMENTS FOR ADMISSION.—An alien shall be eligible for H–2C nonimmigrant status if the alien meets the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(L), (O), (R), or (T).

"(2) EVIDENCE OF EMPLOYMENT.—The alien shall establish that the alien has received a job offer from an employer who has complied with the requirements of paragraph (1) and that the alien's employment is capable of affecting consular procedures for charging reciprocity fees.

"(3) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice.

"(4) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The alien shall submit to the Secretary a completed application, on a form designed by the Secretary of Commerce, including proof of evidence of the requirements under paragraphs (1) and (2).

"(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for H–2C nonimmigrant status, the Secretary shall require an alien to provide information concerning the alien's—

"(i) physical and mental health;

"(ii) criminal history and gang membership;

"(iii) immigration history; and

"(iv) involvement with groups or individuals that have engaged in terrorism, genocide, war crimes, or crimes against humanity, or support or committed acts of torture, or cruel, inhuman, or degrading treatment or punishment.

"(C) KNOWLEDGE.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

"(i) the alien has read and understands all of the questions and statements on the application form;

"(ii) the alien certifies under penalty of perjury under the laws of the United States that the applicant and any evidence submitted with it, are all true and correct; and

"(iii) the applicant authorizes the release of any information contained in the application and any other evidence for law enforcement purposes.

"(D) GROUNDS OF INADMISSIBILITY.—

"(1) IN GENERAL.—In determining an alien's admissibility as an H–2C nonimmigrant the Secretary may, in the Secretary's sole and unreviewable discretion, reauthorize such an alien without requiring the alien's departure from the United States; and

"(a) who is coming temporarily to the United States;

"(b) who meets the qualifications described in paragraph (1) and

"(c) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that an unexpired petition is on file and in effect under section 212(m)(2) for an employment described in section 212(m)(6) for which the alien will perform the services; or

"(ii)(a) who—

"(aa) is coming temporarily to the United States to perform agricultural labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(bb) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

"(dd) has a residence in a foreign country which the alien has no intention of abandoning; and

"(ee) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(f) who—

"(aa) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(bb) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

"(dd) has a residence in a foreign country which the alien has no intention of abandoning; and

"(ee) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(f) who—

"(aa) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(bb) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

"(dd) has a residence in a foreign country which the alien has no intention of abandoning; and

"(ee) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(f) who—

"(aa) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(bb) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

"(dd) has a residence in a foreign country which the alien has no intention of abandoning; and

"(ee) is coming temporarily to the United States to perform temporary labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(g) of the Internal Revenue Code of 1986), or temporary labor or services described in subparagraph (L), (O), (P), or (R) (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(3))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;
(A) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 265.

(B) the alien is inadmissible as a non-immigrant; or

(C) the granting of such status or extension of status would allow the alien to exceed 6 years as an H-2C nonimmigrant, unless the alien has resided and been physically present outside the United States for at least 1 year after the expiration of such H-2C nonimmigrant status.

(2) EVIDENCE OF NONIMMIGRANT STATUS. Each petition shall be issued documentary evidence of nonimmigrant status, which—

(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement;

(3) shall, during the alien’s authorized period of admission under subsection (f), serve as a valid entry document for the purpose of applying for admission to the United States;

(4) instead of a passport and visa if the alien—

(i) is a national of a foreign territory contiguous to the United States; and

(ii) applies for admission at a land border port of entry; and

(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry.

(4) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(5) shall be issued to the H-2C nonimmigrant by the Secretary of Homeland Security, promptly after the final adjudication of such alien’s application for H-2C nonimmigrant status.

(h) PENALTY FOR FAILURE TO DEPART.—If an H-2C nonimmigrant fails to depart the United States before the date which is 10 days after the date that the alien’s authorized period of admission as an H-2C nonimmigrant expires, the H-2C nonimmigrant may not apply for or receive any immigration relief or benefit under this Act or any other law, except for relief under sections 241(b)(3) and relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

(i) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—Any alien who enters, attempts to enter, or crosses the border after the date of the expiration of this section, and is physically present in the United States after such date in violation of this Act or of any other Federal law, may not receive, for a period of 10 years—

(1) any relief under sections 240A and 240B; or

(2) nonimmigrant status under section 101(a)(15).

(j) PORTABILITY.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided H-2C nonimmigrant status, may accept a new offer of employment with a subsequent employer, if—

(1) the employer complies with section 218B; and

(2) the alien, after lawful admission to the United States, did not work without authorization therefor.

(k) CHANGE OF ADDRESS.—An H-2C nonimmigrant shall comply with the change of address reporting requirements under section 265 through either electronic or paper notification.

(1) COLLECTION OF FEES.—All fees collected shall be deposited in the Treasury in accordance with section 238(c).

(2) ISSUANCE OF H-4 NONIMMIGRANT VISAS FOR SPOUSES AND CHILDREN.—(A) In General.—The alien spouse and children of an H-2C nonimmigrant (referred to in this section as ‘dependent aliens’) who are applying as follow-up spouses or children to the H-2C nonimmigrant may be issued nonimmigrant visas under section 101(a)(15)(H)(iv). (B) REQUIREMENTS FOR ADMISSION.—A dependent alien is eligible for nonimmigrant status under section 218B if the dependent alien meets the following requirements:—

(1) ELIGIBILITY.—The dependent alien is admissible as a nonimmigrant and does not fall within a class of aliens ineligible for H-4 nonimmigrant status listed under subsection (c).

(2) MEDICAL EXAMINATION.—Before a nonimmigrant visa is issued to a dependent alien under this subsection, the dependent alien may be required to submit to a medical examination (including a determination of immunization status) at the alien’s expense, that conforms to generally accepted standards of medical practice.

(3) BACKGROUND CHECKS.—Before a nonimmigrant visa is issued to a dependent alien under this section, the consular officer shall conduct such background checks as the Secretary of State, in consultation with the Secretary of Homeland Security, considers appropriate.

(3) DEFINITIONS.—In this section and sections 218B, 238C, and 218D:

(1) AGGrieved person.—The term ‘aggrieved person’ means a person adversely affected by an alleged violation of this section.

(A) Worker who loses job, wages, or working conditions are adversely affected by the violation; and

(B) A representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint in a court or before an administrative body.

(2) AREA OF EMPLOYMENT.—The terms ‘area of employment’ and ‘area of intended employment’ mean the area within normal commuting distance of the workplace or physical location at which the work of the temporary worker is or will be performed. If such workplace or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

(3) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.

(4) EMPLOY; EMPLOYEE; EMPLOYER.—The terms ‘employee’, ‘employer’, and ‘employer’ have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(5) FOREIGN LABOR CONTRACTOR.—The term ‘foreign labor contractor’ means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

(6) FOREIGN LABOR CONTRACTING ACTIVITY.—The terms ‘foreign labor contracting activity’ mean recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment as a nonimmigrant alien described in section 101(a)(15)(H)(i)(c).


(8) SEPARATION FROM EMPLOYMENT.—The term separation from employment means the worker’s loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary retirement, voluntary departure, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee is separated. Nothing in this paragraph shall limit an employee’s rights under a collective bargaining agreement.

(9) UNITED STATES WORKER.—The term ‘United States worker’ means an employee who is—

(A) a citizen or national of the United States; or

(B) an alien who is—

(i) lawfully admitted for permanent residence;

(ii) admitted as a refugee under section 207;

(iii) granted asylum under section 208; or

(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.

(C) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

“Sec. 218A. Admission of temporary H-2C workers.”

(b) CREATION OF STATE IMPACT ASSISTANCE ACCOUNT.—Section 206 (8 U.S.C. 1396) is amended by adding at the end the following:

“STATE IMPACT ASSISTANCE ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘State Impact Aid Account’. Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account all family support payments and fines and other extension of status fees collected under sections 218A and 218B.

SEC. 404. EMPLOYER OBLIGATIONS. (a) GENERAL REQUIREMENTS.—Each employer who employs an H-2C nonimmigrant shall—

(1) file a petition in accordance with subsection (b); and

(2) pay the appropriate fee, as determined by the Secretary of Labor.

(b) PETITION.—A petition to hire an H-2C nonimmigrant under this section shall include an attestation by the employer of the following:

(1) PROTECTION OF UNITED STATES WORKERS.—The employment of an H-2C nonimmigrant shall

(A) not adversely affect the wages and working conditions of workers in the United States; and

(B) did not and will not cause the separation from employment of a United States worker employed by the employer within the 180-day period beginning 90 days before the date on which the petition is filed.

(2) WAGES.—

(A) IN GENERAL.—The H-2C nonimmigrant shall be paid at least the greater of—

(i) the actual wage level paid by the employer to all other individuals with similar

SEC. 218B. ADMISSION OF TEMPORARY H-2C WORKERS. (a) GENERAL REQUIREMENTS.—Each employer who employs an H-2C nonimmigrant shall—

(1) file a petition in accordance with subsection (b); and

(2) pay the appropriate fee, as determined by the Secretary of Labor.

(b) PETITION.—A petition to hire an H-2C nonimmigrant under this section shall include an attestation by the employer of the following:

(1) PROTECTION OF UNITED STATES WORKERS.—The employment of an H-2C nonimmigrant shall

(A) not adversely affect the wages and working conditions of workers in the United States; and

(B) did not and will not cause the separation from employment of a United States worker employed by the employer within the 180-day period beginning 90 days before the date on which the petition is filed.

(2) WAGES.—

(A) IN GENERAL.—The H-2C nonimmigrant shall be paid at least the greater of—

(i) the actual wage level paid by the employer to all other individuals with similar
experience and qualifications for the specific employment in question; or

(ii) the prevailing wage level for the occupational classification in the area of employment, taking into account experience and skill levels of employees.

(B) CALCULATION.—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the calculation.

(C) PREVAILING WAGE LEVEL.—For purposes of subparagraph (A)(ii), the prevailing wage level shall be determined in accordance as follows:

(i) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing wage shall be the wage rate set forth in the collective bargaining agreement.

(ii) If the job opportunity is not covered by such an agreement and it is in an occupational classification and area of employment for which the H–2C nonimmigrant is sought—

(A) there are not sufficient workers who are willing, able, and qualified, and will be available as needed, to perform the labor or services involved in the petition; and

(B) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

(i) the completion of recruitment during the period beginning on the date that is 90 days before the date on which the petition was filed with the Department of Homeland Security and ending on the date that is 14 days before the date the petition is approved by the Secretary of Labor, not to exceed 3 years.

(7) RELOCATION.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H–2C nonimmigrant is sought—

(A) the employer shall provide notice of the filing of the petition and each attestation, in accordance with regulations promulgated by the Secretary of Labor, to each employed H–2C nonimmigrant, an employer or any other person that the employee or former employee reasonably believes discriminated against an employee or former employee because the employee or former employee—

(1) discharges, or in any other manner, discriminates against an employee or former employee; (2) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act; or

(B) Good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, not to exceed 3 years.

(8) INELIGIBILITY.—The employer is not currently ineligible from using the H–2C nonimmigrant program described in this section.

(9) BONAFIDE OFFER OF EMPLOYMENT.—The job for which the H–2C nonimmigrant is sought is a bona fide offer of employment—

(A) for which the employer needs labor or services;

(B) which has been and is clearly open to any United States worker; and

(C) for which the employer will be able to place the H–2C nonimmigrant on the payroll.

(10) PUBLIC AVAILABILITY AND RECORDS RETENTION.—A copy of each petition filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

(A) be provided to every H–2C nonimmigrant employed under the petition;

(B) be made available for public examination at the employer’s place of business or work site; and

(C) be made available to the Secretary of Labor during any audit; and

(11) REMAIN AVAILABLE FOR EXAMINATION FOR 5 YEARS AFTER THE DATE ON WHICH THE PETITION IS FILED.

(12) NOTIFICATION UPON SEPARATION FROM OR TRANSFER OF EMPLOYMENT.—The employer will notify the Secretary of Labor and the Secretary of Homeland Security of an H–2C nonimmigrant’s separation from employment or transfer to another employer not more than 3 business days after the date of such separation or transfer, in accordance with regulations promulgated by the Secretary of Homeland Security.

(13) ACTUAL NEED FOR LABOR OR SERVICES.—The petition was filed not more than 60 days before the date on which the employer needed labor or services for which the H–2C nonimmigrant is sought.

(14) AUDIT OF ATTERTESION.—The employer shall be subject to an audit of any approved petition for an H–2C nonimmigrant if—

(A) the employer does not have wage data applicable to such other provision of law, an H–2C nonimmigrant may not be treated as an independent contractor.

(2) APPLICABILITY OF LAWS.—An H–2C nonimmigrant may not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien’s status as a nonimmigrant worker.

(3) TAX RESPONSIBILITIES.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

(4) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of an H–2C nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

(1) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act; or

(2) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act.

(5) LABOR RECRUITERS.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker’s recruitment—

(A) the place of employment; (B) the compensation for the employment;

(C) a description of employment activities;
(D) the period of employment;
(E) any other employee benefit to be provided and any costs to be charged for each benefit;
(F) any travel or transportation expenses to be assessed;
(G) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;
(H) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives compensation from the provision of items or services to workers;
(I) the extent to which workers will be compensated through workers’ compensation, private insurance, or otherwise for injuries resulting from the foreign labor contractor activity for, or on behalf of, the employer;
(J) the number and cost of such training;
(K) whether the training is a condition of employment, continued employment, or future employment; and
(L) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

(1) LANGUAGE.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall prescribe forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

(2) DELIVERY.—An employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

(3) FEES.—No employer or foreign labor contractor shall assess any fee to a worker for such foreign labor contracting activity.

(4).TRAVEL COSTS.—If the foreign labor contractor or employer charged the employee for transportation such transportation shall not be reasonable.

(5) OTHER WORKER PROTECTIONS.—

(A) NOTIFICATION.—Not less frequently than once every 2 years, each employer shall notify the Secretary of Labor concerning a violation of any written agreements made with an employer or worker relating to any provisions of this section if the violation was willful and if in reasonable cause to find such a violation.

(B) PENALTIES.—

(i) a fine in an amount not to exceed $5,000 per violation per affected worker;

(ii) if the violation was willful and if in reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 3 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

(C) FORFEITURE AND INJUNCTIVE RELIEF.—

(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (B), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

(B) HEARING.—If the Secretary of Labor, after receiving a complaint under this section, does not offer the aggrieved party or organization a hearing under subparagraph (A), the Secretary shall inform the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section.

(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (5).

(D) ATTORNEYS’ FEES.—A complainant who prevails with respect to a claim under this section shall be entitled to receive reasonable attorneys’ fees and costs.

(E) POWER OF THE COURT.—The Secretary may bring an action in any court of competent jurisdiction—

(A) to seek remedial action, including injunctive relief;

(B) to recover the damages described in subsection (1); or

(C) to ensure compliance with terms and conditions described in subsection (g).

(3) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

(4) CIVIL PENALTIES.—

(A) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (b), (e), (g), (h), or (i), the Secretary may impose administrative remedies and penalties, including—

(1) a fine in an amount not to exceed $2,000 per violation per affected worker;

(ii) if the violation was willful, a fine in an amount not to exceed $5,000 per violation per affected worker;

(iii) if the violation was willful and if in the course of such violation a United States government worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

(iv) a fine in an amount not to exceed $5,000 per violation per affected worker;

(B) for a violation of subsection (g)—

(v) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

(C) for a violation of subsection (h)—

(vi) a fine in an amount not less than $500 and not more than $5,000 per violation per affected worker; and

(D) for a violation of subsection (i)—

(vii) a fine in an amount not to exceed $2,000 per violation per affected worker;
``(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $5,000 and not more than $35,000 per violation, and an order to the employer to provide back wages to the affected workers;
``(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 5525 of title 5, United States Code,
``(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (g) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined in an amount not more than $35,000, or both.''.
(b) SCISSOR AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218A, as added by section 404, the following:
``SEC. 218C. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.
``(a) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Secretary of the Treasury, shall develop and implement a program (referred to in this section as the 'alien employment management system') to manage and track the employment of aliens described in sections 218A and 218D.
``(b) REQUIREMENTS.—The alien employment management system shall—
``(1) provide employers who seek immigrants with an opportunity to recruit and advertise employment opportunities available to United States workers before hiring an H–2C nonimmigrant;
``(2) collect sufficient information from employers to enable the Secretary of Homeland Security to determine—
``(A) if the nonimmigrant is employed;
``(B) which employers have hired an H–2C nonimmigrant;
``(C) the number of H–2C nonimmigrants that an employer is authorized to hire and is currently employing;
``(D) the occupation, industry, and length of time that each alien's nonimmigrant status has been employed in the United States;
``(3) allow employers to request approval of multiple H–2C nonimmigrant workers; and
``(4) require employers to submit applications under this section in an electronic form.
``(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218B, as added by section 404, the following:
``Sec. 218C. Alien employment management system.''
SEC. 406. RULEMAKING; EFFECTIVE DATE.
(a) RULEMAKING.—Not later than 6 months after the enactment of this Act, the Secretary of Labor shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to carry out the provisions of sections 218A, 218B, and 218C, as added by this Act.
(b) EFFECTIVE DATE.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act with regard to aliens who, on such effective date, are in the foreign country where they maintain residence.

SEC. 407. RECRUITMENT OF UNITED STATES WORKERS.
(a) ELECTRONIC JOB REGISTRY.—The Secretary of Labor shall establish a publicly accessible Web page on the Internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs that are available to United States workers.
(b) RECRUITMENT OF UNITED STATES WORKERS.—
``(1) POSTING.—An employer shall attest that the employer has posted an employment opportunity at a prevailing wage level, as described in section 218 of the Immigration and Nationality Act, as added by section 404 of this Act.
``(2) RECORDS.—An employer shall maintain records for not less than 3 years after the date on which an H–2C nonimmigrant is hired that describe the reasons for not hiring any of the United States workers who may have applied for that position.
``(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall promulgate regulations governing the maintenance of electronic job registry records for the purpose of audit or investigation.
``(d) ACCESS TO ELECTRONIC JOB REGISTRY.—The Secretary of Labor shall ensure that job opportunities advertised on an electronic job registry established under this section are accessible—
``(1) by the State workforce agencies, which may further disseminate job opportunity information to other interested parties; and
``(2) through the Internet, for access by workers, employers, labor organizations, and other interested parties.
``(e) TEMPORARY GUEST WORKER VISA PROGRAM.
``(a) ESTABLISHMENT.—There is established a task force to be known as the 'Temporary Worker Task Force' (referred to in this section as the 'Task Force') to study, and make recommendations to the Secretary of Labor regarding the need for an alien employment management system.''
``(b) REQUIREMENTS.—The purposes of the Task Force are—
``(1) to study the impact of the admission of aliens under section 101(a)(15)(ii)(C) on the wages, working conditions, and employment of United States workers; and
``(2) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(ii)(C).
``(c) MEMBERSHIP.—
``(1) IN GENERAL.—The Task Force shall be composed of 10 members, of whom—
``(A) 1 shall be appointed by the President to serve as vice chairman of the Task Force;
``(B) 1 shall be appointed by the President to serve as chairman of the Task Force;
``(C) 2 shall be appointed by the majority leader of the Senate;
``(D) 2 shall be appointed by the majority leader of the House of Representatives;
``(E) shall be appointed by the Speaker of the House of Representatives; and
``(F) shall be appointed by the minority leader of the Senate.
``(2) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 60 days after the date of the enactment of this Act.
``(3) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.
``(4) QUORUM.—Six members of the Task Force shall constitute a quorum.
``(b) TASK FORCE.
``(1) IN GENERAL.—Members of the Task Force shall be—
``(A) individuals with expertise in economics, demographics, immigration or other pertinent qualifications or experience; and
``(B) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.
``(c) RELATIONSHIP TO OTHER TASK FORCES.—Not more than 5 members of the Task Force may be members of the same political party.
``(d) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.
``(e) MEETINGS.—
``(1) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.
``(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.
``(f) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Task Force shall submit, to Congress, the Secretary of Labor, and the Secretary, a report that contains—
``(1) findings with respect to the duties of the Task Force; and
``(2) recommendations for imposing a numerical limit.
``(g) NUMERICAL LIMITATIONS.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—
``(1) IN GENERAL.—Members of the Task Force shall—
``(i) in any fiscal year—
``(II) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 25 percent of the original allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;
``(II) in any subsequent fiscal year—
``(I) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;
``(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the original allocated amount in the prior fiscal year shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;
``(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall decrease by 10 percent of the original allocated amount in the prior fiscal year;
``(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;
``(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the original allocated amount in the prior fiscal year shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;
``(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall decrease by 10 percent of the original allocated amount in the prior fiscal year;
``(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall decrease by 10 percent of the original allocated amount in the prior fiscal year;
an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa—

(A) by the alien’s employer; or

(B) by the Secretary of Homeland Security, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

(A) is physically present in the United States; and

(B) the alien establishes that the alien—

(i) meets the requirements of section 312; and

(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

(4) Filing a petition under paragraph (1) on behalf of another alien seeking permanent residence in the United States for such alien shall not constitute evidence of the alien’s ineligibility for nonimmigrant status described in section 101(a)(15)(H)(ii)(c).

(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 204(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien’s lawful permanent residence.

(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.

SEC. 410. S VISAS.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security”; and

(B) in subsection before the semicolon, ‘‘including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials’’;

(2) in clause (III), by inserting ‘‘where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials, before whose’’; and

(3) by striking ‘‘or’’ at the end; and

(2) in clause (I)—

(A) by striking ‘‘Secretary General’’ and inserting ‘‘Secretary of Homeland Security’’; and

(B) by striking ‘‘1966,’’ and all that follows through ‘‘the alien’’ and inserting the following: ‘‘1966’’; and

(ii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

(D) is in possession of critical reliable information concerning the activities of governments, international organizations, or entities that include agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

(E) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government; and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien; and

(b) NUMERICAL LIMITATION.—Section 214(k) (8 U.S.C. 1184(k)) is amended—

(1) by striking ‘‘The Attorney General’’ each place that term appears and inserting ‘‘Secretary of Homeland Security’’; and

(2) in subparagraph (E), by striking ‘‘in the case’’ and inserting ‘‘Except as provided in subparagraph (H), in the case’’; and

(3) by adding at the end following:

‘‘(G) if the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved only if the employer operating the new facility has—

‘‘(i) a business plan; ‘‘

‘‘(ii) sufficient physical premises to carry out the proposed business activities; and ‘‘

‘‘(iii) the financial ability to commence doing business immediately upon the approval of the petition.’’

‘‘(ii) An extension of the approval period under clause (i) may not be granted until the importing employer files a petition in connection with the Secretary of Homeland Security—

‘‘(I) evidence that the importing employer meets the requirements of this subsection; ‘‘

‘‘(II) evidence that the Secretary of Homeland Security has—

‘‘(A) the information described in subparagraph (H) of this section; ‘‘

‘‘(B) evaluated means to provide housing in the alien’s home country for returning workers; ‘‘

‘‘(C) examined the requirements of that section for purposes of determining whether the alien meets the requirements of section 312 of this title; ‘‘

‘‘(D) by the alien’s employer; or ‘‘

‘‘(E) by an individual or organization that is not a foreign government, its agents, representatives, or officials, before whose; and

‘‘(F) by striking ‘‘or’’ at the end; and

(2) in clause (I)—

(A) by striking ‘‘Secretary General’’ and inserting ‘‘Secretary of Homeland Security’’; and

(B) by striking ‘‘1966’’ and all that follows through ‘‘the alien’’ and inserting the following: ‘‘1966’’; and

(2) a statement summarizing the original petition; ‘‘

(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i); ‘‘

(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition; ‘‘

(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise; ‘‘

(VII) a statement of the duties the beneficiary will perform at the new facility during the extension period approved under this clause; ‘‘

(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees; ‘‘

(V) any evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity; ‘‘

(X) evidence of the financial status of the new facility; ‘‘

(X) any other evidence or data prescribed by the Secretary.’’

(c) REPORTS.—

(1) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking ‘‘The Attorney General’’ and inserting ‘‘The Secretary of Homeland Security’’; and

(ii) by striking ‘‘concerning’’ and inserting ‘‘that includes—’’;

(B) in subparagraph (D), by striking ‘‘and’’;

(C) in subparagraph (E), by striking the period at the end and inserting ‘‘;’’; and

(D) by inserting at the end the following:

‘‘(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

‘‘(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law; ‘‘

‘‘(ii) the Secretary of Homeland Security to admit such nonimmigrants; and

‘‘(iii) any extenuating circumstances that contributed to any period during which a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.’’

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

‘‘(G) The Attorney General shall, to the extent feasible, submit a non-classified version of the report described in paragraph (4) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.’’

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security’’; and

(2) in subparagraph (E), by striking ‘‘in the case’’ and inserting ‘‘Except as provided in subparagraph (H), in the case’’; and

(3) by adding at the end following:

‘‘(G) if the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved only if the employer operating the new facility has—

‘‘(i) a business plan; ‘‘

‘‘(ii) sufficient physical premises to carry out the proposed business activities; and ‘‘

‘‘(iii) the financial ability to commence doing business immediately upon the approval of the petition.’’
beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by circumstances beyond the control of the importing employer."

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described in paragraph (G)(i) to work in the United States as a dependent of a beneficiary under paragraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i)."

"(i) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii)."

"(1) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad."

**SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the fiscal year beginning not more than 7 years after the effective date of the regulations and the Secretary to implement this subtitle.

**Subtitle B—Immigration Injunction Reform**

**SEC. 421. SHORT TITLE.**

This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2014."

**SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.**

(a) **REQUIREMENTS FOR AN ORDER GRANTING PROVISIONAL RELIEF AGAINST THE GOVERNMENT.**

(1) **IN GENERAL.**—If a court determines that provisional relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law; and

(B) adopt the least intrusive means to correct the violation of law.

(2) **CONSENT DECREES.**—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may enter, approve, or deny the Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting provisional relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) **PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROVISIONAL RELIEF AGAINST THE GOVERNMENT.**

(1) **IN GENERAL.**—A court shall promptly rule on any motion to vacate, modify, dissolve or otherwise terminate an order granting provisional relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) **AUTOMATIC STAYS.**

(A) **IN GENERAL.**—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting provisional relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically expire on the date that is 90 days after the date on which such relief is ordered before, on, or after the date of the enactment of this Act.

(B) **DURATION OF AUTOMATIC STAY.**—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) **POSTPONEMENT.**—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) **ORDERS BLOCKING AUTOMATIC STAYS.**—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292a(a)(1) of title 28, United States Code.

(c) **SETTLEMENTS.**—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may enter, approve, or continue a consent decree that does not comply with subsection (a).

(d) **PRIVATE SETTLEMENT AGREEMENTS.**—Nothing in this section shall preclude parties from entering into private settlement agreements that do not comply with subsection (a) if the terms of that agreement are not subject to judicial enforcement other than reinstatement of the civil proceedings that the agreement settled.

(e) **EXPEDITED PROCEEDINGS.**—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subtitle.

**SEC. 423. EFFECTIVE DATE.**

(a) **IN GENERAL.**—This subtitle shall apply with respect to all orders granting provisional relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) **PENDING MOTIONS.**—Every motion to vacate, modify, dissolve or otherwise terminate an order granting provisional relief in an action, which is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) **AUTOMATIC STAY FOR PENDING MOTIONS.**

(1) **IN GENERAL.**—An automatic stay with respect to the provisional relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) **DURATION OF AUTOMATIC STAY.**—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion described in subsection (a) if the order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

**SA 3322. Mr. HATCH 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:**

Beginning on page 276, strike line 4 and all that follows through page 277, line 21, and insert the following:

"(b) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) shall not be eligible for any adjustment of the status of the alien.""

**SA 3323. Mr. HATCH 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 235, strike lines 12 through 16.

On page 235, line 17, strike "(3)" and insert "(2)".

On page 236, line 8, strike "subsections (b) and (f)(2)" and insert "subsection (b)".

On page 236, line 13, strike "(4)" and insert "(3)".

On page 237, line 3, strike "(5)" and insert "(4)".

**SA 3324. Mr. HATCH 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 343, strike lines 1 through 7 and insert the following:

'(i) has completed or will complete not less than 500 hours of community service; and

'(ii)(I) meets the requirements of section 312; or

'(II) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

SA 3325. Mr. HATCH 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:

Beginning on page 325, strike line 1 and all that follows through page 392, line 7.

SA 3326. Mr. HATCH 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:

Beginning on page 276, strike line 4 and all that follows through page 277, line 21, and insert the following:

'(n) An alien having nonimmigrant status described in section 101(a)(15)(B)(ii)(C) shall not be eligible for any adjustment of the status of the alien.

Beginning on page 325, strike line 1 and all that follows through page 392, line 7.

SA 3327. Mr. HATCH 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 298, strike line 22 and all that follows through page 299, line 2, and insert the following:

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) LIMITATION.—Notwithstanding any other provision of this Act, or the amendments made by this Act, a visa may not be issued to a nonimmigrant alien described in section 101(a)(15)(B)(ii)(C) until Congress has appropriated sufficient funds to fully implement the border security and interior enforcement provisions of titles I and II of this Act.

SA 3328. Mr. HATCH 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 348, line 7, strike "There" and insert "Subject to subsection (c), there".

On page 348, strike lines 14 through 20 and insert the following:

(c) EFFECTIVE DATE.—Funds may not be appropriated pursuant to the authorization under subsection (a) until Congress has appropriated sufficient funds to fully implement the border security and interior enforcement provisions of titles I and II of this Act.

SA 3329. Mr. HATCH 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 477, after line 23, add the following:

SEC. 644. SUNSET PROVISION.

This title, titles IV and V, and the amendments made by such titles, are repealed on the date that is 5 years after the date of the enactment of this Act.

SA 3330. Mr. HATCH 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. 645. VISA ISSUANCE REPORT.

Not later than March 31 of each year, the Secretary of State, in consultation with the Secretary and the Attorney General, shall submit to Congress a report that identifies, for the most recent calendar year, the number of visas issued in each visa category.

SA 3331. Mr. HATCH 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. 646. PROMISE ACT.

(a) SHORT TITLE.—This section may be cited as the "PROMISE Act".

(b) AMENDMENTS.—The amendments made by this section, and amendments made by other provisions of this Act, are repealed on the date that is 5 years after the date of the enactment of this Act.

(c) AUTHORITY TO PAROLE ALIENS EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—Section 212(a)(10) (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

'(F) NONPAYMENT OF CHILD SUPPORT.—

'(I) IN GENERAL.—Except as provided in clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(31) of the Social Security Act (42 U.S.C. 654(31)), unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

'(II) EXCEPTION.—An alien described in clause (i) may become admissible when—

'(A) child support payments under the judgment, decree, or order are satisfied; or

'(B) the alien is not inadmissible under subsection (a)(10)(F) or (a)(10)(G).

'(iv) for purposes of this subparagraph, unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

'(c) AUTHORITY TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN VISA APPLICANTS AND ARRIVING ALIENS.—Section 235(d) (8 U.S.C. 1225(d)), as amended by section 101(f) of the Social Security Act (42 U.S.C. 654(31)), unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

'(d) EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

'(1) in paragraph (6), by striking "or" at the end,

'(2) in paragraph (9), by striking the period at the end and inserting "; and"

'(3) by inserting after paragraph (9) the following:

'(10) one who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(31) of that Act (42 U.S.C. 654(31)), unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

'(e) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN VISA APPLICANTS AND ARRIVING ALIENS.—The Federal Parent Locator Service, established under section 453 of the Social Security Act (42 U.S.C. 653), shall be used to determine if an alien is inadmissible under clause (i).

'(iv) REQUEST BY FOREIGN COUNTRY.—For purposes of clause (i), any request for services under this paragraph by a foreign country with which a State has an arrangement described in section 459A(d) of the Social Security Act (42 U.S.C. 659a(d)) shall be treated as a State request.

'(f) AUTHORITY TO PAROLE ALIENS EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—Section 1182(d)(5) is amended by adding at the end the following:

'(G) THE SECRETARY OF HOMELAND SECURITY MAY, IN THE SECRETARY'S DISCRETION, PAROLE INTO THE UNITED STATES, ANY ALIEN WHO IS INADMISSIBLE UNDER SUBSECTION (A)(10)(F) IF—

'(I) THE SECRETARY PLACES SUCH ALIEN INTO REMOVAL PROCEEDINGS;

'(II) THE ALIEN DEMONSTRATES TO THE SATISFACTION OF THE SECRETARY THAT SUCH PAROLE IS ESSENTIAL TO THE COMPLETION AND FILMMENT OF CHILD SUPPORT OBLIGATIONS;

'(III) THE ALIEN DEMONSTRATES THAT THE ALIEN HAS EMPLOYMENT IN THE UNITED STATES AND IS AUTHORIZED BY LAW FOR EMPLOYMENT IN THE UNITED STATES;

'(IV) THE ALIEN IS NOT INADMISSIBLE UNDER ANY OTHER PROVISION OF LAW.

'(ii) The Secretary of State may issue a nonimmigrant visa to an alien described in clause (i) to present himself or herself at a port of entry for the limited purpose of seeking parole pursuant to clause (i).

'(iii) The Secretary of Homeland Security and the Secretary of State shall exercise the discretionary authority described in this subparagraph in a manner consistent with the objective of facilitating collection of payment of child support arrearages.

'(iv) For purposes of this paragraph, unless waived by the alien, the Attorney General shall not enter a final order of removal—

'(A) during the 180-day period beginning on the date on which the Secretary of Homeland Security initially charges the alien as removable under subsection (a)(10)(F); or

'(B) during the period of any court proceedings involving the child support obligations of the alien.

'(c) AUTHORITY TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN VISA APPLICANTS AND ARRIVING ALIENS.—Section 235(d) (8 U.S.C. 1225(d)), as amended by section 128, is further amended by adding at the end the following:

'(b) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

'(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve, on any alien who is an applicant for admission to the United States, legal process with respect to—

'(i) any action to enforce a legal obligation of an individual to pay child support as described in section 459A(d) of the Social Security Act (42 U.S.C. 659a(d)); or

'(ii) any action to establish paternity.

'(B) LEGAL PROCESS DEFINED.—In this paragraph, the term "legal process" means any writ, order, summons, or other similar process that is issued by a
Mr. HATCH 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 8, strike lines 16 through 22.

SA 3334. Mr. HATCH 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 titles III, IV, V, and VI, and insert the following:

TITLE III—NONPARTISAN COMMISSION ON IMMIGRATION REFORM

SEC. 301. NONPARTISAN COMMISSION ON IMMIGRATION REFORM.

(a) EMBARRASSMENT— AND COMPOSITION OF COMMISSION—

(1) ESTABLISHMENT.—Not later than May 1, 2006, the President shall establish a Commission to be known as the Nonpartisan Commission on Immigration Reform (in this section referred to as the "Commission").

(2) COMPOSITION.—The Commission shall be composed of 9 members to be appointed as follows:

(A) 1 member who shall serve as Chairman, to be appointed by the President.

(B) 2 members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the House of Representatives.

(C) 2 members to be appointed by the minority leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the House of Representatives.

(D) 2 members to be appointed by the majority leader of the Senate who shall select such members from a list of nominees provided by the chairman of the Committee of the Judiciary of the Senate.

(E) 2 members to be appointed by the minority leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the Senate.

(F) 2 members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the House of Representatives.

(3) INITIAL APPOINTMENTS.—Initial appointments to the Commission shall be made during the 45-day period beginning on May 1, 2006.

(4) VACANCY.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(b) TERMS OF APPOINTMENT.—Members shall be appointed to serve for the life of the Commission, except that the term of the member described in paragraph (2)(A) shall expire at the end of the first year following the Commission's establishment, and the term of a member described in paragraph (2)(B), (C), (D), or (E) shall expire at the end of the second year following the Commission's establishment.

(c) COMPENSATION.—Each member of the Commission shall receive, subject to such amounts as are provided in appropriate appropriations Acts, an annual rate of basic pay in effect for grade GS–18 of the General Schedule.

SA 3333. Mr. HATCH submitted an amendment intended to be proposed by changes that should be made with respect to immigration laws in the United States as the Commission deems appropriate, including, when applicable, such model legislative language for the consideration of Congress.

(c) CONSIDERATIONS.—

(1) GENERAL CONSIDERATIONS.—The Commission may investigate and make recommendations upon subject that it determines would substantially contribute to the development of an equitable, efficient, and sustainable immigration system that facilitates border security, specifically and national security generally.

(2) GUEST WORKER PROGRAM.—The Commission shall analyze and make recommendations upon the advisability of the requirements for admission of nonimmigrants described in section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), including increasing the number of such nonimmigrants admitted to the United States and adopting a national guest worker program, and if, in the opinion of this Commission, such a modification or program should be adopted, then the Commission shall—

(A) set forth minimum requirements for such modification or program; and

(b) the temporal limitations (in terms of participant duration), if any, on such a program;

(B) assess the impact and advisability of allowing aliens admitted under such section to or participating in such program to adjust their status from nonimmigrant to immigrant classifications; and

(C) determine whether and, if appropriate, to what degree, low-skilled aliens should be included in a national guest worker program.

(3) PROJECT SUNSHINE.—The Commission shall analyze and make recommendations upon the disposition of the unlawful alien population present in the United States, and such report shall—

(A) examine the impact of earned adjustment, amnesty, or similar programs on future illegal immigration;

(B) examine the ability, and advisability, of the Department of Homeland Security to locate and deport individuals unlawfully present in the United States;

(C) assess the impact, advisability, and advisability of earned adjustment, amnesty, or similar programs to locate and register individuals unlawfully present in the United States; and

(D) provide alternate solutions, if any, to the realm of options otherwise mentioned in this section.

(4) JUDICIAL REVIEW.—The Commission shall examine the operation of the relevant adjudicatory structures and mechanisms and make such recommendations as are necessary to ensure expediency of process consistent with applicable constitutional protections.

(5) INTERIOR ENFORCEMENT.—The Commission shall analyze current interior enforcement efforts and make such recommendations as are necessary to ensure visible interior enforcement, including issues surrounding workplace enforcement and the impact of inadequate interior enforcement on rural communities.

(d) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in appropriate appropriations Acts, pay at the daily equivalent of the minimum annual rate of basic pay in effect for grade GS–18 of the General Schedule. Each member of Congress was considered, and the President was directed to report,
the Commission who is such an officer or employee shall serve without additional pay.

(2) TRAVEL EXPENSE.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.—The provisions of subsections (e) through (g) of section 304 of the Immigration and Reform and Control Act of 1986 (Public Law 99–603; 8 U.S.C. 1160 note) shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of such subsection (e) shall not apply.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Commission the same sums as may be necessary to carry out this section.

(2) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be efective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(g) TERMINATION DATE.—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(3)(B), except that the Commission may continue to function until January 1, 2012, for the purpose of concluding its activities or transmitting a final report under this section and disseminating that report.

SA 3335. Mr. KERRY 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 end, add the following:

TITLE —RECRUITMENT AND RETENTION OF ADDITIONAL IMMIGRATION LAW ENFORCEMENT PERSONNEL

SEC. 01. MAGNIFICENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 8331(2)(a) of title 5, United States Code, is amended by adding at the end the following:

(4) In the case of an employee (other than any individual who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security)

(A) paragraph (2)(A) shall be applied by substituting $20,000 for $10,000; and

(B) paragraph (2)(B) shall be applied by substituting $60,000 for $40,000.

SEC. 02. RECRUITMENT AND RETENTION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 03. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 8401(17) of title 5, United States Code, is amended—

(A) in subparagraph (C)—

(i) by striking “and” at the end; and

(ii) by striking “(B) and (B)” and inserting “(B) and (B)’’;

and

(B) by inserting after subparagraph (D) the following:

(2) TREATMENT OF SERVICE PERFORMED BY INCUMENTS.—

(A) IN GENERAL.—For purposes other than purposes described in subparagraph (B), service that is performed by an incumbent on or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer, irrespective of the manner in which the service is treated under subparagraph (B).

(B) RETIREMENT.—For purposes of subparagraph (A), clause (i) of section 8401(17) of title 5, United States Code, service that is performed by an incumbent on or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer if an appropriate written notice of the election of the incumbent to retire from Government service is submitted to the Offices of Personnel Management by the earlier of—

(i) the date that is 5 years after the date of enactment of this Act; or

(ii) the date of retirement of the incumbent.

(3) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) AMOUNT OF CONTRIBUTIONS.—An incumbent who makes an election described in paragraph (2)(B) may, with respect to prior service performed by the incumbent, contribute to the Civil Service Retirement and Disability Fund an amount equal to the difference between—

(i) the individual contributions that would have been made for that service under the amendments made by subsection (a); and

(ii) the individual contributions that would have been made for that service under the amendments made by subsection (a).

(B) PROHIBITION OF WITHDRAWAL.—If no part or less than the full amount required under subparagraph (A) is paid—
(i) all prior service of the incumbent shall remain fully creditable as law enforcement officer service; but
(ii) the resulting annuity shall be reduced in a manner which the incumbent was serving at the time of any prior service shall remain creditable as law enforcement officer service.

(4) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—
(A) IN GENERAL.—If an incumbent makes an election under paragraph (2)(B), the agency in the form in which the incumbent was serving at the time of any prior service shall submit a written notice to the Office of Personnel Management, for deposit in the Treasury of the United States, of the credit of the Federal Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to that service.
(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had been in effect.

(5) E XEMPTION FROM MANDATORY SEPARATION.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) beginning on the date on which a written notice is to be submitted under paragraph (2)(B).

(6) REGULATIONS.—The Office shall promulgate regulations to carry out this section, including—
(A) provisions in accordance with which interest on any amount under paragraph (3) or (4) shall be computed, based on section 838(e) of title 5, United States Code; and
(B) provisions for the application of this subsection in the case of—
(i) any individual who—
(I) is first appointed as a law enforcement officer before the date of enactment of this Act; and
(II) serves as a law enforcement officer after the date of enactment of this Act
(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual described in clause (i), who died by making an election under paragraph (2)(B), to the extent of any right that would then be available to the decedent if still living).

(7) RULE OF CONSTRUCTION.—Nothing in this subsection applies in the case of a reemployed annuitant.

SA 3337. Mr. KERRY 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 comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —RAPID RESPONSE MEASURES
SEC. 01. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.
(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.
(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall not provide additional United States Border Patrol agents to a State unless the Secretary determines that the request is consistent with the national security interests of the United States.
(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 02. ELIMINATION OF FIXED DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.
The Secretary of Homeland Security shall ensure that no United States Border Patrol agent is precluded from performing law enforcement duties and apprehending violators of law, except in unusual circumstances where the temporary use of fixed deployment positions is necessary.

SEC. 03. HELICOPTERS AND POWER BOATS.
(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that every United States Border Patrol helicopter or fixed-wing aircraft, as defined in section 8334(e) of title 5, United States Code, shall cause the helicopter or aircraft to carry night vision goggles. In addition, the Secretary shall ensure that the helicopter or aircraft is equipped with a “ping” global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of the agent in distress.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish a uniform policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 04. CONTROL OF UNITED STATES BORDER PATROL ASSETS.
The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, helicopters, land vehicles, detention space, transportation, and all of the personal associated with such assets.

SEC. 05. MOTOR VEHICLES.
The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one Polaris-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision device.

SEC. 06. PORTABLE COMPUTERS.
The Secretary of Homeland Security shall issue those agents that are operating in the fleet of the United States Border Patrol is equipped with a portable computer

SEC. 07. RADIO COMMUNICATIONS.
The Secretary of Homeland Security shall ensure that all United States Border Patrol agents are equipped with radios that are capable of voice and data communications and are able to transmit and receive voice and data communications over the various missions being performed. The Secretary of Homeland Security shall ensure that agents are equipped with voice and data communications appropriate for the climate and risks faced by the individual officer. Each agent shall be allowed to select from among a variety of approved brands and styles.

SEC. 08. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.
The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 09. NIGHT VISION EQUIPMENT.
The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent, operating during the hours of darkness to be equipped with a portable night vision device.

SEC. 10. BORDER ARMOR.
The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each agent shall be allowed to select from among a variety of approved brands and styles. Officers shall be strongly encouraged, but not mandated, to wear such body armor whenever practicable. All body armor shall be replaced at least every 5 years.

SEC. 11. WEAPONS.
The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats of armed criminals. In addition, the Secretary shall ensure that the Department’s policies allow all such officers to carry weapons that are suited to the potential threats that they face.

SEC. 12. UNIFORMS.
The Secretary of Homeland Security shall ensure that all United States Border Patrol agents are provided with all necessary uniform items, including outerwear suited to the climate, footware, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SA 3338. Mr. BAUCUS 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 other purposes; which was ordered to lie on the table; as follows:

SEC. 08. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.
The Secretary of Homeland Security shall ensure that all United States Border Patrol agents are equipped with radios that are capable of voice and data communications and are able to transmit and receive voice and data communications over the various missions being performed. The Secretary of Homeland Security shall establish a uniform policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 09. NIGHT VISION EQUIPMENT.
The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent, operating during the hours of darkness to be equipped with a portable night vision device.

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SEC. 12. UNIFORMS.
The Secretary of Homeland Security shall ensure that all United States Border Patrol agents are provided with all necessary uniform items, including outerwear suited to the climate, footware, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.
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 10, line 17, strike "(e)" and insert the following:

(e) **VANNED AERIAL VEHICLE PILOT PROGRAM.** —During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program, based at the Northern Border airbase in Great Falls, Montana, to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f) **SA 3340.** Mrs. **CLINTON** 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:

SEC. 501. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1151(a)(15)(V)) is amended—

(1) by striking "the date of the enactment of the Legal Immigration Family Equity Act" and inserting "January 1, 2011"; and

(2) by striking "3 years" each place it appears and inserting "180 days".

**SA 3341.** Mr. **BROWNBACK** 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:

Beginning on page 295, strike line 12 and all that follows through page 296, line 8, and insert the following:

"(A) **290,000; and**

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year."

(2) **RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS FOR FISCAL YEARS 2001 THROUGH 2006.**

"(A) **IN GENERAL.** —Beginning in fiscal year 2006, the number of employment-based visas made available for immigrants described in paragraph (1), (2), or (3) of section 204(b) during any fiscal year, as calculated under paragraph (1), shall be increased by the number described in subparagraph (B)."

"(B) **ADDITIONAL NUMBER.** —

"(i) **IN GENERAL.** —Subject to clause (ii), the number referred to in subparagraph (A) shall be equal to the sum of—

"(aa) the number of employment-based visas actually used during the period of fiscal years 2001 through 2006; and

"(bb) the number of employment-based visas actually used during that period; and

"(ii) the difference between—

"(aa) the number of employment-based visas made available during the period of fiscal years 2001 through 2006; and

"(bb) the number of immigrant visas issued after September 30, 2004, to spouses and children of employment-based immigrants that were counted for purposes of paragraph (1)(B).

"(1) REDUCTION. —For fiscal year 2007 and each fiscal year thereafter, the number described in clause (i) shall be reduced by the number of employment-based visas actually used under subparagraph (A) during the preceding fiscal year.

On page 296, strike lines 9 through 18 and insert the following:

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking "7 percent (in the case of a single foreign state) or 2 percent (in the case of a single foreign state) or 5 percent"."

On page 320, strike lines 17 through 20 and insert the following:

"(8) **LIMITATION.** —An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available for that alien.

(9) **FILING IN CASES OF UNAVAILABLE VISA NUMBERS.** —Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

(b) **PENDING APPLICATIONS.** —Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of enactment of this Act on the date of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

(6) **EMPLOYMENT AUTHORIZATIONS AND ADVANCED PAROLE DOCUMENTATION.** —The Attorney General shall—

"(A) provide to any immigrant who has submitted an application for adjustment of status under this section that is not approved not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant, and

"(B) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment.

On page 322, strike lines 14 through 20 and insert the following:

"(G) **Aliens who have earned an advanced degree in science, technology, engineering, and mathematics (STEM) related field.** —On page 324, after line 12, insert the following:

"(b) **EXTENSION OF H-1B WORKER STATUS.** —The Attorney General shall—

"(1) extend the stay of an alien who qualifies for an extension under subparagraph (a) in not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

"(2) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee is required for each 3-year increment.”

**SA 3342.** Mr. **GRASSLEY** 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 296, strike lines 9 through 20 and insert the following:

(a) **ACQUISITION.** —Subject to the availability of appropriated funds, the Secretary shall procure additional unmanned aerial vehicles, autonomous unmanned ground vehicles, cameras, poles, sensors, and other equipment, including unmanned aerial vehicles, autonomous unmanned ground vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

**SA 3343.** Mr. **GRASSLEY** 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. 503. BORDER SECURITY CERTIFICATION.

(a) **IN GENERAL.** —Notwithstanding any other provision of law, subject to subsection (b), beginning on the date of enactment of this Act, the Secretary shall implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or enters the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or enters the United States, until the Secretary provides written certification to the President and Congress that the borders of the United States are reasonably sealed and secured.

(b) **WAIVER AND IMPLEMENTATION.** —The President may waive the certification requirement under subsection (a) and direct the Secretary to implement a new conditional nonimmigrant work authorization program or any similar or subsequent program described in that subsection, if the President determines that implementation of the program would strengthen the national security of the United States.

**SA 3344.** Mr. **REID** 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. 504. COUNTRY LIMITS.
comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 331, between lines 6 and 7, insert the following:

"(6) CRIMINAL AND RELATED GROUNDS.—An alien is ineligible for conditional non-immigrant work authorization and status under this section under any of the following circumstances:

(A) CONVICTION OF CERTAIN CRIMES.—

(i) in general.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed acts which constitute the essential elements of—

(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

(ii) a violation of (or a conspiracy or attempt to violate) any law of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

(iii) as a consequence of the offense and exercise of immunity, has departed from the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

(E) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The alien, while serving as a foreign government official, was responsible for, or directly carried out, at any time, particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)).

(F) SIGNIFICANT TRAFFICKERS IN PERSONS.—

(i) in general.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101(b)) or the consular officer or the Attorney General knows or has reason to believe that the alien is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in severe forms of trafficking in persons (as defined in section 102 of such Act (22 U.S.C. 7102)).

(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (i), the consular officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and—

(I) the conviction was in a single trial;

(ii) the offense arose from a single scheme of misconduct; or

(iii) the offense involved moral turpitude.

(C) CONTROLLED SUBSTANCE TRAFFICKERS.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

(i) is or has been—

(I) a knowing aider, abettor, assister, or colluder in the illicit trafficking in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

(ii) is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

(ii) is the spouse, son, or daughter of an alien ineligible under clause (i), and—

(I) during the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien; and

(ii) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

(D) CERTAIN ALIENS INVOLVED IN SERIOUS CRIMINAL ACTIVITY WHO HAVE ASSERTED IMMUNITY FROM PROSECUTION.—The alien—

(i) has committed a serious criminal offense (as defined in section 101(h)) in the United States;

(ii) exercised immunity from criminal jurisdiction with respect to that offense;

(iii) as a consequence of the offense and exercise of immunity, has departed from the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

(F) SIGNIFICANT TRAFFICKERS IN PERSONS.—
“(1) IN GENERAL.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(b)) or the consular officer or the Attorney General knows or has reason to believe that the alien is, or has been, a knowing aider, abettor, assister, conspirator, or co-conspirator with such a trafficker in severe forms of trafficking in persons as defined in the section 103 of such Act (22 U.S.C. 7102).”

“(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (i), the consular officer or the Attorney General knows or has reason to believe that the alien is a spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

(I) within the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

(II) know or reasonably should have known that the financial or other benefit was the product of such illicit activity.

“(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

“(G) MONEY LAUNDERING.—A consular officer or the Attorney General knows, or has reason to believe, that the alien—

(i) engaged, or seeks to enter the United States to engage, in an offense described at section 1866 or 1867 of title 18, United States Code (relating to laundering of monetary instruments); or

(ii) is, or has been, a knowing aider, abettor, conspirator, or co-conspirator with others in an offense referred to in clause (i).

SA 3347. Mr. BINGAMAN 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 374, strike line 2 and all that follows through page 375, lines 24, and insert the following:

“(iv) an alien described in clause (i) who has been and plans to attend an accredited graduate program in math, engineering, technology, or the sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.”

“b. Creation of J-STEM Visa Category.—

Section 101(a)(15)(J) (8 U.S.C. 1110a(a)(15)(J)) is amended to read as follows:

“(d) an alien admitted or otherwise present in a foreign country that the alien has no intention of abandoning who is a bona fide student, scholar, ar, trainer, teacher, professor, research assistant, specialist, or belongs to a field of specialized knowledge, skill, or other person of similar description, and who—

(i) is coming temporarily into the United States as a participant in a program (other than a graduate program described in subclause (ii)) designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, specifying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States as a participant in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

(ii) has been and plans to attend an accredited graduate program in mathematics, engineering, technology, or the physical or life sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.”

“c. Admission of Nonimmigrants.—

Section 212(b)(2) (8 U.S.C. 1182(b)) is amended by striking "subparagraph (P)(iv), (J)(ii), (L), or (V)" and inserting "subparagraph (P)(iv), (J)(ii), (L), or (V)".

“d. Requirements for F-4 or J-STEM Visa.—

Section 214(m) (8 U.S.C. 1184(m)) 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:

"(9) A visa issued to an alien under subparagraph (P)(iv) or (J)(ii) of section 101(a)(15) 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 adjudication of any application for labor certification, employment-based immigrant petition, or for an approved petition for classification under sub-subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program;

(e) Waiver of Foreign Residence Requirement.—

Section 212(e) (8 U.S.C. 1112(e)) is amended—

(1) by inserting "(1)" before "No person";

(2) by striking "admission (i) whose" and inserting the following: "admission—"

(A) whose;

(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;

(5) by striking "training, shall" and inserting the following: "training; shall;"

(6) by striking "United States: Provided, That—" and inserting the following: "United States:"

(2) Upon;";

(7) by striking "section 214(i): And provided futuative Workers except that of the" and inserting the following: "section 214(i):"

(3) Except; and

(8) adding 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) Off Campus Work Authorization for Foreign Students.—

(1) In General.—Alims admitted as nonimmigrants students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1110a(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(1) 20 hours per week during the academic term; or

(II) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(g) Adjustment of Status.—

Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) Authorization.—

"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(A) the alien makes an application for such adjustment;
"(B) the alien is eligible to receive an immigrant visa; 

"(C) the alien is admissible to the United States for permanent residence; and 

"(D) the alien is of such immediate family of an alien lawfully admitted for permanent residence as to warrant admission of the alien to effectively terminate the alien's princípio de or de la vida alrededor del mundo y el universo.

"(2) STUDENT VISAS.—Notwithstanding the requirements under paragraph (1)(D), an alien may file an application for adjustment of status under this section if— 

"(A) the alien has been issued a visa or otherwise been placed in an immigrant status under subparagraph (J)(i) or (F)(iv) of section 101(a)(15), or would have qualified for such status if subparagraph (J)(i) or (F)(iv) 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 (B) or (F) of section 204(a)(1); and 

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) A Provisional Legal Status Adjustment.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available. 

(b) In General. 

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(a)(1) (8 U.S.C. 1356(a)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 288(c)(1) (8 U.S.C. 1153(c)(1)) is amended by inserting "and 70 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VIEWS FOR INDIVIDUALS WITH ADVANCED DEGREES. 

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT-BASED IMMIGRANTS. 

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following: 

"(G) Aliens who have earned a master's or doctorate degree, or completed post-doctoral studies, in science, technology, engineering, or math and have been working in a related field in the United States under a non-immigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).";

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application— 

(A) pending on the date of the enactment of this Act; or 

(B) filed on or after such date of enactment. 

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended— 

(1) in subclause (I), by striking "or" at the end; 

(2) in subclause (II), by striking the period at the end and inserting 

"; or"; and 

(3) by adding at the end the following: 

"(III) has a master's or doctorate degree, or completed post-doctoral studies, in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to the sciences, technology, engineering, or mathematics; 

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended— 

"(1) in paragraph (1)— 

(A) by striking "(beginning with fiscal year 1992)"; and 

(B) in subparagraph (A)— 

(i) in clause (i), by striking "each succeeding fiscal year;" and 

(ii) by adding after clause (vii) the following: 

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this Act; and 

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or"; and 

(2) in paragraph (5)— 

(A) in subparagraph (B), by striking "or" at the end; 

(B) in subparagraph (C), by striking the period at the end and inserting 

"; or"; and 

(C) by adding at the end the following: 

"(D) has earned a master's or doctorate degree, or completed post-doctoral studies, in science, technology, engineering, or math; 

SA 3350. Mr. COBURN 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. 2545. 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. COOPERATION WITH THE GOVERNMENT OF MEXICO. 

(a) COOPERATION REGARDING BORDER SECURITY.—(1) The Secretary of State, in cooperation with the Secretary of Homeland Security, the Department of Labor, and the Attorney General, and the Federal agencies that have been designated to enforce immigration law, shall work with the appropriate officials from the Government of Mexico to improve coordination, information sharing, and exchange of expertise. 

(b) ENFORCEMENT.—(1) The Secretary of State, in cooperation with the appropriate Federal agencies, shall provide such assistance to the appropriate officials of the Government of Mexico as the Secretary of State determines to be in the national interest. 

(c) COOPERATION REGARDING HUMANITARIAN AID.—(1) The President shall provide assistance to the Government of Mexico to provide humanitarian aid, as determined by the Secretary of State. 

(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

SA 3352. Mr. VITTER 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. 2545. 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 225, beginning on line 17, strike all that follows and insert the following: 

TITLE V—BACKLOG REDUCTION 

SEC. 501. ELIMINATION OF EXISTING BACKLOGS. 

(a) FAMILY-Sponsored IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows: 

"(c) WORLDWIDE LEVEL OF FAMILY-Sponsored IMMIGRANTS.—The worldwide level of family-sponsored immigrant visas under this subsection for a fiscal year is equal to the sum of—
(1) 480,000;
(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;
(3) the difference between—
(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and
(B) any visas calculated under subparagraph (A) that were issued after fiscal year 2005.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(1) (8 U.S.C. 1153(a)) is amended to read as follows:

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

(A) 260,000;

(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

(C) the difference between—

(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

(ii) the number of visa numbers calculated under clause (i) that were issued after fiscal year 2005.

(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

SEC. 502. COUNTRY LIMITS.

Section 202(a)(2) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking “, (4), and (5)” and inserting “and (4);” and

(B) by striking “7 percent (in the case of a single foreign state) or 2 percent” and inserting “10 percent (in the case of a single foreign state) or 5 percent”; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-Sponsored Immigrants.—Section 203(a)(8) (8 U.S.C. 1153(a)(8)) is amended to read as follows:

(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

(A) 10 percent of such worldwide level; and

(B) any visas not required for the classes specified in paragraphs (1) and (2).

(2) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

(A) 10 percent of such worldwide level; and

(B) any visas not required for the classes specified in paragraphs (1) and (2).

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b)(8) (8 U.S.C. 1153(b)(8)) is amended—

(1) in paragraph (1), by striking “28.6 percent” and inserting “35 percent”; and

(2) in paragraph (4), by striking paragraph (3) designated paragraph (5) as paragraph (4); and

(3) in paragraph (4), as redesignated, by striking “7 percent” and inserting “5 percent”.

(c) RELIEF FOR MINOR CHILDREN.

(1) In general.—Visas shall be made available, in a quantity not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified children of qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States; and

(2) by striking paragraph (6).

SEC. 504. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151b(b)(1)) is amended by adding at the end the following new subparagraph:

“(F) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

(i) who is otherwise described in section 233(b); and

(ii) who is seeking admission to the United States to perform services in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similar United States workers;


(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-Sponsored AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) (8 U.S.C. 1152a(a)(2)) as amended by section 502(1), is further amended by inserting “, except for aliens described in section 201(b),” after “any fiscal year”.

(d) INCREASES IN THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(A) conduct a study of the extent to which foreign-trained nurses and physical therapists, as defined under section 201(a)(9)(C), are available; and

(B) identify any barriers to increasing the number of nurses and physical therapists available; and

(C) increase the cap applicable to the number of nurses and physical therapists admitted to the United States; and

(D) report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(i) include the past 3 years for which data are available; and

(ii) provide separate data for each occupation and for each State;

(E) identify the barriers to increasing the supply of newly licensed and retrained nurses and physical therapists; and

(F) take such action as the Secretary deems necessary to address the barriers identified in subparagraph (D).
(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement so as to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin;

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine any additional Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortages by steps to increase the supply of nurses and physical therapists;

(3) collaborate with other agencies, as appropriate, in working with other Federal agencies or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to——

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance arrangements to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) Short title.—This section may be cited as the “Widows and Orphans Act of 2006”.

(b) New Special Immigrant Category.—

(1) Certain children and women at risk of harm.—Section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a)(27)(N)(ii), is amended—

(A) in subparagraph (L), by inserting a semicolon after the semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

(3) Expeditied process.—Not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) Requirement after entry into the United States.—

(A) Requirement to submit fingerprints.—

(i) in general.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 101(a)(27)(N) of the Immigration and Nationality Act (8 U.S.C. 1101) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) Database search.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(D) Administrative and judicial review.—

(i) In general.—There may be no review of a determination by the Secretary after a database search required by subparagraph (B), that an alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(3) Requirement for aliens.—

(A) Requirement prior to entry into the United States.—

(i) Database search.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the United States on criminal, security, or related grounds.

(ii) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(4) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who face a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(E) Requirements for aliens.—

(1) In general.—

(i) Requirement to submit fingerprints.—

In general.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 101(a)(27)(N) of the Immigration and Nationality Act (8 U.S.C. 1101) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) Database search.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 180 days after the date on which the alien enters the United States.

(D) Administrative and judicial review.—

(i) In general.—There may be no review of a determination by the Secretary after a database search required by subparagraph (B), that an alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.
(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) ALTERNATIVE REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) GRADUATE STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking “who has no intention of abandoning his status” and inserting the following: “except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—”;

(B) by striking “consistent with section 214(l)” and inserting “(except for a graduate program described in clause (iv)) consistent with section 214(l)”;

(C) by striking the comma at the end and inserting the following: “;”;

(ii) engaged in temporary employment for practical training related to the alien’s area of study, which practical training shall be authorized for a period or periods of up to 24 months;”;

(2) in clause (iii)—

(A) by inserting “or (iv)” after “clause (i)”;

and

(B) by striking “,” and inserting a semicolon;

(3) in clause (iii), by adding “and” at the end;

and

(4) by adding at the end the following:

“(iv) 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 an advanced degree.”;

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking “paragraph (L) or (V)” and inserting “paragraph (F)(I), (L), or (V)”;

(c) HONORARY IMMIGRATION FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

“(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—”;

and

(2) by adding at the end the following:

“(3) The Secretary of Education shall, in consultation with the Secretary of Labor, approve an application filed by a school or school system for the admission under this paragraph of a nonimmigrant to attend an elementary, secondary, or post-secondary school in the United States if the Secretary finds that—

(A) the applicant meets the requirements for admission to the school; and

(B) there is a need for educationally disadvantaged children to attend such an educational institution.”;

(d) OFF CAMPUS WORK AUTHORIZATION FOR F-1 VISA.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien’s field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution to the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the applicable wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).”;

(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

“(a) AUTHORIZATION.—

(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A) (vii) or (viii), and any derivative thereof, shall be adjusted in accordance with the following:

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).”;

(f) USE OF FEES.—

SEC. 305. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATION ON EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

“(A) aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a non immigrant visa during the period preceding their application for an immigrant visa under section 203(b);”;

(2) ALIENS DESCRIBED IN SUBPARAGRAPH (A) OR (B) OF SECTION 203(b)(1) OR WHO HAVE RECEIVED A NATIONAL INTEREST WAIVER UNDER SECTION 203(b)(2);”;

(i) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b);”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(i) (8 U.S.C. 1182(a)(5)(A)(i)) is amended—

(1) in subclause (i), by striking “or” at the end;

(2) in subclause (II), by striking the period at the end and insertings; or”;

and

(3) by adding at the end the following:

“(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.”;

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking “(beginning with fiscal year 1992)”;

and

(B) in subparagraph (a), by striking “each succeeding fiscal year;” and inserting “each of fiscal years 2004, 2005, and 2006;”;

and

(2) by adding after clause (vii) the following:

“(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or”;

in paragraph (5)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; or”;

and

(C) by adding at the end the following:

“(D) has earned an advanced degree in science, technology, engineering, or math;”;

in redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

“(D) If the numerical limitation in paragraph (1)(A)—

“(i) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

“(ii) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.”;

(2) APPlicability.—The amendment made by subsection (c)(2) shall apply to any visa application—
SEC. 501. ELIMINATION OF EXISTING BACKLOGS.
(a) FAMILY-Sponsored IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

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(a) IN GENERAL.—Visas in a quantity not to exceed 10 percent of the worldwide level plus any visas not required for the classes specified in paragraphs (1) through (4), to qualify aliens who are the brothers or sisters of a United States citizen, shall be allocated in a quantity not to exceed the sum of—

(1) 290,000; (2) 10 percent of the worldwide level; and

(3) any visas not required for the classes specified in paragraphs (1) through (4).''
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"(F)(i) During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

(1) is otherwise described in section 203(b); and

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resources and other technical assistance needed to reduce health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) Short Title.—This section may be cited as the "Widows and Orphans Act of 2006".

(b) New Special Immigrant Category.—

(1) Certain children and women at risk of harm.—Section 101(a)(27)(A) of title 8, United States Code is amended by inserting at the end of paragraph (A), "an alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of such alien, if accompanying or following to join the alien. For purposes of this paragraph, a determination of age shall be made under paragraph (2) such an alien on the date of the petition is filed with the Department of Homeland Security."

(2) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 212(a).

(3) The provisions of paragraphs (3), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), (D), (E), (F), and (G)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide the applicable congressional committees prior to granting any such waiver, to assure family unity, or when it is otherwise in the public interest.

"(5) For purposes of subsection (a)(27)(N)(ii)(I), a determination of age shall be made under paragraph (3) such an alien on the date of the petition is filed with the Department of Homeland Security."

(6) The Secretary of Homeland Security shall—

(A) waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).

(B) Expedited process.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (5)),

(c) Requirements for aliens.—

(1) Requirement prior to entry into the United States.—

(II) who is described in clause (i), if accompanying or following to join such alien.
(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the United States on criminal, security, or related grounds.

(B) REQUIREMENT AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigrant status under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(1) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprinting and submission of fingerprints of an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of an alien.

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search of a database required by subparagraph (A) or (B), to determine whether an alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(ii) O THER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprinting and submission of fingerprints of an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of an alien.

(3) LIMITATION.—An application for adjustment of status filed under this section shall not be the basis for the denial of an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.
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 320, strike lines 17 through 20 and insert the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math.; or"

On page 324, after line 22, insert the following:

"(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection a new fee for each year thereafter equal to 120 percent of the numerical limitation under paragraph (1)(A) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation under paragraph (1)(A) for the subsequent fiscal year; and"

On page 324, after line 22, insert the following:

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

"(D) has earned an advanced degree in science, technology, engineering, or math.;"

On page 324, after line 22, insert the following:

"(C) in subclause (I), by striking "each succeeding fiscal year" and inserting "each fiscal year 2004, 2005, and 2006;"; and

On page 324, after line 22, insert the following:

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or"

On page 324, after line 22, insert the following:

"(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

On page 324, after line 22, insert the following:

"(1) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee is required for each 3-year increment.".

On page 324, after line 22, insert the following:

"(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection, the duration of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and"

On page 324, after line 22, insert the following:

"(B) adjust each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.".

On page 324, after line 22, insert the following:

"(1) extend the stay of an alien who qualifies for an exemption under subsection (a) in the case of an alien described in subsection (a) if the alien

On page 324, after line 22, insert the following:

"(2) extend each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.".

On page 324, after line 22, insert the following:

"(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States; and

On page 324, after line 22, insert the following:

"(i) the Del Rio, Texas, port of entry to 5 miles beyond urban areas; except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

On page 324, after line 22, insert the following:

"(a) TUCSON Sector.—The Secretary shall—

On page 324, after line 22, insert the following:

"(C) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico; and

On page 324, after line 22, insert the following:

"(C) and Mexico in areas that are known transit points for illegal cross-border traffic.

On page 324, after line 22, insert the following:

"(b) YUMA Sector.—The Secretary shall—

On page 324, after line 22, insert the following:

"(b) EXTENSION OF H–1B WORKER STATUS.—The Attorney General shall—

On page 324, after line 22, insert the following:

"(b) EXTENSION OF H–1B WORKER STATUS.—The Attorney General shall—

On page 324, after line 22, insert the following:

"(1) extend the stay of an alien who qualifies for an exemption under subsection (a) in the case of an alien described in subsection (a) if the alien

On page 324, after line 22, insert the following:

"(2) extend each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.".

On page 324, after line 22, insert the following:

"(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

On page 324, after line 22, insert the following:

"(b) EXTENSION OF H–1B WORKER STATUS.—The Attorney General shall—

On page 324, after line 22, insert the following:

"(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States; and

On page 324, after line 22, insert the following:

"(1) extend the stay of an alien who qualifies for an exemption under subsection (a) in the case of an alien described in subsection (a) if the alien

On page 324, after line 22, insert the following:

"(2) extend each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.".

On page 324, after line 22, insert the following:

"(i) extend the stay of an alien who qualifies for an exemption under subsection (a) in the case of an alien described in subsection (a) if the alien

On page 324, after line 22, insert the following:

"(2) extend each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.".
the fencing, barriers, and roads described in subsections (a), (b) and (c).

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

SA 3357. Mr. SESSIONS 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 11, strike line 13 through page 13, line 21, and insert the following:

SEC. 105. PORTS OF ENTRY.
To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—
(1) select areas to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States; and
(2) increase the ports of entry along the northern international land border as needed; and
(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.
(a) TUCSON SECTOR.—The Secretary shall—
(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing parallel to the international border between the United States and Mexico;
(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco to the point of the United States/Mexico international border between Douglas and Nogales, and north to the point of the United States/Mexico international border between Nogales and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico; and
(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.
(b) YUMA SECTOR.—The Secretary shall—
(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Casa Grande, Eloy, Lukeville, San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico; and
(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.
(c) OTHER SECTORS.—
(1) REINFORCED FENCING.—The Secretary shall have—
(A) replace the fencing, barriers, and roads described in subsections (a), (b), and (c), and construction authorized not later than 1 year after the date of the enactment of this Act.
(b) YUMA SECTOR.—The Secretary shall—
(1) construct not less than 700 additional strategic locations along the southwest International border to be determined by the Secretary.
(2) PRORITY AREAS.—In determining strategic locations under paragraph (c)(1), the Secretary shall prioritize, to the maximum extent practicable—
(A) areas with the highest illegal alien apprehension rates; and
(B) areas with the highest human and drug trafficking rates, in the determination of the Secretary.
(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and construction completion not later than 2 years after the date of the enactment of this Act.
(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (c).
(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3358. Mr. SESSIONS 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, add the following:

TITLE VII—IMMIGRATION LITIGATION REDUCTION
SEC. 701. CONSOLIDATION OF IMMIGRATION APPEALS COURT.
(a) REAPPOINTMENT OF CIRCUIT COURT JUDGES.—The table in section 242(a) of title 8, United States Code, is amended in the item relating to the Federal Circuit by striking ‘‘12’’ and inserting ‘‘15’’.
(b) REVIEW OF ORDERS OF REMOVAL.—Section 242(b) of title 8, United States Code, is amended—
(1) in paragraph (2), by striking the first sentence and inserting ‘‘The petition for review shall be filed with the United States Court of Appeals for the Federal Circuit.’’;
(2) in paragraph (5)(B), by adding at the end the following: ‘‘Any appeal of a decision by the district court under this paragraph shall be filed with the United States Court of Appeals for the Federal Circuit.’’; and
(3) in paragraph (7), by amending subparagraph (C) to read as follows:

(C) CERTIFICATE OF REVIEWABILITY AND VENUE OF APPEALS.—
(1) INVALIDATION.—If the district court rules that the removal order is invalid, the court shall issue the indictment for violation of section 243(a).
(2) APPEALS.—The United States Government may appeal a dismissal under clause (1) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the district court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.
(3) CERTIFICATE OF REVIEWABILITY.—Section 242(e) of title 8, United States Code, is amended by adding at the end the following new subparagraph:

(D) CERTIFICATE OF REVIEWABILITY.—After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the Federal Circuit.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of this Act and shall apply to any final agency order or district court decision entered on or after the date of enactment of this Act.

SEC. 702. CERTIFICATE OF REVIEWABILITY.
(a) BRIEFS.—Section 242(b)(3)(C) of title 8, United States Code, is amended to read as follows:

‘‘(C) CERTIFICATE OF REVIEWABILITY.—After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the Federal Circuit.’’.

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) of title 8, United States Code, is amended by adding at the end the following new subparagraph:

‘‘(D) CERTIFICATE OF REVIEWABILITY.—After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the Federal Circuit.’’.
"(I) all parties to the proceeding agree to such extension; or

"(II) such extension is for good cause shown.

"(vi) If no certificate of reviewability is issued before the end of the period described in clause (vi), including any extension under clause (v), the petition for review shall be denied, any stay or injunction on petitioner's removal shall be dissolved without further action by the court or the Government, and the alien may be removed.

"(vii) If such judge issues a certificate of reviewability under clause (vi), the Government may be afforded an opportunity to file a brief in response to the alien's brief. The alien may serve and file a reply brief not later than 14 days after service of the Government brief, and the court may not extend this deadline except upon motion for good cause shown.

"(E) NO FURTHER REVIEW OF DECISION NOT TO ISSUE A CERTIFICATE OF REVIEWABILITY.—The decision of a judge on the Federal Circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review, shall be the final decision for the purposes of obtaining an immigration benefit," after "death.

On page 249, after line 25, add the following:

"(c) TRANSITION PERIOD.—

"(1) IN GENERAL.—Any alien described in paragraph (2) who applies for adjustment of status before the date of the enactment of this Act, the alien relative may (notwithstanding the deadlines specified in such clause) file the classification petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

"(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined by 201(b)(2)(A) of the Immigration and Nationality Act) due to the citizen's death—

"(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of such Act; and

"(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act.

"(d) ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

"(2) APPLICATION FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

"(1) IN GENERAL.—Any alien described in paragraph (2) who applies for adjustment of status before the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

"(2) ALIEN DESCRIBED.—An alien is described in paragraph (1) who—

"(A) is an immediate relative (as described in section 203(b)(2)(A)(i)) of the alien whose qualifying relative died before the date of the enactment of this Act, the alien relative may have such application adjudicated as if such death had not occurred.

"(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(C) is a derivative beneficiary of a diversity immigrant (as described in section 203(c))."

"(f) PROCESSING OF IMMIGRANT VISAS.—Section 204(b) (8 U.S.C. 1154) is amended—

"(1) by striking "After an investigation" and inserting the following:

"(1) IN GENERAL.—After an investigation; and

"(2) by adding at the end the following:

"(2) DEATH OF QUALIFYING RELATIVE.—

"(A) IN GENERAL.—Any alien described in paragraph (2) whose qualifying relative died before the date of the enactment of this Act, the alien relative may have such application adjudicated as if such death had not occurred. An immigrant visa application may have an immigrant visa application adjudicated as if such death had not occurred. An immigrant visa application may have an immigrant visa application adjudicated as if such death had not occurred. An immigrant visa application may have an immigrant visa application adjudicated as if such death had not occurred.

"(B) ALIEN DESCRIBED.—An alien is described in this paragraph is described in subsection (a) who—

"(i) is an immediate relative (as defined by 201(b)(2)(A));

"(ii) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(iii) is a derivative beneficiary of a noncitizen of the United States; and

"(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203).

SA 3359. Mr. SESSIONS 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 11, strike lines 13 through 20 and insert the following:

"SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent the number of ports of entry along the southwestern border of the United States;

(2) make necessary improvements to the ports of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

On page 13, between lines 5 and 6 insert the following:

"(c) OTHER SECTORS.—

(1) REINFORCED FENCING.—The Secretary shall construct not less than 700 additional miles of double- or triple-layered fencing at strategic locations along the southwestern border to be determined by the Secretary.

(2) PRIORITY AREAS.—In determining strategic locations under paragraph (1), the Secretary shall prioritize, to the maximum extent practicable—

(A) areas with the highest illegal alien apprehension rates;

(B) areas with the highest human and drug trafficking rates, in the determination of the Secretary.

On page 13, line 6, strike "(c)" and insert "(d)".

On page 13, line 11, strike "(d)" and insert "(e)".

On page 13, line 18, strike "(e)" and insert "(f)".

SA 3360. Mr. SMITH (for himself and Mr. WYDEN) 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 248, line 11, insert "AND WIDOWS" after "CHILDREN".

On page 249, line 3, insert "or, if married for less than 2 years at the time of the citizen's death, proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit," after "death."
“(B) the employer exercises reasonable diligence to ensure that person complies with this section.

“(4) DEFENSE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense if the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

“(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

“(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

“(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that employer to certify in writing that the employer is in compliance with this section, or has instituted a program to come into compliance.

“(2) CONTENT OF CERTIFICATION.—Not later than 10 business days from the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

“(A) the employer is in compliance with the requirements of subsections (c) and (d); or

“(B) that the employer has instituted a program to come into compliance with such requirements.

“(3) EXTENSION.—The 60-day period referred to in paragraph (2) may be extended by the Secretary for good cause, at the request of the employer.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for employment in the United States shall verify that the individual is eligible for employment by meeting the requirements of subsection (B), (C), or (D) as described in paragraph (2).

“(1) ATTESTATION BY EMPLOYER.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining the following documents:

“(I) a document described in subparagraph (B); or

“(II) a document described in subparagraph (C) and a document described in subparagraph (D).

“(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual’s identity and eligibility for employment in the United States.

“(1) REGISTRATION OF EMPLOYERS.—An employer shall register the employer’s participation in the System in the manner prescribed by the Secretary prior to the date the employer is required to submit information with respect to an employee under paragraph (3) or (4) of subsection (d).

“(2) ATTESTATION OF EMPLOYEE.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under alien law to work in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States is subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

“(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual’s—

“(I) United States passport; or

“(II) permanent resident card or other document designated by the Secretary, if the document—

“(A) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary determines is sufficient for the purposes of this subparagraph;

“(B) is evidence of eligibility for employment in the United States; and

“(C) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(2) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual’s social security card, alien registration card issued by the Department of Homeland Security, alien lawfully admitted for permanent residence card issued by the Department of Homeland Security, alien lawfully admitted for temporary residence card issued by the Department of Homeland Security, alien temporary resident card issued by the Department of Homeland Security, an individual’s Social Security number card issued by the Department of Homeland Security, a printout from the Social Security Administration’s system or any electronic copies of such documents. Such copies shall be certified by a Federal, State, or local government official.

“(3) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual’s—

“(I) a document issued by a State, the Commonwealth of Puerto Rico, or a territory of the United States that satisfies the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302);

“(II) employee identification card issued by a Federal, State, or local government agency; or

“(III) derive identity from a document or class of documents described in this subparagraph if the Secretary, in the discretion of the Secretary, determines that a document or class of documents described in this subparagraph is an individual’s social security number card issued by the Social Security Administration.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(d) DOCUMENTATION REQUIREMENTS.—An employer hiring, or recruiting or referring for employment in the United States shall verify that the individual is eligible for employment in the United States.

“(1) REQUIREMENT OF EMPLOYER.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under alien law to work in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States is subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(2) ATTESTATION OF EMPLOYEE.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under alien law to work in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States is subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(3)RETENTION OF ATTESTATION.—An employer shall retain, for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification, and procedures for the audit of any records related to such certification.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(d) DOCUMENTATION REQUIREMENTS.—An employer hiring, or recruiting or referring for employment in the United States shall verify that the individual is eligible for employment in the United States.

“(1) REQUIREMENT OF EMPLOYER.—

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“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States is subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(3) RETENTION OF ATTESTATION.—An employer shall retain, for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification, and procedures for the audit of any records related to such certification.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under alien law to work in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States is subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(3)RETENTION OF ATTESTATION.—An employer shall retain, for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification, and procedures for the audit of any records related to such certification.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(d) DOCUMENTATION REQUIREMENTS.—An employer hiring, or recruiting or referring for employment in the United States shall verify that the individual is eligible for employment in the United States.

“(1) REQUIREMENT OF EMPLOYER.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under alien law to work in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States is subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(3) RETENTION OF ATTESTATION.—An employer shall retain, for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification, and procedures for the audit of any records related to such certification.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.
"(5) PENALTIES.—An employer that fails to comply with the requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

(6) REQUIREMENT OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the "System") as described in this subsection.

(2) GENERAL.—

(A) IN GENERAL.—The Secretary shall, through the System—

(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual’s identity and eligibility for employment in the United States;

(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

(B) EXPEDITED SYSTEM.—If the System is unable to issue, during the time periods required by subparagraphs (B)(i) and (B)(ii), a final confirmation notice, including the appropriate codes for such confirmation notice, then—

(i) the Secretary shall provide, through the System, to the employer—

(A) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided;

(B) a determination of whether such number was issued to the named individual;

(C) a determination of whether the individual is authorized to be employed in the United States; and

(D) any other related information that the Secretary may require.

(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraph (4), the Secretary shall require employers to participate in the System as described in paragraphs (3) and (4) prior to the effective date of such requirements.

"(e) TENTATIVE NONCONFIRMATION NOTICE.—

(1) CONFIRMATION UPON INITIAL INQUIRY.—If an employer is required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

(2) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (a)(1)(A).

"(f) SYSTEM REQUIREMENTS.—

(1) GENERAL.—An employer that participates in the System shall—

(A) obtain from the individual and record on the form designated by the Secretary—

(i) the individual’s name and date of birth;

(ii) the individual’s social security account number; and

(iii) in the case of an individual who does not attest that the individual is a national of the United States, shall—

(A) to permit any employer that is not required to participate in the System to engage in unlawful discriminatory practices, based on national origin or citizenship status; and

(B) to prohibit unlawful discriminatory practices based on race, color, religion, sex, national origin, or age, whether or not the employer has the authority, in the Secretary’s sole and unreviewable discretion, to do so.

(2) CONCEPTUALIZATION.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to provide a final confirmation notice or a final nonconfirmation notice under clause (1).

(3) REQUIREMENTS FOR PARTICIPATION.—The Secretary shall require employers to participate in the System as described in paragraphs (3) and (4) prior to the effective date of such requirements.

(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary’s sole and unreviewable discretion, to do so.

(5) PENALTIES.—An employer that fails to comply with the requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

(6) REQUIREMENT OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the "System") as described in this subsection.

(2) GENERAL.—

(A) IN GENERAL.—The Secretary shall, through the System—

(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual’s identity and eligibility for employment in the United States;

(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

(B) EXPEDITED SYSTEM.—If the System is unable to issue, during the time periods required by subparagraphs (B)(i) and (B)(ii), a final confirmation notice, including the appropriate codes for such confirmation notice, then—

(i) the Secretary shall provide, through the System, to the employer—

(A) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided;

(B) a determination of whether such number was issued to the named individual;

(C) a determination of whether the individual is authorized to be employed in the United States; and

(D) any other related information that the Secretary may require.

(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraph (4), the Secretary shall require employers to participate in the System as described in paragraphs (3) and (4) prior to the effective date of such requirements.

(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary’s sole and unreviewable discretion, to do so.

(5) PENALTIES.—An employer that fails to comply with the requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

(6) REQUIREMENT OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the "System") as described in this subsection.

(2) GENERAL.—

(A) IN GENERAL.—The Secretary shall, through the System—

(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual’s identity and eligibility for employment in the United States;

(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

(B) EXPEDITED SYSTEM.—If the System is unable to issue, during the time periods required by subparagraphs (B)(i) and (B)(ii), a final confirmation notice, including the appropriate codes for such confirmation notice, then—

(i) the Secretary shall provide, through the System, to the employer—

(A) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided;

(B) a determination of whether such number was issued to the named individual;

(C) a determination of whether the individual is authorized to be employed in the United States; and

(D) any other related information that the Secretary may require.

(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraph (4), the Secretary shall require employers to participate in the System as described in paragraphs (3) and (4) prior to the effective date of such requirements.

(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary’s sole and unreviewable discretion, to do so.
established by the Secretary and the Commissioner of Social Security for contesting such nonconfirmation.

(11) No Contest.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 business days of receiving notice from the individual’s employer, the notice shall become final and the record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

(12) Annual GAO Study and Report.—

(A) Requirement.—The Comptroller General of the United States shall conduct an annual study of the System.

(B) Purpose.—The study shall evaluate the accuracy, integrity, and impact of the System.

(13) Report.—Not later than 12 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Such report shall include, at a minimum, the following:

(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within 10 days, including the assessment described in paragraph (2)(C)(iii).

(ii) An assessment of the privacy and security of the System on individuals and the extent of failures to prevent identity fraud or the misuse of personal data.

(iii) An assessment of the impact of the System on the employment of unauthorized aliens and employment eligibility of the individual.

(14) Compliance.—

(A) Complaints and Investigations.—The Secretary shall establish procedures—

(i) for individuals and entities to file complaints regarding potential violations of subsection (a);

(ii) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

(iii) for the investigation of other violations of subsection (a) that the Secretary determines are appropriate.

(B) Authority in Investigations.—

(i) In general.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

(I) shall have reasonable access to examine evidence of any employer being investigated; and

(II) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

(ii) Failure to cooperate.—In case of refusal to obey a subpoena, the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

(C) Civil Penalties.—

(i) General.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

(ii) Compliance Procedures.—

(A) Prepenalty Notice.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer a written notice of the Secretary’s intention to issue a claim for a fine or other penalty. Such notice shall—

(I) describe the laws and regulations allegedly violated;

(II) disclose the material facts which establish the alleged violation; and

(III) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

(B) Remission or Mitigation of Penalties.—

(i) Petition by Employer.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days after receipt of such notice with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

(ii) Review by Secretary.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on such conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation by the employer in an investigation or other action taken with respect to such violation.

(iii) Application.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

(C) Penalty Claim.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

(15) Civil Penalties.—

(A) Hiring or Continuing to Employ Unauthorized Aliens.—Any employer that violates or fails to comply with the requirements of this section or the authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of paragraph (1)(A), (1)(B), or (2) of subsection (a) shall pay civil penalties as follows:

(i) Pay a civil penalty of not less than $500 or not more than $10,000 for each unauthorized alien with respect to each such violation.

(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to such each such violation.

(B) Recordkeeping or Verification Procedures.—Any employer that violates or fails to comply with the requirements of subsection (c) and (d), shall pay a civil penalty as follows:

(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.
“(3) UNAUTHORIZED ALIEN.—The term ‘unauthorized alien’ means any person or entity, including any business entity—

(a) knowingly hired, recruited, or referred for a fee for employment, unauthorized alien with respect to whom an employer shall be fined not more than $20,000 for each violation of subsection (a)(1)(A) or (a)(2).”

“E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.”

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review. The filing of a petition as provided in this paragraph shall stay the Secretary’s determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for payment of penalties and penalties through bond or other guarantee of payment acceptable to the Secretary.”

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit in the United States in any district court of the United States to enforce compliance with the final determination. The filing of a petition as provided in this paragraph shall stay the determination of liability for civil penalty by barment predicated on an administrative debarment or suspension of a contractor, grantee, or cooperative agreement for a period of 2 years. The Administrator of General Services shall list the employer on the Federal Acquisition Regulation. The filing of a petition as provided in this paragraph shall stay the determination of liability for civil penalty by barment predicated on an administrative debarment or suspension of a contractor, grantee, or cooperative agreement for a period of 2 years. The Administrator of General Services shall list the employer on the Federal Acquisition Regulation. The filing of a petition as provided in this paragraph shall stay the determination of liability for civil penalty by barment predicated on an administrative debarment or suspension of a contractor, grantee, or cooperative agreement for a period of 2 years. The Administrator of General Services shall list the employer on the Federal Acquisition Regulation. The filing of a petition as provided in this paragraph shall stay the determination of liability for civil penalty by barment predicated on an administrative debarment or suspension of a contractor, grantee, or cooperative agreement for a period of 2 years.

“B) WAIVER.—The Administrator of General Services, in consultation with the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government’s intention to debar the employer, and the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

(C) WAIVER.—After consideration of the views of any department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may require the agency to consider the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by barment predicated on an administrative debarment or suspension of a contractor, grantee, or cooperative agreement for a period of 2 years, shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall be non-reviewable.

“(7) AN ALIEN—An alien lawfully admitted for permanent residence; or

(B) authorized to be so employed by this Act or by the Secretary.”

“(b) CONFORMING AMENDMENTS.—


(B) REPEAL OF REPORTING REQUIREMENTS.—

(1) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(2) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is repealed.

“C) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Eligibility Verification System established pursuant to such subsection (d).”

“(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—

SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 1324a(c) (8 U.S.C. 1324a note) is repealed.

286(w).
Amendment to the Internal Revenue Code of 1986 is amended by striking "(b)(3) and inserting "(d)".

(c) The Commissioner of Social Security shall enforce the provisions of this paragraph in a manner consistent with the provisions of subsection (b) of section 274A of the Social Security Act and shall provide safeguards to protect the confidentiality of such information.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 274A(c)(2) of the Social Security Act (42 U.S.C. 465(c)(2)) is amended by adding to the end of such section the following new subparagraph:

"(1)(I) The Commissioner of Social Security shall—
"(i) establish a reliable, secure system to provide safeguards to protect the confidentiality of such information maintained by the Commissioner of Social Security, or
"(ii) the dates of the request immediately preceding the most recent request received under this paragraph.

(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person participating in the System shall be made available to the Commissioner, the Secretary of the Treasury, and the Secretary of the Department of Homeland Security.
from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.  

SA 3362. Mr. DURBIN 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:  

TITLE VII—IMMIGRATION LITIGATION REDUCTION  

Subtitle A—Appeals and Review  

SECTION 701. ADDITIONAL IMMIGRATION PERSONNEL.  

(a) DEPARTMENT OF HOMELAND SECURITY.—  

(1) TRIAL ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 100 the number of positions for immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year; and  

(B) 5 years of professional, legal expertise in immigration and nationality law; and  

(c) DUTIES OF THE CHAIR. —The Chair of the Board, subject to the supervision of the Director, shall—  

(1) be responsible, on behalf of the Board, for the administrative operations of the Board and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed for that purpose;  

Therefore amended, the amendment was agreed to.  

Subtitle B—Immigration Review Reform  

SEC. 711. DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.  

Notwithstanding any other provision of law, the Board of Immigration Appeals of the Department of Justice described in section 1031.0 of title 8, Code of Federal Regulations (or any corresponding similar regulation) shall be appointed by the President with the advice and consent of the Senate.  

SEC. 712. BOARD OF IMMIGRATION APPEALS.  

Notwithstanding any other provision of law or regulation, the Board of Immigration Appeals of the Department of Justice described in section 1031.0 of title 8, Code of Federal Regulations (or any corresponding similar regulation) referred to in this section as the “Board”), shall be composed of a Chair and 22 other immigration appeals judges, appointed by the Director of the Executive Office for Immigration Review, in consultation with the Attorney General.  

Apr. 5, 2006  

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill no. 2592, 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. 302. EMPLOYER COMPLIANCE FUND.  

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:  

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.  

(a) WORKSITE ENFORCEMENT.—  

(1) INCREASE IN NUMBER OF INVESTIGATORS.—The Secretary shall, subject to the availability of appropriations for such purpose, by not less than 100 the number of positions for investigators dedicated to enforcing compliance with section 274A during the 5-year period beginning on the date of the enactment of this Act.  

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 100 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.  

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.  

SEC. 304. CLARIFICATION OF INELEGIBILITY FOR APPOINTMENT.  


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SEC. 714. REMOVAL AND REVIEW OF JUDGES.

(a) IN GENERAL.—Immigration judges and members of the Board of Immigration Appeals may be removed from office, subject to review by the Merit Systems Protection Board, only for good cause—

(1) by the Director of the Executive Office for Immigration Review, in consultation with, and with the concurrence of, the Chair of the Board of Immigration Appeals in any case in which the Board has jurisdiction;

(2) by the Director, in consultation with the Chief Immigration Judge, in the case of the removal of a member of an immigration court.

(b) INDEPENDENT JUDGMENT.—No immigration judge or member of the Board may be removed or otherwise subject to disciplinary action or adverse action for the exercise of independent judgment.

SEC. 715. LEGAL ORIENTATION PROGRAM.

(3) CREDIBILITY OF TESTIMONY; EXAMINATION OF WITNESSES.

(a) IN GENERAL.—Immigration judges and members of the Board shall have legal expertise and shall have at least 5 years of professional or legal expertise in immigration and nationality law.

(b) Review.—Decisions of immigration judges are subject to review by the Board of Immigration Appeals in any case in which the Board has jurisdiction.

SEC. 716. REGULATIONS.

(a) CONTINUED OPERATION.—The Director of the Executive Office for Immigration Review shall continue to operate a legal orientation program to provide basic information about immigration and nationality law to immigration detainees and shall expand the legal orientation program to provide such information on a nationwide basis.

(b) AUTHORIZED APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out such legal orientation program.
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(2) in subparagraph (B), by striking "and" at the end;
(3) in subparagraph (C), by striking the period at the end and inserting "and"; and
(4) by adding at the end the following:

"(D) under section 101(a)(15)(H)(1)(a) may not exceed $90,000.".

SA 3364. Mr. SCHUMER 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. 4. GRANTS FOR LOCAL PROGRAMS RELATING TO UNDOCUMENTED IMMIGRANTS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award competitive grants to units of local government for innovative programs that address the increased expenses incurred in responding to the needs of undocumented immigrants.

(b) MAXIMUM AMOUNT.—The Secretary may not award a grant under this section to a unit of local government in an amount which exceeds $5,000,000.

(c) USE OF GRANT FUNDS.—Grants awarded under this section may be used for activities related to the treatment of immigrant and refugee children, the provision of accommodations for immigrant and refugee children, and the treatment of immigrant and refugee children who are victims of trafficking.

(d) APPLICATION.—Each unit of local government desiring a 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 reasonably require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

SA 3365. Mrs. BOXER submitted an amendment intended to be proposed by 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:

SEC. 5. SENSE OF THE SENATE REGARDING REIMBURSING STATES FOR THE COSTS OF UNDOCUMENTED IMMIGRANTS.

(a) FINDINGS.—The Senate finds the following:

(1) It is the obligation of the Federal Government to adequately secure the borders of the United States and prevent the flow of undocumented immigrants into the United States.

(2) Despite the fact that, according to the Congressional Research Service, Border Patrol agents apprehend more than 1,000,000 individuals annually attempting to enter illegally into the United States, the net growth in the number of unauthorized immigrants entering the United States has increased by approximately 500,000 each year.

(3) The costs associated with incarcerating undocumented criminal immigrants and providing education and healthcare to undocumented immigrants place a tremendous financial burden on States and local governments.

(4) In 2003, States received compensation from the Federal Government, through the State criminal alien assistance program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), for incarcerating approximately 74,000 undocumented criminal immigrants.

(5) In 2003, 700 local governments received compensation for incarcerating undocumented criminal immigrants.

(6) It is estimated that Federal Government payments through the State criminal alien assistance program reimburses States and local governments for 25 percent or less of the actual costs of incarcerating the undocumented criminal immigrants.

(7) It is estimated that providing kindergarten through grade 12 education to undocumented immigrants costs States more than $8,000,000,000 annually.

(8) It is further estimated that more than $1,000,000,000 is spent on healthcare for undocumented immigrants each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) States should be fully reimbursed by the Federal Government for the costs associated with providing education and healthcare to undocumented immigrants; and

(2) the program authorized under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) should be fully funded, for each of the fiscal years 2007 through 2012, at the levels authorized for such program under section 241(i)(5) of such Act (as amended by section 218(b)(2) of this Act).

SA 3366. Mr. REED 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 327, beginning on line 21, strike all through page 328, line 16, and insert the following:

"(c) SPOUSES AND CHILDREN OF CERTAIN OTHER INDIVIDUALS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

(1) adjust the status to that of a conditional nonimmigrant under this section for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under this section;

(2) adjust the status to that of a conditional nonimmigrant under this section for an alien who, before January 7, 2004, was the spouse or child of an alien who is provided conditional nonimmigrant status under this section, or is eligible for such status, if—

(A) the termination of the qualifying relationship was connected to domestic violence; and

(B) the spouse or child has been battered or subjected to brutality by the spouse or parent alien who is provided conditional nonimmigrant status under this section; or

(3) adjust the status to that of a conditional nonimmigrant under this section for an individual who was present in the United States on January 7, 2004, and is the national of a country designated at that time for protective status pursuant to section 241.

SA 3367. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by 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 32, line 7, before "The Secretary" insert the following: "(a) IN GENERAL.—".

On page 32, between lines 20 and 21, insert the following:

(b) COMMUNICATION SYSTEM GRANTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "demonstration project" means the demonstration project established under subparagraph (2); and

(B) the term "emergency response provider" means the meaning given that term in section 102 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) IN GENERAL.—

(A) ESTABLISHMENT.—There is established in the Department an "International Border Community Interoperable Communications Demonstration Project".

(B) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in a demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(3) PROJECT REQUIREMENTS.—The demonstration projects shall—

(a) address the interoperable communications needs of border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(b) foster interoperable communications—

(1) among Federal, State, local, and tribal government agencies in the United States involved in security and response activities along the international land borders of the United States; and

(2) with similar agencies in Canada and Mexico;

(c) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(d) foster the standardization of interoperable communications equipment;

(e) facilitate solution development to enable communications interoperability across national borders expeditiously;

(f) ensure that border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers can communicate with each other and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(g) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to communicate with threats and contingencies in a variety of environments; and

(h) identify and secure appropriate joint-use equipment to ensure communications access;

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall distribute funds under this subsection to each community participating in a demonstration project through the State, or States, in which each community is located.

(B) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to..."
the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008, to carry out this subsection.

(6) REPORTING.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this subsection.

SA 3368. Mr. COLEMAN 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. 3. EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of the Department of Homeland Security, shall issue a directive to expand the Justice Prisoner and Alien Transfer System (J-TPATS) so that such System provides for the daily transfer of aliens who are in the United States, into and out of the System, and allows for future technological innovations, including—

(1) increasing and standardizing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats each day for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes the flight plans that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

SA 3369. Mr. COLEMAN 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 332, strike lines 6 through 18, and insert the following:

‘‘(3) while assessing the identity and location of the estimated 11,000,000 unauthorized aliens currently in the United States, the Federal Government must simultaneously act to secure the borders and prevent further illegal entry;’’

(4) the President of the United States shall determine the level of commitment to securing the land and sea borders of the United States by using all the resources at the disposal of the President, including—

(A) declaring that a state of emergency exists in States that share an international border with Mexico and Canada until such time as the President determines that—

(i) the additional resources and manpower provided under this Act are deployed; and

(ii) there is a significant reduction in the number of illegal aliens entering the United States;

(B) immediately deploying the Armed Forces, including the National Guard, to secure those international borders;

(C) requiring each Cabinet Secretary to detail the resources and capabilities that their respective Federal agencies have available for use in securing the land and sea borders of the United States; and

(D) facilitating the development of a program to enable all willing citizens of the United States to contribute to securing the land and sea borders of the United States; and

(5) the President of Mexico should be encouraged to use all authority within the power of the President of Mexico to secure the international border between the United States and Mexico from illegal crossings.

SEC. 3A. NORTH AMERICAN TRAVEL CARDS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State is estimated to have issued an estimated 10,000,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 16,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) NORTH AMERICAN TRAVEL CARDS.—

(1) ISSUANCE.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary of Homeland Security, shall, not later than December 31, 2007, issue to a citizen of the United States who submits an application in accordance with paragraph (4) a travel document that will serve as a North American travel card.

(2) APPLICABILITY.—A North American travel card shall be deemed to be a United States passport for purposes of United States laws and regulations relating to United States passports.

(c) LIMITATION ON USE.—A North American travel card may only be used for the purpose of international travel by United States citizens who are lawfully present in the United States through land border ports of entry, including—

(1) air ports of entry; and

(2) ports.

(d) SPECIFICATIONS FOR CARD.—A North American travel card shall be designed and produced to provide a platform on which the expedited travel features to the North American travel card is not developed by that date.

(e) TECHNOLOGY.—The Secretary of Homeland Security and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department of Homeland Security, allowing for future technological innovations, and ensures maximum facilitation at the northern and southern borders.

SEC. 4. EXPEDITED TRAVELER PROGRAMS.

(a) REQUIREMENTS.—To be issued a North American travel card, a United States citizen shall submit an application to the Secretary of State. The application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(b) TECHNOLOGY.—The Secretary of Homeland Security and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department of Homeland Security, allowing for future technological innovations, and ensures maximum facilitation at the northern and southern borders.

SPECIFICATIONS FOR CARD.—A North American travel card shall be easily portable and durable. The Secretary of State and the Secretary of Homeland Security shall consult regarding the other technical specifications of the card, including whether the security features of the card could be combined with other existing identity documentation.

EXCEPTION.—Except as provided in paragraph (8), an applicant for a North American travel card shall submit an application under paragraph (4) together with a nonrefundable fee amounting to a maximum of $100 to the Secretary of State. Fees for a North American travel card shall be deposited as an offsetting collection to the appropriate Treasury account, and made available until expended. The fee for the North American travel card shall not exceed $100.00.
§20, of which not more than §2 shall be allocated to the United States Postal Service for postage and other application processing functions. Such fee shall be waived for children under 16 years of age.

(c) FOREIGN COOPERATION.—In order to maintain and encourage cross-border travel and trade, the Secretary of State and the Secretary of Homeland Security shall use all possible means to coordinate with the appropriate representatives of foreign governments or citizens and nationals to possess, not later than the date at which the certification required by subsection (j) is made, appropriate documentation to encourage their citizens and nationals to cross into the United States.

(d) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the North American travel card and to facilitate the acquisition of a passport or North American travel card. Such outreach plan should include—

1. written notifications posted at or near public facilities, including border crossings, schools, libraries, and United States Post Offices located within 50 miles of the international border between the United States and Canada, or the international border between the United States and Mexico;

2. provisions to seek consent to post such notifications on commercial property, such as office buildings of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

3. the establishment of at least 200 new passport acceptance facilities, with emphasis on facilities located near international borders;

4. the collection and analysis of data to measure the success of the public promotion plan; and

5. additional measures as appropriate.

(e) ACCESSIBILITY.—In order to make the North American travel card easily obtainable, an application for a North American travel card shall be accepted in the same manner and at the same locations as an application for a passport.

(f) EXPEDITED TRAVEL PROGRAMS.—To the maximum extent practicable, the Secretary of Homeland Security shall expand the expedited travel programs carried out by the Secretary to all ports of entry and should encourage the United States citizen to participate in the preclearance program, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subject to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists.

(g) ALTERNATIVE OPTIONS.—

1. In GENERAL.—In order to give States greater control over their borders, the Secretary of Homeland Security shall continue to pursue additional alternative options, such as NEXUS, to a passport that meet the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act (Public Law 108–458; 8 U.S.C. 1185 note).

2. FEASIBILITY STUDY.—Not later than 120 days after the date of enactment of this Act, the Congressional Budget Office shall submit to the Committee on Homeland Security and Government Affairs and the Committee on Foreign Relations, the Committee on Homeland Security and the Committee on International Relations of the House of Representatives, a study on the feasibility of incorporating into a driver’s license, on a voluntary basis, information about citizenship, in a manner that enables a driver’s license which meets the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13) to serve as an acceptable alternative document to meet the requirement of section 7209 of the Intelligence Reform and Terrorism Prevention Act. Such study shall include a description of how such a program could be implemented, and shall consider any cost advantage of such an approach.

3. IDENTIFICATION PROCESS.—The Secretary of Homeland Security shall have appropriate authority to develop a process to ascertain the identity of and make admissibility determinations for individuals who arrive at the border without proper documentation.

4. RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a North American travel card.

5. CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the date that is 3 months after the Secretary of State and the Secretary of Homeland Security certify to Congress that—

a. North American travel cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

b. North American travel cards are provided to applicants, on average, within 4 weeks of application;

(c) FOREIGN COOPERATION.—In order to promote cross-border travel into the Western Hemisphere, the Secretary of Homeland Security shall have appropriate authority to coordinate with the appropriate representatives of foreign governments to ensure that citizens of the United States and Mexico are provided the infrastructure necessary to accept North American travel cards at all United States border crossings;

(d) outsourcing described in subsection (d) has been implemented and deemed to have been successful according to collected data; and

(e) a successful pilot has demonstrated the effectiveness of the North American travel card program.

7. REPORTS ON THE ISSUANCE OF NORTH AMERICAN TRAVEL CARDS.—The Secretary of State shall, on a quarterly basis during the first year of issuance of North American travel cards, submit to Congress a report containing information relating to the number of North American travel cards issued during the immediately preceding quarter or part thereof, and the number of United States citizens in each State applying for such cards.

8. REPORT ON PRIVATE COLLABORATION.—Not later than 6 months after the date of enactment of this Act, the Secretary of State and the Secretary shall report to Congress on their efforts to solicit policy suggestions and the incorporation of such suggestions into the implementation strategy from the private sector on the implementation of section 7209 of the Intelligence Reform and Terrorism Prevention Act (Public Law 108–458; 8 U.S.C. 1185 note).

9. The report should include the private sector’s recommendations concerning how air, sea, and land travel into and out of the Western Hemisphere can be improved in a manner that establishes the proper balance between the interests of security, economic well being, and the particular needs of border communities.

10. AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 under this Act for such purposes as the Secretary shall determine.

11. STATE IMPACT ASSISTANCE ACCOUNT.—

(a) ESTABLISHMENT.—There is authorized to be appropriated to the Secretary, in cooperation with the Secretary of Health and Human Services, such sums as may be necessary to carry out this Act.

(b) IMPACT ASSISTANCE GRANT PROGRAM.—

1. ESTABLISHMENT.—Not later than January 1 of each year beginning after the date of enactment of this subsection, the Secretary shall establish a State Impact Assistance Grant Program under paragraph (1) during the preceding fiscal year to provide grants to States for use in accordance with paragraph (2).

2. ALLOCATION.—The Secretary shall allocate grants under this paragraph as follows:

(a) NONCITIZEN POPULATION.—

(1) IN GENERAL.—Subject to subclause (ii), 80 percent shall be allocated to States on a pro-rata basis according to the ratio that bears to the noncitizen population of the State during the most recent year for which data of the Bureau of the Census exists.

(b) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

(1) ESTABLISHMENT.—Not later than January 1 of each year beginning after the date of enactment of this subsection, the Secretary shall establish a State Impact Assistance Grant Program, under which the Secretary shall make grants to States for use in accordance with paragraph (2).

(c) ALLOCATION.—The Secretary shall allocate grants under this paragraph as follows:

(i) NONCITIZEN POPULATION.—

(1) IN GENERAL.—Subject to subclause (ii), 80 percent shall be allocated to States on a pro-rata basis according to the ratio that bears to the noncitizen population of the 20 States with the largest growth rate in noncitizen population, as determined by the Secretary, according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists, bears to

the noncitizen population of the State, bears to

the noncitizen population of all States.

(ii) MINIMUM AMOUNT.—Notwithstanding the formula under subclause (i), no State shall receive less than $5,000,000 under this clause.

(iii) HIGH GROWTH RATES.—20 percent shall be allocated on a pro-rata basis among the 20 States with the largest growth rate in noncitizen population, as determined by the Secretary, according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists, bears to

the growth rate in the noncitizen population of the State during the most recent 3-year period for which data is available; and

the combined growth rate in noncitizen population of the 20 States during the 3-year period described in subclause (i).

(b) USE OF FUNDS.—A State shall use a grant received under this paragraph to return to local governments, organizations, and entities money for the costs of providing additional health services, educational services, and public safety services to noncitizen communities.
``(E) ADMINISTRATION.—A local government, organization, or entity may provide services described in subparagraph (D) directly or pursuant to contracts with the State or the Secretary, including—
``(i) a unit of local government;
``(ii) a public health provider, such as a hospital, community health center, or other entity, including—
``(1) a local education agency; and
``(F) WAIVER.—
``(i) In GENERAL.—A State may elect to refuse any grant under this paragraph.
``(ii) ACTION BY SECRETARY.—On receipt of notice of a State’s action under clause (i), the Secretary shall deposit the amount of the grant that would have been provided to the State into the State Impact Assistance Account.

``(G) REPORTS.—
``(i) In GENERAL.—Not later than March 1 of each year, each State that received a grant under this paragraph during the preceding fiscal year shall submit to the Secretary a report in such manner and containing such information as the Secretary may require, in accordance with clause (ii).
``(ii) CONTENT.—A report under clause (i) shall include a description of—
``(I) the services provided in the State under the grant;
``(II) the amount of grant funds used to provide each service and the total amount available during the applicable fiscal year from all sources to provide each service; and
``(III) the method by which the services provided using the grant addressed the needs of communities with significant and growing noncitizen populations in the State.

``(H) PERIODIC REVIEW.—Notwithstanding section 286(w) of this title, the Secretary shall periodically review the effectiveness of the State Impact Assistance Account established under section 286(x).

``(I) EFFECT OF PARAGRAPH.—
``(i) ENFORCEMENT OF FEDERAL IMMIGRATION LAW.—Nothing in this paragraph authorizes any State or local law enforcement agency or officer to exercise Federal immigration law enforcement authority.
``(ii) STATE APPROPRIATIONS.—Funds received by the State under this paragraph shall be subject to appropriation by the legislature of the State, in accordance with the terms and conditions described in this paragraph.

On page 245, line 22, insert ‘‘, to be deposited in the Treasury in accordance with section 286(w)’’ after ‘‘Labor’’.

On page 333, strike lines 9 through 12 and insert the following:
``(4) COLLECTION OF FINES AND FEES.—Of the fines and fees collected under this section—
``(A) 50 percent shall be deposited in the Treasury in accordance with section 286(w); and
``(B) 50 percent shall be deposited in the Treasury in accordance with section 286(w).
``On page 341, line 17, insert ‘‘, to be deposited in the Treasury in accordance with section 286(w)’’ before the period.

SA 3373. Mr. CORNYN 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 231, strike lines 14 through 18 and insert the following:
``(3) FEE.—
``(A) IN GENERAL.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application.
``(B) HEALTH AND EDUCATION FEE.—Each alien seeking H–2C nonimmigrant status under this section shall submit, in addition to any fees otherwise authorized for processing and adjudicating such application, a health and education fee in the amount of $500, for the alien, and $100 for the spouse and each child accompanying such alien. Notwithstanding paragraph (4), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).
``(C) SAVINGS PROVISION.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees. On page 245, strike lines 4 through 11 and insert the following:
``(2) SOURCE OF FUNDS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account—
``(A) all family supplemental visa and family supplemental extension of status fees collected under sections 218A and 218B; and
``(B) all supplemental application fees collected under subsections (c)(1)(F)(ii) and (g)(2) of section 218D.
``(3) FEE.—Amounts deposited into the State Impact Assistance Account under paragraph (2) shall remain available to the Secretary of Health and Human Services, in consultation with the Secretary of Education, to provide financial assistance to health care providers for health and educational services to aliens granted conditional nonimmigrant status under section 218A.
``(4) STATE ALLOCATIONS.—The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Homeland Security, shall allocate funds among States in proportion to the number of aliens granted conditional nonimmigrant status residing in each State.
``On page 279, line 3, strike ‘‘and’’ and all that follows through ‘‘(5)’’ and insert the following:
``(6) provide a minimum level of health care, as determined by the Secretary of Health and Human Services, to nationals of the country or countries participating in any temporary worker program in the United States; and
``(6) provide a minimum level of health care, as determined by the Secretary of Health and Human Services, to nationals of the country or countries participating in any temporary worker program in the United States.
``(5) APPLICATION FEES.—
``(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee for filing an application for a grant of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.
``(B) HEALTH AND EDUCATION FEE.—Each alien seeking conditional nonimmigrant worker authorization and status under this section shall submit, in addition to the fee imposed under subparagraph (A), a health and education fee in the amount of $500, for the alien, and $100, for the spouse and each child accompanying such alien. Notwithstanding paragraph (4), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

SA 3374. Mr. CORNYN 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 332, strike lines 19 through 24 and insert the following:

"(2) APPLICATION FEE.—(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee for filing an application for a grant of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

(B) HEALTH AND EDUCATION FEE.—Each alien seeking conditional nonimmigrant worker authorization and status under this section shall submit, in addition to the fee imposed under subparagraph (A), a health and education fee in the amount of $50, for the alien, and $100, for the spouse and each child accompanying such alien. Notwithstanding paragraph (4), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

SA 3376. Mr. CORNYN 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 231, strike lines 14 through 18 and insert the following:

"(3) Fee.—
(A) IN GENERAL.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application.

(B) HEALTH AND EDUCATION FEE.—Each alien seeking H-2C nonimmigrant status under this section shall submit, in addition to any fees otherwise authorized for processing an application under this section, a health and education fee in the amount of $500, for the alien, and $100, for the spouse and each child accompanying such alien. Notwithstanding subsection (l), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

(C) SAVINGS PROVISION. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

SA 3377. Mr. CORNYN 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 245, strike lines 4 through 11 and insert the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—
(1) ESTABLISHMENT.—There is established in the Treasury a separate fund to be known as the "State Impact Assistance Account." (2) SOURCE OF FUNDS.—Notwithstanding any other provision of this Act, there shall be deposited as offsetting receipts into the account—
(A) all foreign supplemental visa and family supplemental extension of status fees collected under sections 218A and 218B; and
(B) all supplemental application fees collected under subsections (c)(1)(F)(ii) and (g)(2) of this Act.

(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account under paragraph (2) shall remain available for transfer to the Secretary of Health and Human Services, in consultation with the Secretary of Education, to provide financial assistance to health care providers for health and educational services to aliens granted conditional nonimmigrant status under section 218A.

(4) STATE ALLOCATIONS.—The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Homeland Security, shall allocate funds among the States in proportion to the number of aliens granted conditional nonimmigrant status residing in each State.

SA 3378. Mr. SANTORUM 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 title V, insert the following:

SEC. 509. ENGLISH FLUENCY REQUIREMENTS FOR CERTAIN EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION.

Section 286(x) is amended by striking "entity," and inserting "entity, and has demonstrated a high proficiency in the spoken English language:".

SA 3379. Mr. CORNYN 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 279, line 3, strike "and" and all that follows through "(5)" and insert the following:

(5) provide a minimum level of health care, as determined by the Secretary of Health and Human Services, to nationals of the home country who are participating in a temporary worker program in the United States; and

SA 3380. Mr. KYL 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 276, between lines 15 and 16, insert the following:

"(A)(i) has been physically present in the United States through 2002 for a continuous period of not less than 10 years immediately preceding the date of such application; and

(ii) is 65 years of age or older;

(II) establishes that the alien's departure from the United States upon the expiration of conditional nonimmigrant status would result in significant hardship to the alien's spouse, son, or daughter or grandchild who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

(III) establishes that the alien's employer has designated the alien as a vital worker because the alien is vital to the operation of an existing and functioning business on the date such application was filed for and—

(aa) possesses the ability to operate a highly customized machine used in an inextricable part of the business operation; or

(bb) possesses a very high degree of skill in manufacturing or agriculture, or creating products for a specific industry, and is recognized as such by well-established trade associations.

On page 276, line 5, insert after the word "villas, " (when allocations provided for under 203(b)(4)"

SA 3381. Mr. KYL (for himself and Mr. CORNYN) 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:

Beginning on page 276, strike line and all that follows through page 277, line 21.

SA 3382. Mr. STEVENS (for himself, Mr. SHELBY, Mr. INOUYE, and Mrs. HUTCHISON) 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:

TITLE.—IMPROVED PUBLIC TRANSPORTATION, RAIL, AND MARITIME SECURITY

Subtitle A—Public Transportation Security

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this subtitle is:

Sec.—101. Short title; table of contents.
Sec.—102. Findings and purpose.
Sec.—103. Security assessments.
Sec.—104. Security assistance grants.
Sec.—105. Intelligence sharing.
Sec.—106. Research, development, and demonstration grants.
Sec.—107. Reporting requirements.
Sec.—111. Authorization of appropriations.
Sec.—112. Authorization of appropriations.
Sec.—113. Authorization of appropriations.
Sec.—114. Authorization of appropriations.
Sec.—115. Authorization of appropriations.

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential to the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $174,900,000,000 in fiscal years 1992 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(6) the Federal Government has allocated $580,000,000 in fiscal years through 2005 to protect public transportation systems in the United States;

(7) the Federal Government has invested $78,000,000 in fiscal years through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(b) PURPOSE.—Congress finds that—

(1) the Government Accountability Office, the Transportation Security Administration, the Transportation Association, and many transportation security experts have reported an urgent need for significant investment in public transportation security improvements; and

(2) the Federal Government has a duty to deter and mitigate, to the greatest extent possible, threats to the Nation's public transportation systems.

SEC. 103. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS—

(1) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the
Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2006, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for that grant under this section—

(a) Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2006, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 104.

(5) UPDATES.—Not later than July 31, 2007, and annually thereafter, the Secretary of Homeland Security shall—

(a) update the security assessments referred to in this subsection; and

(b) conduct assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(6) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(7) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2006, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(i) local bus-only public transportation systems; and

(ii) selected public transportation systems that receive funding under section 5311 of title 49, United States Code.

SEC. 104. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment; and

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(2) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(a) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 103(a)(4).

(b) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, maintenance personnel, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) investment in enhanced security personnel during significant national and international public events, consistent with the priorities established under section 104.

(F) other appropriate security improvements identified under section 103(a)(4), excluding routine passenger travel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified in subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. 105. INTELLIGENCE SHARING.

(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall establish an Information Sharing and Analysis Center (referred to in this subsection as the “ISAC”) to promote the sharing of information among public transportation agencies and other governmental agencies.

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

(A) a description of the implementation of the provisions of sections 103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this subsection.

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

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter threats of terrorism resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified in subsection (b), the grantee shall return any amount so used to the Treasury of the United States.
Subtitle B—Improved Rail Security

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title.—This subtitle may be cited as the "Rail Security Act of 2006." (b) Table of Contents.—The table of contents for this subtitle is as follows:

Subtitle B—Improved Rail Security

Sec.—204. Fire and life-safety improvements.
Sec.—205. Freight, passenger rail security upgrades.
Sec.—206. Rail security research and development programs.
Sec.—207. Consulting and grant procedures.
Sec.—208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
Sec.—209. Northern border rail passenger report.
Sec.—210. Rail worker security training program.
Sec.—211. Whistleblower protection program.
Sec.—212. High hazard material security threat mitigation plans.
Sec.—213. Medicaid and grants agreement.
Sec.—214. Rail security enhancements.
Sec.—215. Public awareness.
Sec.—216. Railroad high hazard material security upgrades.
Sec.—217. Authorization of appropriations.

SEC. 202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) In General.—(1) Vulnerability and Risk Assessment.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to conduct a vulnerability and risk assessment of freight and passenger rail assets, including terminal and intercity rail corridors, as that term is defined in section 20102(1) of title 49, United States Code. The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities described in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructure;

(C) identification of vulnerabilities and risks to those assets and infrastructure;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroads;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employees training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by relevant entities to address identified rail security issues and assess the effective integration of such actions.

(b) Report.—(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(c) Authorization of Appropriations.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC; (2) to secure Amtrak trains; (3) to secure Amtrak stations; (4) to obtain a watch list identification system approved by the Secretary; (5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible; (6) to hire additional police and security officers, including canine handlers;

(b) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 105.

(d) Research.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 106, which shall remain available until expended.

SEC. 203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) In General.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC; (2) to secure Amtrak trains; (3) to secure Amtrak stations; (4) to obtain a watch list identification system approved by the Secretary; (5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible; (6) to hire additional police and security officers, including canine handlers;

(1) VULNERABILITY AND RISK ASSESSMENT.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail stations, rail switching and storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks; agency and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail services;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipment employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads; (E) deploying surveillance equipment; and (F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(b) Plans.—(1) Grant required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, rail management, rail labor, owners or lessors of rail cars used to transport hazardous material, and other relevant parties.

(b) Consultation; Use of Existing Resources.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) Funding.—Out of funds appropriated pursuant to title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $63,500,000 for fiscal year 2007; (2) $30,000,000 for fiscal year 2008; and (3) $30,000,000 for fiscal year 2009. Appropriations made available pursuant to subsection (a) to this subsection shall remain available until expended.

SEC. 204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-Safety Needs.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to the purposes of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) Authorization of Appropriations.—Out of funds appropriated pursuant to the purposes of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC. Appropriations made available pursuant to subsection (a) to this subsection shall remain available until expended.

(c) Authorization of Appropriations.—Out of funds appropriated pursuant to section—

(1) $100,000,000 for fiscal year 2007; (2) $190,000,000 for fiscal year 2008; and (3) $190,000,000 for fiscal year 2009.
For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress up- 
graded—
(A) $19,000,000 for fiscal year 2007;
(B) $19,000,000 for fiscal year 2008; and
(C) $19,000,000 for fiscal year 2009.
(2) $10,000,000 for the Union Station tunnels to improve ventilation, communication, lighting, and passenger egress up- 
graded—
(A) $13,335,000 for fiscal year 2007;
(B) $13,335,000 for fiscal year 2008; and
(C) $13,335,000 for fiscal year 2009.
(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section—217(b) of this subtitle, there shall be made available to the Secretary of Transportation for fiscal year 2006 $5,000,000 for the design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.
(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.
(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or ex- penditure for a fiscal year under subsection (a) unless Amtrak has submitted to the Secretary a plan that includes—
(1) until Amtrak has submitted to the Sec- retary, and the Secretary has approved, an engineering and financial plan for such project; and
(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Am- trak addressing appropriate project budget, construction schedule, recipient staff organi- zation, document control and record keep- ing, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.
(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which such plan is submitted by Am- trak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days and in consultation with the Secretary, submit a modified plan for the Sec- retary's review. Within 15 days after receiv- ing additional information or otherwise revising the previously submitted plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Com- mmerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security, the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a pro- cess for resolving the remaining portions of the plan.
(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the needs for the timely comple- tion of all portions of the tunnel projects de- scribed in subsection (a), consider the extent to which each such tunnel project will benefit from a financial contribution from such other rail carriers toward the costs of the projects; and
(h) CONSIDERATION OF SECURITY UPGRADES.—The Secretary shall consider the feasibility of seeking a fi- nancial contribution from such other rail carriers toward the costs of the projects; and
(3) obtain financial contributions or com- mitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.
SEC. 205. AUTHORIZATION OF APPROPRIATION.—Out of funds appropriated pursuant to section—114(u) of title 49, United States Code, there shall be made available to the Sec- retary of Homeland Security to carry out this section—
(A) $100,000,000 for fiscal year 2007;
(B) $100,000,000 for fiscal year 2008; and
(C) $100,000,000 for fiscal year 2009.
Amounts made available pursuant to this subsection shall remain available until expended.
(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ‘‘high hazard mate- rials’’ means—
(A) any high hazard material in a hazardous materials Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Sec- retary of Transportation, determines pose a security risk.
SEC. 206. RAIL SECURITY RESEARCH AND DEVELOPMENT.—
(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Trans- portation, shall carry out a research and de- velopment program for the purpose of im- proving freight and intercity passenger rail security that may include research and de- velopment projects to—
(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radio- active substances;
(2) test new emergency response techniques and technologies;
(3) develop improved freight technologies, including—
(A) technologies for sealing rail cars;
(B) automatic inspection of rail cars;
(C) communication-based train controls; and
(D) emergency response training;
(4) test wayside detectors that can detect tampering with railroad equipment;
(5) support enhanced security for the trans- portation of hazardous materials by rail, in- cluding—
(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit informa- tion about the integrity of cars to the train crew or dispatcher;
(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section—205(g) of this subtitle; and
(C) techniques to transfer hazardous mate- rials from rail cars that are damaged or oth- erwise represent an unreasonable risk to human life or public safety; and
(6) other projects that address vulnerabilities and risks identified under section—202.
(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Secu- rity shall ensure that the research and de- velopment program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a re- search and development contract with the Secretary of Transportation, if the Secretary of Transpor- tation—
(1) is already sponsoring a research and de- velopment project in a similar area; or
(2) has a unique facility or capability that would be useful in carrying out the project.
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(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 205(a) and shall adopt procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this subtitle and the priorities and funding criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section:

(1) $35,000,000 for fiscal year 2007;
(2) $35,000,000 for fiscal year 2008; and
(3) $35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 207. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2006 to prepare for the implementation of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) GRANTS.—The Secretary may use amounts available under subsection (a) of this section to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this subtitle.

(c) PROCEDURES FOR GRANT AWARD.—The Secretary shall develop and administer procedures and schedules for the awarding of grants under this subtitle, including application procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plans to address needs of families of passengers involved in rail passenger accidents.

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLAN.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passenger rail service between the United States and Canada; and

SEC. 210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.
(2) Crew communication and coordination.
(3) Appropriate responses to defend or protect oneself.
(4) Use of protective devices.
(5) Evacuation procedures.
(6) Psychological preparedness for hobos, hijackers, and hijack behavior.
(7) Situational training exercises regarding various scenarios.
(8) Any other subject the Secretary considers appropriate.
(c) Railroad Carrier Programs.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier’s program under this section, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary deems necessary to meet the guidance requirements. A railroad carrier shall respond to the Secretary’s comments within 30 days after receiving them.

(d) Training.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program on a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary shall submit the report in both classified and redacted formats as necessary.

(e) Updates.—The Secretary shall update the guidance issued under section (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide advance notice to their front-line workers within a reasonable time after the guidance is updated.

(f) Front-Line Workers Defined.—In this section, ‘‘front-line workers’’ means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) Other Employees.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) In General.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

``20118. Whistleblower protection for rail security matters.

'’(a) Discrimination Against Employee.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or anyone acting pursuant to a request of the employee) —

'(1) caused, provided to be used, or is about to provide or cause to be provided, to the Secretary of Homeland Security or the Assistant Secretary of Homeland Security or the Assistant Secretary of Homeland Security, respectively, in addressing railroad transportation security matters, any information relating to a reasonably perceived threat, in good faith, to security; or

'(2) provided, caused to be used, or is about to provide or cause to be provided, to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.

'’(b) Procedures.—The Secretary shall establish procedures for the acceptance and investigation of complaints brought under this section.

'’(c) Review of Complaints.—In order to establish a high hazard material security threat mitigation plan, the Secretary, as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

'’(d) Election of Remedies.—An employee of a railroad carrier may not seek protection under this section and another provision of law for the same allegedly unlawful act of the carrier.

'’(e) Determination of Identity.—

'(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not name an employee of a railroad carrier who has provided information about an alleged violation of this section.

'(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.

'’(f) Conforming Amendment.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

``20118. Whistleblower protection for rail security matters."

SEC. 212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) In General.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material or a high-risk rail attack scenario, to develop and submit a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section, shall be protected as sensitive security information. The regulations prescribed under section 114(e) of title 49, United States Code.

(b) Implementation.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the carrier’s right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists toward a target.

(1) A high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous materials by rail on the railroad carrier’s right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists toward a target.

(2) A rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) Contents and Review of Plans.—

(1) Plans Required.—Each rail carrier shall —

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary;

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(d) Review and Updates.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary deems necessary. A railroad carrier shall respond to the Secretary’s comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(e) Definitions.—In this section:

(1) The term ‘‘high-consequence target’’ means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in —

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities;

(C) national economic harm.

(2) The term ‘‘catastrophic impact zone’’ means the area immediately adjacent to, on, or within the right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause —

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term “rail carrier” has the meaning given that term by section 10122(5) of title 49, United States Code.

SEC. 213. MEMORANDUM OF AGREEMENT.

(a) Memorandum of Agreement.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and timelines of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) Rail Safety Regulations.—Section 22105 of title 49, United States Code, is amended by striking “safety” the first place it appears, and inserting “safety, including security.”

SEC. 214. RAIL SECURITY ENHANCEMENTS.

(a) Rail Police Officers.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting “(a) In General.—” before “Under this section,”; and

(2) by striking “the rail carrier” each place it appears and inserting “any rail carrier”.

(b) Intellectual Property Rights.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall issue regulations to the purpose of identifying areas in which those regulations need to be revised to improve rail security.
SEC. 215. PUBLIC AWARENESS.
Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop and disseminate to the public a written plan to enhance public awareness of railroad security, to include efforts to publicize rail terrorism measures.

SEC. 216. RAILROAD HIGH HAZARD MATERIAL TRACKING.
(a) Wireless Communications.—
(1) In General.—In conjunction with the research and development program established under section 206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of high-hazard materials with wireless communications technology that provides—
(A) car position location and tracking capabilities; and
(B) notification of rail car depressurization, breach, or unsafe temperature; and
(C) notification of hazardous material release.
(2) Coordination.—In developing the program required by paragraph (1), the Secretary shall—
(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and
(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.
(b) Funding.—Out of funds appropriated pursuant to section 70109 of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.
(a) Transportation Security Administration Authorization.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

(2) $233,000,000 for fiscal year 2009.

Subtitle C—Improved Maritime Security

SEC. 301. SHORT TITLE; TABLE OF CONTENTS
(a) Short Title.—This subtitle may be cited as the “Maritime Security Act of 2006.”

(b) Table of Contents.—The table of contents for this subtitle is as follows:

Section 301. Short title; table of contents.
Section 302. Establishment of additional intermodal transportation centers for port security.
Section 303. Area maritime transportation security plan to include salvage operation.
Section 304. Post-incident resumption of trade.
Section 305. Assistance for foreign ports.
Section 306. Improved data for targeted cargo inspection.
Section 307. Security systems for port security user fee study.
Section 308. Highunable inspection equipment.
Section 309. Cargo security.
Section 310. Secure systems of international port and intermodal transportation centers for port security.
Section 311. Port security user fee study.
Section 312. Deadline for transportation security cards.
Section 313. Port security grants.
Section 314. Customs-trade partnership against terrorism security validation program.
Section 315. Work stoppages and employee-employer disputes.
Section 316. Appeal of denial of waiver for transportation security card.
Section 317. Inspection of car ferries entering from Canada.

SEC. 302. ESTABLISHMENT OF ADDITIONAL INTERMODAL TRANSPORTATION CENTERS FOR PORT SECURITY.
(a) In General.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high-priority ports.
(b) Characteristics.—The interagency operational centers shall—
(1) be based on the most appropriate components containing characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California;
(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating; and
(3) provide for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security, and State and local law enforcement, port security agencies and personnel;
(4) be incorporated in the implementation of—
(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;
(B) maritime intelligence activities under section 70107 of that title;
(C) short and long range vessel tracking under sections 70114 and 70115 of that title;
(D) secure transportation systems under section 70116 of that title;
(E) the United States Customs and Border Protection’s screening and high-risk cargo inspection programs; and
(F) the national plan to operate incident response plans required by section 70104 of that title.

(c) 2005 Act Report Requirement.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) Budget and Cost-Sharing Analysis.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Appropriations Committees of the Senate, the House of Representatives, the Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

SEC. 303. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.
Section 70103(b)(2) of title 46, United States Code, is amended—
(1) by striking “and” and, after the semicolon in subparagraph (E);
(2) by redesignating subparagraph (F) as subparagraph (G); and
(3) by inserting after subparagraph (E) the following:

(“F) include a salvage response plan—
(i) to identify salvage equipment capable of removing operational trade hazards and to provide for such equipment;
(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident; and

SEC. 304. POST-INCIDENT RESUMPTION OF TRADE.
Section 70103(a)(6)(J) of title 46, United States Code, as amended by section 1002(a) of the Coast Guard and Maritime Transportation Act of 2004, is amended—
(1) by striking the section heading and inserting the following:

(1) vessel that has a vessel security plan approved under subsection (c);
(2) vessels manned by individuals who are described in section 70105(b)(2)(D) and who have undergone a background checks record under section 70106(d) or who hold transportation security cards issued under section 70106; and
(3) vessels on which all the cargo has undergone screening and inspection under standards and procedures established under section 70116(b)(2) of this title.

SEC. 305. ASSISTANCE FOR FOREIGN PORTS.
(a) In General.—Section 70109 of title 46, United States Code, is amended—
(1) by striking the section heading and inserting the following:

(1) the Secretary, in consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of the port security antiterrorism measures in foreign countries.

(b) Funding.—Out of funds appropriated pursuant to section 70109 of title 46, United States Code, there shall be made available to the Secretary of Homeland Security for each of fiscal years 2004 through 2006 $100,000,000 for each of fiscal years 2007, 2008, and 2009.
American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security and anti-terrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

"(A) the strategic location of such ports between South America and United States; and

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

"(d) INTERNATIONAL CARGO SECURITY STANDARDS.—In consultation with the Secretary acting through the Commissioner of Customs and Border Protection, the Secretary shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, the International Organization for Security and Safety, the International Border Protection, the Coast Guard and Maritime Transportation Act of 2004, as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, and certain costs

"(e) AMENDMENTS.—The chapter on security at ports in the Caribbean Basin—

"(1) the seaport—

"(2) the Department of State and representatives of the Caribbean Basin countries; and

"(3) the Secretary, the Commissioner of Customs and Border Protection, shall place particular emphasis on utilizing programs to facilitate the implementation of port security and anti-terrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

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"(A) the strategic location of such ports between South America and United States; and

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.
5(a) FINDINGS.—The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security.

5(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, as amended by section 309(b)(2) of this subtitle, is amended by redesignating section 70122 as redesignated by section 309(b)(3) of this subtitle as section 70122; and

5(c) BENEFITS FROM PARTICIPATION.—In establishing a system of oceanborne and port-related intermodal transportation user fees, the Secretary shall:

(ii) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether security practices are reliable, accurate, and effective; and

(ii) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for maintaining and assessing the container security system.

SEC. 311. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that:

(1) contains the Secretary’s findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. 312. DEADLINE FOR TRANSPORTATION SECURITY CARDS.

The Secretary shall issue a final rule under section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. 313. ADDRESSEE SECURITY CARDS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking “making for a fair and equitable allocation of funding and inserting “based on risk and vulnerability”

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, as amended by section—

(c) DEADLINES.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

SEC. 314. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM SECURITY VALIDATION PROGRAM.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as added by section—

SEC. 315. WORK STOPPAGES AND EMPLOYER-Employee DISPUTES.

Section 70106(c) is amended by inserting after “area” the following:

(c) FUNCTIONS.—The national program for a broad-based university shall:

(1) Pair a U.S. land grant university with the lead Mexican public university in each of

SEC. 317. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their counterparts in Canada, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3383. Mr. GRASSLEY 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. 3. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by inserting "with respect to" before "the last sentence of section 214(g)(3)," and the last sentence of section 214(g)(3) is amended by inserting "as it applies to a visa application submitted after "the last sentence of section 214(g)(3),".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to visa revocations effected before, on, or after such date.

SA 3384. Mr. GRASSLEY (for himself, Mr. CHAMBLISS, Mr. HARKIN, and Mr. REED) 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. 3. ADDRESSING POVERTY IN MEXICO.

(a) FINDINGS.—Whereas there is a strong correlation between economic freedom and economic prosperity; 

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to visa revocations effected before, on, or after such date.

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Whereas trade policy, fiscal burden of government, government intervention in the economy, monetary policy, capital flows and foreign investment, banking and finance, wages and prices, property rights, regulation, and informal market activity are key factors in economic freedom.

Whereas poverty in Mexico, including rural poverty, can be mitigated through strengthened economic freedom.

Whereas strengthened economic freedom in Mexico can be a major influence in mitigating illegal immigration.

Whereas economic freedom within Mexico is an important part of any comprehensive plan to understanding the sources of poverty and the path to economic prosperity.

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Mexico’s 31 states to provide state-level coordination of rural poverty programs.

(2) Establish and coordinate relationships and programmatic ties between U.S. universities and Mexican universities to address the issue of Mexican rural poverty.

(3) Establish and coordinate ties with key leaders in the United States to explore how rural poverty drives illegal immigration of Mexicans into the United States; and

(4) Address immigration and border security concerns through a university-based, bi-national approach for long-term institutional change.

(5) USE OF FUNDS.—

1. IN GENERAL.—Grants awarded under this section shall be used—

(A) for education, training, technical assistance, and all related costs (including personnel and equipment) incurred by the grantee in implementing a program under this Act; and

(B) to establish a program administrative structure in the United States.

1. SUCH FUNDS AS DEEMED NECESSARY BY THE SECRETARY SHALL BE TREATED AS RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and re- signed to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly stationed abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse lived abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

SA 3385. Ms. LANDRIEU submitted an amendment intended to be proposed by her 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. 3. RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

This Act; as follows:

1. To lie on the table; as follows:

SA 3386. Mr. KYL 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 6, beginning on line 9, strike all through page 294, line 4, and insert the following:

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) PERSONNEL.—

(1) PORT OF ENTRY INSpectORS.—In each of the fiscal years 2007 through 2011, the Sec- 

1eretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, to increase the number of positions and support to such additional inspectors.

(b) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT FEDERAL INVESTIGATORS.—To assist the Secretary of Defense in carrying out the International Border Security Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking “800” and inserting “1,000.”

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking “800” and inserting “1,000.”

SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such pur- pose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the pre- preceding fiscal year), by—

(1) 2,000 in fiscal year 2006;

(2) 4,400 in fiscal year 2007;

(3) 4,400 in fiscal year 2008;

(4) 4,400 in fiscal year 2009;

(5) 4,400 in fiscal year 2010; and

(6) 2,400 in fiscal year 2011.

(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than the net increase in border patrol agents during each such fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the avail- ability of appropriations, the Secretary shall acquire unmanned aerial vehicles, tethered aerostat radars, and other surveil- lance equipment as necessary to ensure that the Secretary in carrying out surveillance activities con- ducted at or near the international land bor- 

1ders of the United States to prevent illegal immigration.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Sec- 

1retary shall submit to Congress a report that contains—

1. a description of the current use of Depart- 

1ment of Defense equipment to assist the Secret- 

1ary in carrying out the International Land Borders Act and assessment of the risks to citi- 

1zens of the United States and foreign policy interests associated with the use of such equipment;

2. the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

3. a description of the types of equipment and support to help the Secretary of De- 

1fense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as may be nec- 

1essary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the jurisdiction of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional ve- 

1hicle barriers and facilities necessary to achieve operational control of the inter- 

1national borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as may be nec- 

1essary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in bor- 

1der patrol sectors that are located in prox- 

1imity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

1. construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

2. make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

1. place all aged, deteriorating, or dam- 

1aged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Ari- 

1izona with double- or triple-layered fenci- 

1ng running parallel to the border between the United States and Mexico; and

2. extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

3. construct not less than 150 miles of ve- 

1hicle barriers and all-weather roads in the Tucson Sector running parallel to the inter- 

1national border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

1. place all aged, deteriorating, or dam- 

1aged primary fencing in the Yuma Sector located proximate to population centers in
Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico; and
(2) double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.
(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for border traffic.
(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsection (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.
(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate describing such measures, and a description of how an estimate of the resources needed to carry out such deployment is to be made.
(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.
(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.
(b) CONTENT.—The plan required by subsection (a) shall include the following:
(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.
(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.
(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department of Homeland Security, or its successor, is planned to work with the Under Secretary for Science and Technology of the Department to identify and test surveillance technologies.
(4) A description of the specific surveillance technology to be deployed.
(5) Identification of any obstacles that may impede such deployment.
(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.
(7) The description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.
(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.
(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.
(b) CONTENT.—The National Strategy for Border Security shall include the following:
(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.
(2) An assessment of the threat posed by terrorists that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.
(3) A risk assessment of all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—
(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and
(B) to protect critical infrastructure at or near such ports of entry or borders.
(4) An assessment of those requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.
(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.
(6) An assessment of staffing needs for all border security functions, taking into account threats and vulnerability information related to the international land and maritime borders of the United States.
(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary should take to coordinate with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.
(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.
(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.
(10) A description of a way to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.
(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.
(12) A description of performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.
(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.
(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—
(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and
(2) appropriate private sector entities, non-governmental organizations, and affected Federal agencies that have expertise in areas related to border security.
(e) SUBMISSION TO CONGRESS.—
(1) STRATEGY.—Not later than 1 year after the date of enactment of this Act, and annually, the Secretary shall submit the National Strategy for Border Security.
(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.
(f) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.
(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually, the Secretary shall submit to Congress a report on improving the exchange of information related to the security of North America.
(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:
(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress of efforts to improve security clearances and document integrity, including the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—
(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including
(i) passports;
(ii) visas; and
(iii) permanent resident cards;
(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, laws to forbid the manufacture of fraudulent travel documents and to promote information sharing;
(C) applying the necessary pressures and support to ensure that countries in the Western Hemisphere are able to meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and
(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents;
(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made in implementing the Joint Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and
(3) identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.
The Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, shall—

(A) in enhancing consultation among officials of the Governments of Mexico and the United States related to visitor visa processing, including—
   (i) application process;
   (ii) interview policy;
   (iii) general screening procedures;
   (iv) visa validity;
   (v) quality control measures; and
   (vi) access to appeal or review;
(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;
(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;
(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance programs and the systems to support automation, reporting, and risk targeting of international passengers;
(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and
(G) in collecting 10 fingerprints from each individual who applies for a visa.

SEC. 114. IMPROVING THE SECURITY OF MEXICO’S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, shall—
   (1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;
   (2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Mexico, Canada, and the United States to meet such needs; and
   (3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries;

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—
   (1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and to control one of the most significant international borders between Guatemala and Belize; and
   (2) with the appropriate officials of the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—
   (1) to assess the direct and indirect impact on the United States of Central America of deporting violent criminal aliens;
   (2) to establish a program and database to track individuals involved in Central American organized crime doses of Canada and the United States;
   (3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and
   (4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109-102).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, or local or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—
   (1) the interoperability of databases utilized to prevent human smuggling;
   (2) adequate and effective personnel training;
   (3) methods and programs to effectively target networks that engage in such smuggling;
   (4) the effective utilization of datasets of databases utilized to prevent human smuggling; and
   (5) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international human smuggling and other operations that are utilized in smuggling.

(c) JOINT MEASURES.—With the Secretary of State, the Secretary shall take action to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers and—

(d) OTHER MEASURES.—The Secretary considers appropriate to combating human smuggling.

SEC. 116. ANNUAL REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

Subtitle C—Other Border Security Initiatives

Subsection E—Biometric Data Enhancements

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and
SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.
(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents to ensure that such training is provided as efficiently and cost-effectively as possible.
(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:
(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of whether utilizing comparable non-Federal training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector is a more effective way of training Border Patrol agents.
(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.
(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic distribution, of other comparable Federal training programs provided by Federal enforcement and investigative agencies, with other comparable non-Federal training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.
(4) An assessment of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—
(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;
(B) the per agent costs of basic training; and
(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.
SEC. 124. IMPLEMENTATION.
Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a report that describes the findings of the review required by subsection (a).
SEC. 125. DOCUMENT FRAUD DETECTION.
(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Foreign Document Laboratory of the Bureau of Immigration and Customs Enforcement.
(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.
(c) ASSESSMENT.—
(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.
(2) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).
(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.
SEC. 126. IMPROVED DOCUMENT INTEGRITY.
(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—
(1) by redesignating subsection (b) as subsection (c);
(2) in subsection (a)(1), by striking ''Secretary of Homeland Security'' and inserting ''Secretary of Homeland Security'';
(3) in the heading, by striking ''entry and exit documents'' and inserting ''travel and entry documents and evidence of status'';
(4) by moving subsection (d) as subsection (e); and
(5) by inserting after subsection (d) the following:
"(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS CHERWEN.—Section 252 (8 U.S.C. 1226) is amended by adding at the end the following:
"(2) In subsection (a)(7), by adding at the end the following:
"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knows or has reason to know that an alien described in subparagraph (C) of subsection (a)(7) may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.
"(d) IMPLEMENTATION.—Section 7208 of the 9-11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—
(1) in subsection (c), by adding at the end the following:
"(1) In paragraph (1)—
(A) by striking "under a ground for inadmissibility established by an immigration officer", and inserting "under a ground for inadmissibility established by an immigration officer", and
(B) by redesignating subsection (c) as subsection (d);
(2) in subsection (d), by striking the following:
"(1) the following:
"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knows or has reason to know that an alien described in subparagraph (C) of subsection (a)(7) may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.
"(e) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this subsection, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.
"(f) IN GENERAL.—[Goes on to list sections of the United States Code that apply to the collection of biometric data from aliens]."
SEC. 127. CANCELLATION OF VISAS.
Section 222(g) (8 U.S.C. 1202(g)) is amended—
(1) in paragraph (1)—
(A) by striking "Secretary of Homeland Security" and inserting "Secretary of Homeland Security";
(B) by inserting "and any other non-immigrant visa issued by the United States" after "such visa"; and
(2) in paragraph (2)(A), by striking "other than the visa described in paragraph (1) issued in a consular office located in the country of the alien's nationality" and inserting "other than a visa described in paragraph (1) issued in a consular office located in the country of the alien's nationality or foreign residence".
SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.
(a) COLLABORATION BETWEEN PORTS OF ENTRY.—The Secretary, in consultation with the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern border of the United States and of other methods to detect individuals at land border ports of entry.
(b) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study required by subsection (a).
SEC. 129. BORDER STUDY.
(a) CONSTRUCTION OF STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern border of the United States and of other methods to detect individuals at land border ports of entry.
(b) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study required by subsection (a).
(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas; 
(2) an assessment of the feasibility of constructing such a system; 
(3) an assessment of the international, national, and regional environmental impact of such a system on the vulnerability of the United States to infiltration by terrorists or other wrongdoers in the course of conducting a covert operation; and 
(4) an assessment of the necessity for ports of entry along such a system; 
(5) an assessment of the impact such a system would have on international trade, commerce, and tourism; 
(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights; 
(7) an estimate of the costs associated with building a barrier system, including costs as associated with excavation, construction, and maintenance; 
(8) an assessment of the effect of such a system on Indian reservations and units of the United States; 
(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior enforcement efforts; and 
(10) an assessment of the impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts; 
(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health; 
(12) an assessment of the likelihood that such a system may lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, the secretary of the interior, and the inspector general shall submit a report to the committee on the judiciary of the house of representatives, regarding a proposed purchase of a contract for a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts; 
(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and 
(14) an assessment of the effect of such a system on the vulnerability of the United States to terrorism by terrorists or other agents intending to inflict direct harm on the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the inspector general shall submit a report to the committee on the judiciary of the house of representatives regarding a proposed purchase of a contract for a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts; 
(1) the findings of the report received from the inspector general; and 
(2) the steps the secretary has taken, or plans to take to address the problems identified in such report.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for review or deferred removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the secretary, in the secretary’s sole and unreviewable discretion, to determine whether an alien described in clause (ii) of section 236(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF MANDATORY ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.

"(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or elude customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint.

"(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title; 
"(2)(A) imprisoned for not more than 3 years, or both; 
"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or 
"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; 
"(3) both fined and imprisoned under this subsection.

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The inspector general of the department shall review each contract action under the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The inspector general shall submit a report to the committee on the judiciary of the house of representatives regarding such contract action—

(1) not later than 60 days after the date of the initiation of the action; and 
(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the inspector general becomes aware of any improper conduct or wrongdoing in the course of conducting a contract action, the inspector general shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the inspector general of the department, and the inspector general shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the inspector general shall submit to the secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns; 
(B) significant delays in contract execution; 
(C) lack of rigorous departmental contract management; 
(D) insufficient departmental financial oversight; 
(E) bundling that limits the ability of small businesses to compete; or 
(F) other high risk business practices.

(c) R EPORTS ON UNITED STATES PORTS.—

(1) R EQUIREMENTS DURING INTERIM PERIOD.—Not later than 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and 
(2) the alien provides a bond of not less than $5,000.

(d) R EPORTS ON UNITED STATES PORTS.—

(1) R EPORT.—Upon the completion of each review described in subsection (a), the inspector general shall submit to the committee on the judiciary of the house of representatives a report containing the findings of the review, including findings regarding—

(A) cost overruns; 
(B) significant delays in contract execution; 
(C) lack of rigorous departmental contract management; 
(D) insufficient departmental financial oversight; 
(E) bundling that limits the ability of small businesses to compete; or 
(F) other high risk business practices.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN BORDERS.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235 of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or 
(2) is paroled into the United States by the secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182).
SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Pursuant to its authority under section 994 of title 28, United States Code, in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) Requirements.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary established to reflect the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies;

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(C) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the entry of such alien, for entry of such alien, if the alien entered before July 1, 1924, as of the date of such entry if no such record is otherwise available.

If the alien establishes that the alien—

(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to consequences of subsequent convictions), or

(2) entered the United States before January 1, 1972.

(3) 237(a)(4)(B).

The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, exclusibility, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) Astlum.—Section 28(b)(2)(A)(V) (8 U.S.C. 1158(b)(2)(A)(V)) is amended by striking “and (V)” and inserting “(V), (VI), (VII), (VIII)”.

(b) Cancellation of Removal.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking “but the court shall consider” and inserting “described in”;

(2) by striking “deportable under and in descripting”;

(c) Voluntary Departure.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking “deportable under section 237(a)(2)(A)(III) or section 237(a)(4)” and inserting “described in paragraph (2)(A)(II) or (4) of section 237(a)”.

(d) Restriction on Removal.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking “or” at the end;

(2) by striking “by the court, or an immigration judge orders a removal order, including fail-

(e) Record of Admission.—Section 249 (8 U.S.C. 1259) is amended to read as follows:
orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

`(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—`

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(i) to prevent the alien from absconding;
(ii) for the protection of the community; or
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(iii) for other purposes related to the enforcement of immigration laws.''
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(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, subject to any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien;"

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

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(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY Cooperate WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

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(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—
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(i) has effect an entry into the United States; and
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(ii) has made all reasonable efforts to comply with the alien's removal order;
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(iii) fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for any special adjustment available under the immigration laws; and
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(iv) has not conspired or acted to prevent removal.
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(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

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(i) shall consider any evidence submitted by the alien;
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(ii) may consider any other evidence, including—
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(i) any information or assistance provided by the Department of State or other Federal agency; and
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(ii) any other information available to the Secretary pertaining to the ability to remove the alien.
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(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

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(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or
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(ii) certifies in writing—
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(i) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public health; or
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(ii) after receipt of a written recommendation from the Secretary of State, that the alien poses a continuing danger to the national security of the United States; and
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(iii) certifies in writing to have serious adverse foreign policy consequences for the United States;
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(iv) certifies in writing that—
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(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and
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(bb) the alien—
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(aa) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A));
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(bb) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political crime);
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(cc) has been convicted of 1 or more aggravated felonies, and has committed a crime of violence, and has committed an act of domestic or international terrorism;
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(dd) has engaged in consular or diplomatic activity; or
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(EE) may, in the discretion of the Secretary, detain any alien subject to a final removal order who has previously been released from custody if—

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(i) the alien fails to comply with the conditions of release;
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(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or
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(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B).
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(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (A) without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

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(i) the alien fails to comply with the conditions of release;
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(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or
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(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B).
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(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY Cooperate WITH REMOVAL.—The Secretary—

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(i) shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts to carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or
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(ii) may consider any other evidence, including any extension of the removal period under paragraph (1)(C).
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(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of the enactment of this Act; and

(A) shall apply to any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) shall apply to any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act.
(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e) by striking paragraphs (1), (2), and (3) and inserting the following:

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act. (2) APPLICABILITY.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 2009-627) continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) Subject to rebuttal by the person, it shall be presumed that the person—"

"(A) is an alien; and"

"(B) has no lawful immigration status in the United States;"

"(ii) the subject of a final order of removal; or"

"(iii) has committed a felony offense under section 911, 922(g), 1015, 1028, 1423, or 1426 of this title, chapter 75 or 77 of this title, or section 1357, 1359, 227, or 239 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2237, and 1328)."; and

(2) in subsection (g)(3), by striking in the last sentence "other subparagraph of this paragraph" and inserting "paragraph (1)(A) or (2) of"; and

(b) CONDITIONAL PERMANENT RESIDENT STATUS.—Section 216(e) (8 U.S.C. 1186a(e)) is amended—

(1) by striking the last sentence; and

(2) by striking in paragraph (2), in subparagraph (B), 

"the Secretary of Homeland Security completes all examinations and interviews whenever the Secretary determines that the alien has been rehabilitated and is a threat to public safety and order."; and

(c) NON-IMMIGRANT VISAS.—Section 214(b) (8 U.S.C. 1182(b)) is amended—

(1) by striking paragraph (2); and

(2) by striking in paragraph (6) after "The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 2009-627) continue to apply, whether the conviction was entered before, on, or after September 30, 1996."

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) IN GENERAL.—Section 1841(c)(1)(A) (18 U.S.C. 1841(c)(1)(A)) is amended—

(A) by striking in the heading "in general" and inserting "in general, or is an alien described in section 1841(c)(1)(A), or is a member of a criminal street gang (as defined in section 521(a) of title 8, United States Code); or"

(b) CRIMINAL STREET GANGS.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

SEC. 206. NATURALIZATION.

(a) APPLICABILITY.—The amendments to title 8, United States Code, made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.
is inadmissible.

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) A person—

(i) who has participated in the activities of a criminal gang, knowing or in reckless disregard of the fact that such person has knowledge or reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang, is deportable.

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security, or the Attorney General if designated by the Secretary of Homeland Security, shall, for a period of not more than 18 months, prescribe in the Federal Register rules to designated ports of entry, or place other than as designated, at which aliens may enter the United States, at a place other than a designated port of entry, or other place than as designated, to be in the United States, if the transportation or movement will further the alien’s illegal entry into or illegal presence in the United States;"

(ii) in subparagraph (D), (E), or (F) of paragraph (2), by striking the following:

"(F) if the offense caused serious bodily injury (as defined in section 1111(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 30 years or more than 50 years, or both;"

(4) ALIEN SMUGGLING AND RELATED OFFENSES.—

(a) CRIMINAL OFFENSES AND PENALTIES.—

(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States, or to cross the border to the United States; or

(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or other place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

(2) CRIMINAL PENALTIES.—A person who—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) by striking or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States, or to cross the border to the United States; or

(C) transports, moves, harbors, conceals, or shields a person outside the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States, or to cross the border to the United States; or

(D) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien lacking lawful authority to be in the United States; or

(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien lacking lawful authority to enter or be in the United States, if the transportation or movement will further the alien’s illegal entry into or illegal presence in the United States; or

(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien lacking lawful authority to be in the United States; or

(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F) (as defined in section 2119(2) of title 18, United States Code) is punishable by a term of imprisonment for not less than 10 years or more than 20 years, or both; or

(3) ALIEN SMUGGLING AND RELATED OFFENSES.—

(a) CRIMINAL OFFENSES AND PENALTIES.—

(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States, or to cross the border to the United States; or

(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or other place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

(C) transports, moves, harbors, conceals, or shields a person outside the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States, or to cross the border to the United States; or

(D) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien lacking lawful authority to be in the United States; or

(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien lacking lawful authority to enter or be in the United States, if the transportation or movement will further the alien’s illegal entry into or illegal presence in the United States; or

(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien lacking lawful authority to be in the United States; or

(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F) (as defined in section 2119(2) of title 18, United States Code) is punishable by a term of imprisonment for not less than 10 years or more than 20 years, or both; or
aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

(2) DEFINITION.—An alien described in this paragraph is an alien who—
(A) is an unauthorized alien (as defined in section 274A(h)(3));
(B) is present in the United States without lawful authority; or
(C) has been brought into the United States in violation of this subsection.

(3) SEIZURE AND FORFEITURE.—(1) Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross receipts from such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

(4) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of this section (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be present in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

(A) evidence of the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or officer) during any judicial or administrative proceeding authorized under Federal immigration law;

(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

(5) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

(A) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

(B) other officers responsible for the enforcement of Federal criminal laws.

(6) ADMISSIBILITY OF VIDEO TAPE WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted in evidence in an action brought for that violation if—

(A) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

(B) the deposition otherwise complies with the Federal Rules of Evidence.

(7) OUTREACH PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the fiscal years 2007 through 2011 to carry out this subsection.

(4) DEFINITIONS.—In this section:

(A) CROSSED INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

(B) LAWFUL AUTHORITY.—The term ‘lawful authority’ means permission, authorization, or license that is expressly provided for by the immigration laws of the United States or accompanying regulations.

(C) VIOLATION.—Any act or omission in violation of this section.

(D) PENALTIES.—Any act or omission specified in paragraph (1) of this subsection (other than paragraph (2) thereof), including any associated fines, shall be punishable as a criminal offense under section 275 of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ‘‘alien smuggling crime,’’ after ‘‘any crime of violence’’;

(B) in subparagraph (A), by inserting ‘‘alien smuggling crime,’’ after ‘‘such crime of violence’’;

(C) in subparagraph (D)(ii), by inserting ‘‘alien smuggling crime’’ after ‘‘such crime of violence’’;

(D) in subparagraph (D)(ii), by inserting ‘‘alien smuggling crime’’ after ‘‘crimes of violence’’; and

(E) by adding at the end the following—

(6) For purposes of this subsection, the term ‘‘alien smuggling crime’’ means any felony punishable under section 777(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).’’.

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

‘‘SEC. 275. ILLEGAL ENTRY. (a) In General.—

(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

(A) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (other than such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

(B) criminal penalties.—Any alien who violates any provision under paragraph (1)—

(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

(B) shall, for a second or subsequent violation, or following an order of voluntary departure ordered after such title, imprisoned not more than 2 years, or both;

(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 10 years, or both;

(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 10 years, if convicted under this subsection, shall be imprisoned not more than 20 years, or both.

(F) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only to offenses in which the conviction or convictions that form the basis for the additional penalty are—

(A) alleged in the indictment or information, and

(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

(G) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(H) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

(i) IMPROPER TIME OR PLACE, CIVIL PENALTIES.—

(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or remaining in the United States after illegally crossing the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

(B) twice the amount specified in paragraph (1), if the alien has previously been subject to a civil penalty under this subsection.

(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.

(3) CRIMINAL PENALTIES.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

‘‘Sec. 275. Illegal entry.’’

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:
SEC. 276. REENTRY OF REMOVED ALIEN.

(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal was outstanding, and subsequently enters, attempts to enter, crosses the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 20 years, or both;

(4) was convicted for 3 felonies before such such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

(5) was convicted, before such removal or departure, of murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of title 18, United States Code, imprisoned not more than 20 years, or both;

(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(d) INCREASED PENALTIES FOR PREVIOUS CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

(1) alleged in the indictment or information; and

(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reenter for admission into the United States; or

(2) with respect to an alien previously denied admission and removed, the alien—

(A) was not required to obtain such advance permission to enter the Immigration and Nationality Act or any prior Act; and

(B) had complied with all other laws and regulations governing the alien’s admission into the United States.

(3) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the legality of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

(2) the removal proceedings at which the order was found, the alien was notified of the alien’s opportunity for judicial review; and

(3) the entry of the order was fundamentally unfair.

(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States shall be incarcerated for the remainder of the sentence of imprisonment which was imposed, regardless of the sentences already served without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien’s reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care or food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

(i) DEFINITION OF REENTRY.—

(1) CROSSES THE BORDER.—The term ‘crosses the border’ applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

(2) FELONY.—Term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

(3) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

(j) Removal.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exit, or stays out, of the United States.

(k) STATE.—The term ‘State’ means a State or the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 208. REMOVAL, EXCLUSION, AND IMMIGRATION FRAUD OFFENSES.

(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.

In general.—Chapter 75 of title 18, United States Code, is amended to read as follows:

“CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

“Sec.

1541. Trafficking in passports.

1542. False statement in an application for a passport.

1543. Forgery and unlawful production of a passport.

1544. Misuse of a passport

1545. Misuse of a passport.
§1542. Immigration document fraud—

(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331) or a drug trafficking crime as defined in section 2351 or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States; or

(2) the offense is committed to facilitate an act of international terrorism as defined in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of State and the Attorney General, or the Secretary of State, or the Attorney General.

§1551. Additional jurisdiction—

(a) A person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter.

(b) E X T R A T E R R I T O R I A L J U R I S D I C T I O N. Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

(1) the offense involves a United States immigration document (or anything purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

(2) the offense is in or affects foreign commerce;

(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration or Federal immigration laws, or the national security of the United States;

(4) the offense is committed to facilitate an act of international terrorism (as defined in section 981(a)(2)) that affects or would affect the national security of the United States;

(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

(6) the offender is a stateless person whose habitual residence is in the United States.

§1552. Additional venue—

(a) In General.—An offense under section 1542 may be prosecuted in—

(1) any district in which the false statement or representation was made;

(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

§1553. Definitions—

(a) In this chapter—

(1) The term ‘falsely make’ means to prepare or complete an immigration document

falsely made, procured by fraud, or produced or issued without lawful authority; or

(2) the offense is in or affects foreign commerce;

(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration or Federal immigration laws, or the national security of the United States; or

(4) the offense is committed to facilitate an act of international terrorism (as defined in section 981(a)(2)) that affects or would affect the national security of the United States;

(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

(6) the offender is a stateless person whose habitual residence is in the United States.

§1552. Additional venue—

(a) In General.—An offense under section 1542 may be prosecuted in—

(1) any district in which the false statement or representation was made;

(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

§1553. Definitions—

(a) In this chapter—

(1) The term ‘falsely make’ means to prepare or complete an immigration document

falsely made, procured by fraud, or produced or issued without lawful authority; or

(2) the offense is in or affects foreign commerce;

(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration or Federal immigration laws, or the national security of the United States; or

(4) the offense is committed to facilitate an act of international terrorism (as defined in section 981(a)(2)) that affects or would affect the national security of the United States;

(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

(6) the offender is a stateless person whose habitual residence is in the United States.
with knowledge or in reckless disregard of the fact that the document—

``(A) contains a statement or representation that is false, fictitious, or fraudulent;

``(B) is a false application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or any other evidentiary document, arising under or authorized by the immigration laws of the United States; and

``(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

``(2) Any statement or representation includes a personation or an omission.

``(3) The term ‘felony’ means any criminal offense punishable in a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

``(4) The term ‘immigration document’ means—

``(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

``(B) the laws relating to the issuance and use of passports; and

``(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

``(5) The term ‘immigration proceedings’ includes—

``(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

``(B) the laws relating to the issuance and use of passports; and

``(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

``(6) The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

``(7) A person does not exercise ‘lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

``(8) The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

``(9) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

``(10) The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

``§ 1554. Authorized law enforcement activities

``Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States; a State; or a political subdivision of a State, or an intelligence activity of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

``§ 1555. Exception for refugees, asylees, and other vulnerable persons

``(a) In General.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 212(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1221), or for relief under the Convention Against Torture and Other Forms of Harmful to minimize the use of force and to maximize the use of non-lethal techniques.

``(b) Protection for legitimate refugees and asylum seekers.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

``(c) Technology usage.—Technology, such as teleconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, a fingerprint scan, will be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

``(d) Authorization to carry out the Program.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

``SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY

``(a) In General.—Section 240B (8 U.S.C. 1229c) is amended—

``(1) in subsection (a) by adding paragraph (1) to read as follows:

``(2) in subsection (b) by amending paragraph (1) to read as follows:

``(3) by redesignating paragraph (2) as paragraph (3);

``(4) by adding after paragraph (1) the following:

``(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

``(c) Technology usage.—Technology, such as videoteleconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, a fingerprint scan, will be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

``(d) Authorization to carry out the Program.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

``SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.


``(1) in subsection (a)—

``(2) in subclause (I), by striking ‘‘or’’ at the end and inserting a semicolon;

``(3) in subclause (II), by striking the comma at the end and inserting ‘‘and’’;

``(4) in subclause (III), by striking ‘‘or’’ at the end and inserting a semicolon;

``(5) in subclause (IV), by striking ‘‘or’’ at the end and inserting a semicolon;

``(6) by redesignating paragraph (2) as paragraph (3); and

``(7) by adding after paragraph (1) the following:

``(b) Removal.—Section 237 (8 U.S.C. 1227) is amended by adding at the end the following:

``(c) In general.—If an alien is not described in section 212(a)(3)(B)(1), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien’s own expense under this sub-section instead of being subject to proceedings under section 240.

``(d) In general.—If an alien is not described in section 212(a)(3)(B)(1), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien’s own expense under this sub-section instead of being subject to proceedings under section 240.

``(e) By redesigning subparagraph (b) as paragraphs (C), (D), and (E), respectively; and

``(f) by redesigning subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;
(ii) by adding after subparagraph (A) the following:

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(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will either appear to be surrended upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.''
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SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking “(y)(2)” and all that follows and inserting “(y), in a nonimmigrant classification; or”;

and

(C) by adding at the end the following:

“(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));”

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking “(y)(2)” and all that follows and inserting “(y), in a nonimmigrant classification; or”;

and

(C) by adding at the end the following:

“(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));”

(3) in subsection (y)—

(A) in the header, by striking “ADMITTED UNDER NONIMMIGRANT VISAS” and inserting “IN A NONIMMIGRANT CLASSIFICATION”;

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

“(B) the term ‘nonimmigrant classification’ includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).”;

(C) in paragraph (2), by striking “has been lawfully admitted to the United States under a nonimmigrant visa” and inserting “is in a nonimmigrant classification”;

and

(D) in paragraph (3)(A), by striking “Any alien who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)” and inserting “Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)”.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

“(a) Immigration, naturalization, andpeonage offenses

‘‘No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses, relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commencement of the offense.’’

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

“3291. Immigration, naturalization, andpeonage offenses.”

SEC. 215. DIPLOMATIC SERVICE SECURITY.

Section 2708a(a)(1) of title 22, United States Code, is amended to read as follows:

“(a) the indictment is returned or the information filed not later than 10 years after the commencement of the offense.

(b) identify theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

(c) violations of chapter 77 of title 18, United States Code; and

(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 701 of title 18, United States Code).’’

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by inserting subsection (f) to read as follows:

“(f) MINIMUM NUMBER OF AGENTS IN STATUS.

“(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

(i) investigate immigration violations; and

(ii) ensure the departure of all removable aliens; and

(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

“(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000 as most recently reported by the Bureau of the Census; and

(2) by adding at the end the following:

“(1) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or any other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

(2) grant or order the grant of any other status, relief from removal, or any other benefit under the immigration laws; or

(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act or any other provision of law shall be construed to require the Secretary of Homeland Security to, the Attorney General, or any court.

(b) EFFECTIVE DATE.—The amendment made by section 212(a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REMUNERATION FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 411(i)(5) (8 U.S.C. 1231(i)(5)) is amended to read as follows:

“(5) There are authorized to be appropriated to carry this subsection—

(A) such sums as may be necessary for fiscal year 2007;

(B) $750,000,000 for fiscal year 2008;

(C) $850,000,000 for fiscal year 2009; and

(D) $950,000,000 for each of the fiscal years 2010 through 2012.”

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1251) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security.”

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care;

(3) environmental restoration; and

(4) the preservation of cultural resources.
SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

The amendments made by paragraphs (1) and (2) of section 266 of title 8, United States Code, which is amended—

(1) in subsection (a), by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(2) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(B) FAILURE TO PROVIDE NOTICE OF ALIEN'S CURRENT ADDRESS.—

(1) GENERAL.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or interrogated, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be removed subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien;"

(1) in subsection (a), by inserting "or a notice of current address" before "containing statements"; and

(2) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary";

(3) by effective dates.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply on or after the date of the enactment of this Act.

(2) COMFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 267 (g) of 8 U.S.C. 1357(g) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to
the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) In General.—Section 101(a)(45)(F) (8 U.S.C. 1101(a)(45)(F)) is amended by inserting "including a third driving conviction, regardless of the States in which the convictions occurred or whether the offenses are common law offenses or felonies under State law." after "offense".

(b) Effective Date.—The amendment made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1192 note) is amended by striking "and before June 1, 2006.".

SEC. 227. EXPEDITED REMOVAL.

(a) In General.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS.

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—"

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—"

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following: "(1) In General.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 235.

(2) Aliens Not Removed.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).

(5) in the subsection (c) that relates to pre-sumption of deportability, by striking "con- victed of an aggravated felony" and inserting "described in subsection (b)(2)");

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking "who is deportable under this Act.

(b) Application to Certain Aliens.—


(A) by striking "(b)" and inserting "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subsection: "(III) Exception.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in paragraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.

(2) Note.—Section 225(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

(ii) who is present in the United States and arrived in any manner at or between a port of entry; or

(iii) who is present in the United States and arrived at a port of entry; or

(iv) who is present in the United States and arrived at a port of entry under a provision of law, other than the provisions of this Act, that the alien be taken into Federal custody, the Secretary of Homeland Security shall—

"(a) request the head of the Immigration and Nationality Service to apprehend the alien and to take the alien into the custody of the Immigration and Nationality Service; and

"(b) request the Secretary of Homeland Security to take the alien into custody, if the Secretary of Homeland Security determines that the alien poses no risk to the security of the United States.

SEC. 228. PROTECTING IMMIGRANTS FROM CONSIDERATION FOR TRANSFER TO FEDERAL CUSTODY.

(a) Immigrants.—Section 294(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by striking "Any" and inserting "Except as provided in clause (vii), any";

(2) in subparagraph (A), by inserting after clause (vi) the following: "(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed; and

(3) in subparagraph (B)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), and (B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.

(b) Nonimmigrants.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 294(a)(1)(A)(i)(I))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) In General.—Title II (8 U.S.C. 1151 et seq.) is amended by adding after section 245C the following new section:

"SEC. 246D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

"(a) Authority.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign State to arrest, detain, or transfer to Federal custody an alien (other than a citizen described in section 294(a)(1)(A)(i)(I)) after citizen of the United States' each place that phrase appears.

"(b) Nonimmigrants.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 294(a)(1)(A)(i)(I))" after "citizen of the United States" each place that phrase appears.

"(c) Transfer.—If the head of a law enforcement entity of a State or a political subdivision of a State (or, as appropriate, a political subdivision of the State) determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.

"(d) Reimbursement.—

"(1) In General.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) Cost Computation.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(i) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transfer of the request described in subsection (c) and the time of transfer into Federal custody; plus

"(D) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration laws are separated within a facility or facilities.

"(E) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration laws are separated within a facility or facilities.

"(F) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular
circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests for detention of aliens to enter or remain in the United States.

3. Procedure for removal of erroneous information.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, may designate a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) Inclusion of information in the National Crime Information Center data base.—Section 534(a) of title 28, United States Code, is amended—

1. In paragraph (3), by striking “and” at the end of such paragraph.

2. by redesignating paragraph (4) as paragraph (5); and

3. by inserting after paragraph (3) the following new paragraph (4)—

“(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and”.

(c) Cooperative enforcement programs.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate, whenever practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 local law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).


(a) Construction or acquisition of detention facilities.—(1) In general.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) Determination of location.—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Secretary, in consultation with the Secretary of the Treasury, as the Secretary determines necessary to provide space for the detention of aliens from the United States.

(b) Use of installations under base closure laws.—In acquiring detention facilities under this subsection, the Secretary shall ensure that all relevant and applicable portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of subchapter III of chapter 26 of title 10, United States Code) described in section 2687 noted for use in accordance with paragraph (1).

(c) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) Responsibility of United States Attorneys.—Beginning not later than 2 years after the date of the enactment of this Act, the United States Attorney for each district and division of the United States shall ensure that, to the maximum extent practicable, the Secretary has or maintains related to each criminal case in a Federal court—

1. shall determine whether the defendant is lawfully present in the United States; and

2. shall notify the court in writing of the determination on removal of such aliens from the United States; and

(b) Technical and Conforming Amendment.—Section 274(g)(1) (8 U.S.C. 1324(g)(1)) is amended by striking “may expend” and inserting “shall expend”.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.
SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.
(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIEN UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such hiring, recruiting, or referring for a fee,

(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REPUTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

(A) IN GENERAL.—Subject to subparagraph (B), an employer that has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer establish an affirmative defense under subparagraph (A) with respect to hiring, recruiting, or referring.

(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) BUREAUCRATIC OVERLOAD AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—The Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer establish an affirmative defense under subsection (d) or is permitted to participate in the Electronic Employment Verification System in compliance with this section, or has insti-
tuted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

(A) the employer is in compliance with the requirements of subsections (c) and (d); or

(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is au-
thorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIRE-
MENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States that can take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

(1) ATTESTATION BY EMPLOYER.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—The employer shall att-
est, under penalty of perjury and on a form prescribed by the Secretary, that the em-
ployer has complied in good faith with the requirements of subsections (c) and (d).

(ii) document described in subparagraph (B) or (C); or

(iii) document described in subparagraph (D) and a document described in subpara-
graph (E).

(B) SIGNATURE REQUIREMENTS.—An attes-
tation required by clause (i) may be mani-
fested by a handwritten or electronic signa-
ture.

(C) STANDARDS FOR EXAMINATION.—An em-
ployer has complied with the requirement of this paragraph with respect to examina-
tion of documentation if, based on the total-
ity of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(4) REQUIREMENTS FOR EMPLOYMENT ELI-
GIBILITY SYSTEM PARTICIPANTS.—A partic-
ipant in the Electronic Employment Verification System established under sub-
section (d), regardless of whether such par-
ticipation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the requirements and comply with the employment eligibility verification requirements contained in this section.

"(b) DOCUMENTS ESTABLISHING BOTH EM-
PLOYMENT ELIGIBILITY AND IDENTIFICATION.—A doc-
ument described in this subparagraph is an individual's—

(1) United States passport; or

(2) social security account number card issued by the Commissioner of Social Secu-
rity other than a card which specifies on its face that the card does not authorize employment in the United States;

or

(ii) any other documents evidencing eligi-

bility of employment in the United States, if—

(i) the Secretary has published a notice in the Federal Register stating that such doc-
ument is acceptable for purposes of this sub-
paragraph; and

(ii) contains security features to make the document resistant to tampering, counter-
feiting, and fraudulent use.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

(i) driver's license or identity card issued by a State, the Commonwealth of the North-
ern Mariana Islands, or an outlying possess-
sion of the United States that is not in com-
plicity with the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13; 119 Stat. 302);

(ii) driver's license or identity card issued by a State, the Commonwealth of the North-
ern Mariana Islands, or an outlying possess-
sion of the United States that is not in com-
plicity with the requirements of the REAL ID Act of 2005, if the license or identity card—

(i) is not required by the Secretary to comply with such requirements; and

(ii) contains the individual's photograph or information, including the individual's name, date of birth, gender, address, and

(iii) contains security features to make the card resistant to tampering, counter-
feiting, and fraudulent use; or

(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

(i) the Secretary determines is a reliable means of identification; and

(ii) contains security features to make the document resistant to tampering, counter-
feiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being fraudulently used to an unacceptable degree, the Secretary is authorized to pro-
hibit, or impose conditions, on the use of such document or class of documents for pur-
poses of this subsection.

(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any find-

ings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYER.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—The individual shall at-
est, under penalty of perjury on the form

 prescribed by the Secretary, that the em-
ployer is required to participate in the

 Electronic Employment Verification System described in this subparagraph.

(ii) document described in subparagraph (B) or (C); or

(iii) document described in subparagraph (D) and a document described in subpara-
graph (E).

(B) SIGNATURE REQUIREMENTS.—An attes-
tation required by clause (i) may be mani-
fested by a handwritten or electronic signa-
ture.

"(3) DOCUMENTS EVIDENCING EMPLOYMENT ELI-
GIBILITY.—A document described in this subparagraph is an individual's—

(i) social security account number card issued by the Commissioner of Social Secu-
rity other than a card which specifies on its face that the card does not authorize employment in the United States;

"(4) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any find-

ings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYER.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—The individual shall at-
est, under penalty of perjury on the form

 prescribed by the Secretary, that the em-
governor (or any other officer being authorized to receive oaths) of the United States, under the hand of the Secretary of Labor.
employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment of not more than 5 years, or both.

(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation or any other record required by subparagraph (A) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

(A) in the case of a recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

(B) in the case of the hiring of an individual the later of—

(i) 7 years after the date of such hiring;

(ii) 1 year after the date the individual's employment is terminated; or

(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) by the Secretary in order to confirm the validity of the information provided.

(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

(i) In general.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual in support of an employment application and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

(ii) Use of retained documents.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

(B) RETENTION OF SOCIAL SECURITY CORRELATION DOCUMENTS.—The employer may retain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or social security account number provided in response to such inquiry. The Secretary may require that an employer retain copies of additional records related to the System and provide an audit capability; and

(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

(D) RETENTION OF CLARIFICATION RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

(5) PENALTIES.—An employer that fails to comply with the requirements of this subsection shall be subject to the penalties described in subsection (e)(4).

(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

(7) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

(A) IN GENERAL.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

(8) MANAGEMENT OF SYSTEM.—

(A) IN GENERAL.—The Secretary shall, through the System—

(i) provide a response to an inquiry made by an employer through the Internet or other telecommunications line regarding an individual's identity and eligibility for employment in the United States;

(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice, the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

(d) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—

(1) REQUIREMENT FOR SYSTEM.—The Secretary shall establish, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

(ii) a determination of whether such social security account number was issued to the individual;

(iii) a determination of whether such social security account number is valid for employment in the United States; and

(iv) any other related information that the Secretary may require.

(2) PENALTIES.—An employer that fails to participate in the System, with respect to employees hired on or after such date, be subject to a fine of not more than $5,000, a term of imprisonment of not more than 5 years, or both.

(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System, with respect to employees hired on or after such date, to—

(A) RETENTION OF DOCUMENTS.—An employer shall retain copies of all documents presented by an individual in support of an employment application and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

(B) RETENTION OF SOCIAL SECURITY CORRELATION DOCUMENTS.—The employer shall retain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or social security account number provided in response to such inquiry. The Secretary may require that an employer retain copies of additional records related to the System and provide an audit capability; and

(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

(D) RETENTION OF CLARIFICATION RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

(E) PENALTIES.—An employer that fails to comply with the requirements of this subsection shall be subject to the penalties described in subsection (e)(4).

(4) PENALTIES.—An employer that fails to comply with the requirements of this subsection shall be subject to the penalties described in subsection (e)(4).

(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

(7) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

(A) IN GENERAL.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

(B) MANAGEMENT OF SYSTEM.—

(A) IN GENERAL.—The Secretary shall, through the System—

(i) provide a response to an inquiry made by an employer through the Internet or other telecommunications line regarding an individual's identity and eligibility for employment in the United States;

(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice, the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

(D) DESIGNATION OF SYSTEM.—

The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

(i) to maximize and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

(ii) to respond to each inquiry made by an employer; and

(iii) to track and record any occurrence when the System is unable to receive such an inquiry.

(E) TO ALLOW FOR MONITORING OF THE USE OF THE SYSTEM.—

(iv) any other related information that the Secretary in order to confirm the validity of the information provided.

(ii) a determination of whether such number was issued to the individual;

(iii) a determination of whether such number is valid for employment in the United States; and

(iv) any other related information that the Secretary may require.

(G) UPDATE INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System to promote maximum accuracy and shall provide a process for the prompt correction of erroneous information.

(H) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System, with respect to employees hired on or after such date, to—

(i) part of the critical infrastructure of the United States; or

(ii) directly related to the national security or homeland security of the United States.

(iii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an additional employer or class of employers to participate in the System, with respect to employees hired on or after such date if the Secretary determines, in the Secretary's sole and unrevisable discretion, such employer or class of employers is—

(A) a critical employer for purposes of this Subchapter; or

(B) an employer with more than 5,000 employees in the United States.
employees hired by the employer after the date the Secretary requires such participation.

(4) SMALL EMPLOYERS.—Not later than 4 years after the date of enactment of the Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(5) REQUIREMENT TO PARTICIPATE IN SYSTEM.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

(4) No Waiver of Requirement.—If an employer that is not required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may not extend the period of time the Secretary has determined would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, forcing or administering the immigration laws, the employer may not terminate the employment of an individual (as the case may be) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

(5) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee, and

(A) such failure shall be treated as a violation of subsection (a)(1) of this section, however such prior waiver to the date such waiver is granted.

(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee, and

(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

(B) no provision of such form shall be included in the System to permit or allow any department, bureau, or other reasonable time as may be specified by the Secretary any information relating to the employment, recruitment, or referral of the individual or the determination with respect to any of such information.

(7) System Requirements.—

(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States shall—

(i) obtain from the individual and record on the form designated by the Secretary, the individual's social security account number; and

(ii) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

(iii) provide such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

(B) Protection from Liability.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

(8) Protection from Liability.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.
Secretary a petition for the remission or mitigation of any such penalty. Such notice shall—

(i) describe the violation;

(ii) specify the laws and regulations allegedly violated;

(iii) disclose the material facts which establish the alleged violation; and

(iv) inform such employer that the employee or employer may, if deemed reasonable such opportunity to make representations as to why a claim for a monetary or other penalty shall not be imposed.

(B) REMISSION OR MITIGATION OF PENALTIES.—

(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings.

The petition may include any relevant evidence or proof that the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the reduction or remission of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall make a determination as to whether the notice is in error or whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer’s hiring, recruitment, labor practices, and adherence to the terms and conditions of this paragraph, including the implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection in appropriate cases, the civil penalty described in subsection (g)(2).

(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

(F) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition for review and the grant of the petition shall stay the Secretary’s determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

(G) PROHIBITION OF INDEMNITY BONDS.—It is unlawful for an employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Security to be a repeat violator of this section relating to such hiring, recruiting, or referring of the individual to post a bond or security, to pay or agree to pay any amount to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

(H) PREVENTION OF DOUBLED PENALTIES.—Nothing in this section shall be subject to review.

(i) PAYMENT.—(A) IN GENERAL.—An employer who holds a contract, grant, or cooperative agreement shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary shall give written notice to an agency or department holding a contract, grant, or cooperative agreement with the employer of the Government’s intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

(j) PENALTY FOR VIOLATION OF THIS SECTION.—Any person who violates any provision of this section relating to such hiring, recruiting, or referring of the individual to post a bond or security, to pay or agree to pay any amount to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual shall not be reviewable in any debarment proceeding. The decision of whether to debar or
take alternation shall not be judicially reviewed.

“(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of action taken on the basis for deportation under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(1) MISCELLANEOUS PROVISIONS.—

“(a) In general.—(1) Section 286 of the Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

“(w) EMPLOYER COMPLIANCE FUND.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the ‘Employer Compliance Fund’ (referred to in this subsection as the ‘Fund’).

“(2) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enforcing employer compliance with section 274A.

“(3) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at its discretion, to the Secretary of Homeland Security.

“(2) ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

“(a) WORKERS RIGHTS.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for positions dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1326a) during the 5-year period beginning on the date of the enactment of this Act.

“(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 and 2008 not to exceed $4 billion, such sums as may be necessary to carry out this section.

“TITLE V—NONIMMIGRANT TEMPORARY WORKER PROGRAM

“SECTION 501. NONIMMIGRANT TEMPORARY WORKER CATEGORY.

“(a) NEW TEMPORARY WORKER CATEGORY.—

“Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

“(w) an alien having a residence in a foreign country which the alien has no intention of abandoning who is coming temporarily to the United States to perform temporary labor or service, other than that which would qualify an alien for status under section 101(a)(15)(P), (101(a)(15)(M), (101(a)(15)(L), (101(a)(15)(O), (101(a)(15)(P), and who meets the requirements of section 218A; or

“(x) REPEAL OF H-2B CATEGORY.—Section 101(a)(15)(H)(ii) is amended by striking ‘, (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall apply to graduates of medical schools coming to the United States to perform services as members of the medical profession’.

“(c) TECHNICAL AMENDMENTS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

“(1) in subparagraph (U)(iii), by striking ‘or’ at the end; and

“(2) in subparagraphs (V)(i)(B), (V)(ii)(B), by striking the period at the end and inserting a semicolon and ‘or’.

“SECTION 502. TEMPORARY WORKER PROGRAM.

“(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218 the following:

“TITLE 218A. TEMPORARY WORKER PROGRAM

“(a) IN GENERAL.—The Secretary of State may grant a temporary visa to a non-immigrant described in section 101(a)(15)(W) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the proviso of clause (i)(b) of section 101 (a)(15)(H)(ii)(A)(I)), if the alien has no intention of abandoning who is coming temporarily to the United States to perform the labor or services required for an occupation under section 101(a)(15)(W).
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"(2) Evidence of Employment.—The alien must establish that he has a job offer from an employer authorized to hire aliens under the Alien Employment Program.

(3) Fee.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing shall be done to affect consular procedures for charging reciprocal fees.

(4) Medical Examination.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

(5) Application Content and Waiver.—

(A) Application Form.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of being admitted as a nonimmigrant under section 101(a)(15)(W).

(B) Content.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for admission as a nonimmigrant under section 101(a)(15)(W), the Secretary shall require an alien to provide information concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

(C) Waiver.—The Secretary of Homeland Security may require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of admission as a nonimmigrant under section 101(a)(15)(W), the alien agrees to waive any right—

(i) to a hearing or judicial review of an immigration officer's determination as to the alien's admissibility; or

(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

(D) Knowledge.—The Secretary of Homeland Security shall require an alien to include with the application a signed statement in a form prescribed by the Secretary of Homeland Security in designing the alien's authorized period of admission as a nonimmigrant under section 101(a)(15)(W).

(E) Grounds of Inadmissibility.—

(1) In General.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(W),

(A) paragraphs (5), (6)(A), (7), and (9)(B) or (C) of section 212(a) may be waived for conduct that occurred on a date prior to the effective date of this Act; and

(B) the Secretary of Homeland Security may not waive—

(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) relating to criminal activity;

(ii) section 212(a)(3) relating to security and related grounds; or

(iii) subparagraphs (A), (C), or (D) of section 212(a)(10) relating to polygamists, child abductors and illegal voters;

(C) for conduct that occurred prior to the date this Act was introduced in Congress, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on the basis of humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

(2) Waive.—The alien who is granted a waiver under subparagraph (1) shall pay a $500 fee upon approval of the alien's visa application.

(3) Renewal of Authorized Admission and Subsequent Admissions.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(W) shall establish that the alien is not inadmissible under section 212(a).

(F) Background Checks and Interview.—The Secretary of Homeland Security shall conduct at New York December 10, 1984, or (I) of section 212(a)(2) (relating to criminal activity), may not waive—

(a) of section 212(a) may be waived for conduct that occurred on a date prior to the effective date of this Act; and

(b) content to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.
"(B) Political affiliation.—Not more than 5 members of the Task Force may be members of the same political party.

"(C) Nongovernmental appointees.—An individual shall not be appointed to the Task Force if that individual may not be an officer or employee of the Federal Government or of any State or local government.

"(D) Deadline for appointment.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

"(6) Vacancies.—Any vacancy in the Task Force shall be filled by the Secretary, but shall be filled in the same manner in which the original appointment was made.

"(7) Meetings.—

"(A) Initial meeting.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

"(B) Subsequent meetings.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

"(8) Quorum.—Six members of the Task Force shall constitute a quorum.

"(9) Report.—Not later than 18 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

"(A) findings with respect to the duties of the Task Force;

"(B) recommendations for imposing a numerical limit;

"(10) Determination.—Not later than 6 months after the submission of the report, the Secretary of Labor may impose a numerical limit on the number of aliens that may be admitted under section 101(a)(15)(W). Any numerical limit shall not become effective until 6 months after the Secretary of Labor submits a report to Congress regarding the imposition of a numerical limit.

"(I) Family members.—

"(a) In general.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted as a nonimmigrant under section 101(a)(15)(B) for a period of not more than 30 days. The Secretary of Homeland Security may, in its sole and unre discretionary discretion, authorize an alien for employment, without requiring the alien's departure from the United States.

"(b) Continuous employment.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien departs the United States and returns as a nonimmigrant under section 101(a)(15)(W). The Secretary of Homeland Security may, in its sole and unre discretionary discretion, reauthorize an alien for employment, without requiring the alien's departure from the United States.

"(c) Enumeration of social security number.—The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at time of admission of an alien under section 101(a)(15)(W).

"(d) Dental relief.—The determination of whether an alien is eligible for a grant of nonimmigrant status under section 101(a)(15)(W) is within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the author of which is specified under this section to be in the discretion of the Secretary.

"(e) Judicial review.—(1) Limitations on relief.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to the admission of an alien as a nonimmigrant under section 101(a)(15)(W); or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action in which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) Challenges to validity.—(A) In general.—An alien applying for or benefitting not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(1) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States;

"(2) whether such a regulation, or a written policy directive, written policy guidance, or any procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise invalid.

"(b) Prohibition on change in nonimmigrant classification.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (8)" and inserting "(8), or (W)".

SEC. 503. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or agents.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for facilities, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this title.

TITLE IX—CIRCULAR MIGRATION

SEC. 901. INVESTMENT ACCOUNTS.

(a) In General.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

"(101) Notwithstanding any other provision of this section, the Secretary of the Treasury shall transfer at least quarterly from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund to the Temporary Worker Investment Fund for deposit in a temporary worker investment account for a temporary worker as specified in section 253.

"(2) For purposes of this subsection—

"(A) the term ‘temporary worker taxes’ means that portion of the amounts appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under this section which are properly attributable to the wages (as defined in section 3121 of the Internal Revenue Code of 1986) and self-employment income (as defined in section 1402 of such Code) of temporary workers as determined by the Commissioner of Social Security; and

"(B) the term ‘temporary worker’ means an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.

(b) Temporary Worker Investment Accounts.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

"(1) by inserting before section 201 the following:

PART A—SOCIAL SECURITY

"SEC. 251. For purposes of this part:

"(1) Covered employer.—The term ‘covered employer’ means, for any calendar year, any person on whom an excise tax is imposed under section 3111 of the Internal Revenue Code of 1986 with respect to having an individual in the person’s employ to whom wages are paid by such person during such calendar year.

"(2) Secretary.—The term ‘Secretary’ means the Secretary of the Treasury.

PART II—TEMPORARY WORKER INVESTMENT ACCOUNTS

"Definitions

"SEC. 253. For purposes of this part:

"(1) Covered employer.—The term ‘covered employer’ means, for any calendar year, any person on whom an excise tax is imposed under section 3111 of the Internal Revenue Code of 1986 with respect to having an individual in the person’s employ to whom wages are paid by such person during such calendar year.

"(2) Secretary.—The term ‘Secretary’ means the Secretary of the Treasury.

"(3) Temporary worker.—The term ‘temporary worker’ means an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.

"(4) Temporary worker investment account.—The term ‘temporary worker investment account’ means an account for a temporary worker which is administered by the Secretary through the Temporary Worker Investment Fund.

"(5) Temporary worker investment fund.—The term ‘Temporary Worker Investment Fund’ means the fund established under section 253.
The Temporary Worker Investment Fund shall be established and administered by the Secretary of the Treasury. Such Fund shall consist of the assets transferred under section 201(o) to each temporary worker's temporary worker investment account under section 201(o)(2) of such Act.:

- **(a)** The total amounts transferred under section 201(o) in the last quarter, the last year, and since the account was established.
- **(b)** The number of visas authorized to be issued under this subsection for a fiscal year is equal to the sum of—
  - **(1)** 140,000;
  - **(2)** The difference between the maximum number of visas authorized to be issued under this subsection for a fiscal year and the number of visas issued during the previous fiscal year;
  - **(3)** The difference between—
    - **(A)** The maximum number of visas authorized to be issued under this subsection for fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during such fiscal year;
    - **(B)** The number of visas described in subparagraph (A) that were issued after fiscal year 2005 and
    - **(4)** The number of visas previously made available under section 203(e).

**DIVERSITY VISA TERMINATION.**—The allocation of immigrant visas to aliens under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) is amended to be issued under this subsection during such fiscal year and

**Diversity Visa Termination.**—The allocation of immigrant visas to aliens under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) is amended—

- **(a)** by eliminating all persons who have received a diversity visa in the previous fiscal year,
- **(b)** by eliminating all persons who have received a diversity visa in the previous fiscal year, and
- **(c)** by eliminating all persons who have received a diversity visa in the previous fiscal year.

**IMMIGRATION TASK FORCE.**—There is established a task force to be known as the Immigration Task Force (referred to in this section as the “Task Force”).

**IMMIGRATION TASK FORCE.**—There is established a task force to be known as the Immigration Task Force (referred to in this section as the “Task Force”).

**MEMBERSHIP.**—The Task Force shall be composed of 10 members, of whom—

- **(A)** shall be appointed by the President and shall serve as chairman of the Task Force;
- **(B)** shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;
- **(C)** shall be appointed by the majority leader of the Senate;
- **(D)** shall be appointed by the Speaker of the House of Representatives; and
- **(E)** shall be appointed by the majority leader of the House of Representatives.

**QUALIFICATIONS.**—

- **(A)** Members of the Task Force shall be—
  - **(i)** individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and
  - **(ii)** representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.
- **(B)** POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

**NOMINATIONS—CONGRESSIONAL COMMITTEE.**—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

**DEADLINE FOR APPOINTMENT.**—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of this Act.

**VACANCIES.**—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

**MEETINGS.—** (A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

**QUORUM.**—Six members of the Task Force shall constitute a quorum.

**REPORT.—** Not later than 18 months after the date of enactment of this Act, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

(A) findings with respect to the duties of the Task Force; and

(B) recommendations for modifying the numerical limits on the number immigrant visas issued by the United States for family members of individuals in the United States and on the basis of employment.
by 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, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005.

SA 3390. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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 17, strike “and”.

On page 351, line 21, strike the period at the end and insert “and”.

On page 351, between lines 21 and 22, insert the following:

(D) has been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 356, strike lines 22 through 24 and insert the following:

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 3391. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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, line 2, strike “or”.

On page 353, strike line 14 and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 3392. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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 360, strike line 18 and all that follows through page 361, line 9, and insert the following:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least

(a) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(b) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to qualify under subclause (I) if the alien has performed 4 years of agricultural employment in the United States, for at least 150 work days during

(3) of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enact-

ment of this Act.

SA 3393. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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 363, strike line 10 through 13 and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the startup costs of the program authorized under this section for each of fiscal years 2007 and 2008.

SA 3394. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term “work day” means any day in which the individual is employed 5.75 or more hours in agricultural employment.

On page 351, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours in 150 work days during the 24-month period ending on December 31, 2005.

On page 351, line 17, strike “and”.

On page 351, line 21, strike the period at the end and insert “; and”.

On page 351, between lines 21 and 22, insert the following:

(D) has been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 356, strike lines 22 through 24 and insert the following:

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

Beginning on page 360, strike line 18 and all that follows through page 361, line 9, and insert the following:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to qualify under subclause (I) if the alien has performed 4 years of agricultural employment in the United States, for at least 150 work days during

(3) of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enact-

ment of this Act.

On page 363, strike lines 18 through 20 and insert the following:
SA 3395. Ms. CANTWELL submitted an amendment intended to be proposed by her 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. __ RADIATION SOURCE PROTECTION.

(a) TRACKING SYSTEM.—Section 170H of the Atomic Energy Act of 1954 (42 U.S.C. 2210h) is amended—

(1) in subsection (c),

(A) in paragraph (1)(B),

(i) by inserting “and the Secretary of Homeland Security” after “Secretary of Transportation” the first place it appears; and

(ii) by inserting “or the Secretary of Homeland Security” after “Secretary of Transportation” the second place it appears; and

(B) in paragraph (2)(A), by inserting “and each license holder” after “unique identific—”;

(2) by adding at the end the following:

‘‘h. LICENSE VERIFICATION FOR EXPORTS AND IMPORTS.—The Commission shall—

(1) assist the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security in verifying the authenticity of any documentation or authorization issued by the Commission as associated with the export or import of a radiation source regulated under this section, including allowing the Department of Homeland Security access to the tracking system established under this section;

(2) require any individual transporting radiation sources that are exported from or imported into the United States to possess the applicable and required documentation issued by the Commission; and

‘‘(3) issue regulations to ensure that the licenses, permits, certificates, and other documents of the Commission needed to export or import a radiation source includes tamperproof and other security features that prevent counterfeiting.’’

(b) B IOMETRIC.—The term ‘‘Biometric’’ includes identifying an individual through the use of, at a minimum, all 10 fingerprints from each individual is missing one or more of its digits, in which case the term ‘‘biometric’’ shall include the collection of, at a minimum, all 10 of the fingerprints of the alien are submitted before the period at the end.

On page 313, line 11, insert ‘‘all 10’’ after ‘‘submitted’’.

On page 354, line 11, insert ‘‘all 10’’ after ‘‘including’’.

SA 3400. Mr. SESSIONS 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 5, after line 16, add new Sections 3 (3) B IOMETRIC IDENTIFIER.—The term ‘‘biometric identifier’’ includes identifying an individual through the use of an array of fingerprints from an individual; the individual is missing one or more of its digits, in which case the term ‘‘biometric’’ shall include the collection of, at a minimum, all 10 of the fingerprints of the alien are submitted before the period at the end.

On page 313, line 11, insert ‘‘all 10’’ before ‘‘submitted’’.

SA 3401. Mr. SESSIONS 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 5, after line 16, add new Sections 3 (3) B IOMETRIC IDENTIFIER.—The term ‘‘biometric identifier’’ includes identifying an individual through the use of an array of fingerprints from an individual; the individual is missing one or more of its digits, in which case the term ‘‘biometric’’ shall include the collection of, at a minimum, all 10 of the fingerprints of the alien are submitted before the period at the end.

At the appropriate place, insert the following:

SEC. __ ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.

No alien granted conditional non-immigrant status or status as an H2C non-immigrant status under this Act or an
amendment made by this Act shall be grant- ed any public benefit as a result of the changed status of the alien, including any cash or non-cash assistance, postsecondary educational assistance, or any other individual public assistance, whether or not receipt of the public assistance would be considered a public charge under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1212(a)(4)).

SA 3402. Mr. SESSIONS 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 337, strike line 19 and all that follows through 338, line 22, and insert the following:

''(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in status under this Title shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 409(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)).''

SA 3403. Mr. SESSIONS 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 233, strike lines 7 through 14, and insert the following:

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under subsection (a) and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

(3) CRIMINAL PENALTY.—Any person who knowingly uses, discloses, or allows to be disclosed information in violation of this subsection shall be fined not more than $1,000.

SA 3407. Mr. KENNEDY (for himself and Mr. DEWINE) 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 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.—De terminations 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 October 21, 1998.

''(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed or the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States at such time, or...

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian and Immigrant Fairness 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.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under section 902 of the Haitian and Immigrant Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian and Immigrant Fairness Act of 1998 shall apply to an alien present in the United States on such filing date in accordance with subsection (c) if the alien, after April 1, 2000.

SEC. 3. INADMISSIBILITY DETERMINATION.

Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (b)(1)(D) by inserting ''(6)(C)(i),'' after ''(6)(A),''

SA 3408. Mr. NELSON of Florida 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 10, between lines 21 and 22, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5301 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(a) consider current and proposed aerial surveillance technologies;

(b) assess the feasibility and advisability of utilizing such technologies to address border threats, including unmanned aerial vehicles, to the extent of the technologies considered best suited to address respective threats;

(c) consult with the Secretary of Defense regarding any technologies or equipment, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Mexico.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of aerial technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances:—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.
The utilization of such technologies.

R E M O T E S U R V E I L L A N C E  P R O G R A M  C O M P O N E N T S .—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) standard processes is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program can be integrated with existing systems;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and acquire sites for permanent or mobile surveillance platforms that will increase the Secretary’s mobility and ability to identify illegal border intrusions.

R E P O R T  T O  C O N G R E S S .—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit to Congress a report regarding the Program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

E V A L U A T I O N  O F  C O N T R A C T O R S .—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

R E V I E W  B Y  T H E  I N S P E C T O R  G E N E R A L .—The Inspector General of the Department shall review each new contract negotiated by the Secretary to provide goods or services to carry out the Integrated and Automated Surveillance Program.

R E P O R T  T O  C O N G R E S S .—Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any steps that the Secretary has taken or plans to take in response to such findings.

A U T H O R I Z A T I O N  O F  A P P R O P R I A T I O N S .—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.


(a) I N C R E A S I N G  D E T E N T I O N  B E D  S P A C E .—Section 205(c) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking "8,000" and inserting "20,000".

(b) C O N S T R U C T I O N  O R  A C Q U I R E M E N T  O F  D E T E N T I O N  F A C I L I T I E S .—

(1) R E Q U I R E M E N T  T O  C O N S T R U C T  O R  A C Q U I R E .—The Secretary shall construct or acquire detention facilities to accommodate the detention beds required by section 520(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) U S E  O F  A L T E R N A T I V E  D E T E N T I O N  F A C I L I T I E S .—Subject to the availability of appropriations, the Secretary shall utilize all available detention facilities capacities, and shall utilize detention facilities that are owned or operated by the Federal Government if the use of such facilities is cost effective.

(b) C O N S T R U C T I O N  O R  A C Q U I R E M E N T  O F  D E T E N T I O N  F A C I L I T I E S .—

(1) R E Q U I R E M E N T  T O  C O N S T R U C T  O R  A C Q U I R E .—The Secretary shall construct or acquire detention facilities to accommodate the detention beds required by section 520(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) U S E  O F  A L T E R N A T I V E  D E T E N T I O N  F A C I L I T I E S .—Subject to the availability of appropriations, the Secretary shall utilize all available detention facilities capacities, and shall utilize detention facilities that are owned or operated by the Federal Government if the use of such facilities is cost effective.

(b) C O N S T R U C T I O N  O R  A C Q U I R E M E N T  O F  D E T E N T I O N  F A C I L I T I E S .—

(1) R E Q U I R E M E N T  T O  C O N S T R U C T  O R  A C Q U I R E .—The Secretary shall construct or acquire detention facilities to accommodate the detention beds required by section 520(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) U S E  O F  A L T E R N A T I V E  D E T E N T I O N  F A C I L I T I E S .—Subject to the availability of appropriations, the Secretary shall utilize all available detention facilities capacities, and shall utilize detention facilities that are owned or operated by the Federal Government if the use of such facilities is cost effective.

(b) C O N S T R U C T I O N  O R  A C Q U I R E M E N T  O F  D E T E N T I O N  F A C I L I T I E S .—

(1) R E Q U I R E M E N T  T O  C O N S T R U C T  O R  A C Q U I R E .—The Secretary shall construct or acquire detention facilities to accommodate the detention beds required by section 520(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) U S E  O F  A L T E R N A T I V E  D E T E N T I O N  F A C I L I T I E S .—Subject to the availability of appropriations, the Secretary shall utilize all available detention facilities capacities, and shall utilize detention facilities that are owned or operated by the Federal Government if the use of such facilities is cost effective.
SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 2,000 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(b) INVESTIGATIVE PERSONNEL.—

(1) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking “900” and inserting “1,000”.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) POINT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subsection.

(2) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

“SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

“(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

“(1) 2,400 in fiscal year 2007;

“(2) 2,400 in fiscal year 2008; and

“(3) 2,400 in fiscal year 2009;”.

(2) NORTHERN BORDER.—In each of the fiscal years 2007 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign additional border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 102. TECHNOLOGICAL ASSETS

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other 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.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under section 1385 of title 18, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostats, radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending section 1385 of title 18, United States Code, to increase or decrease the availability of border surveillance equipment that is acquired, procured, or transferred by the United States to agents who are authorized to carry out surveillance activities conducted at or near the international land borders of the United States.

SEC. 103. INFRASTRUCTURE

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international land and maritime borders of the United States.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) designate additional points of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

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

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) an assessment of the technologies employed on the international land and maritime borders of the United States.
(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.
(3) A description of the manner in which the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Technology of the Department to identify and test surveillance technology.
(4) A description of the specific surveillance technology to be deployed.
(5) Identification of any obstacles that may impede such deployment.
(6) A detailed estimate of all costs associated with deployment and with continued maintenance of such technologies.
(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) Requirement for Strategy.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) Content.—The National Strategy for Border Security shall include the following:
(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(c) Submission to Congress.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON MIGRATORY AND LAW ENFORCEMENT OFFICIALS.

(a) Requirement for Reports.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on improving the exchange of information on migratory and law enforcement officials.

(b) Content.—Each report submitted under subsection (a) shall contain a description of—
(1) Security clearances and document integrity.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards.
(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraud travel documents and to promote information sharing.

(c) Submitting the National Strategy for Border Security to Congress.—The Secretary shall consult with representatives of—
(1) State, local, and tribal authorities with responsibility for the international land and maritime borders of the United States.
(2) The international community for the progress made toward the development and maintenance of a national database built upon best practices for biometrics associated with visa and travel documents.

(d) Immigration and Visa Management.—The progress of efforts to share information related to high-risk individuals may at times be outside the United States; and

(e) Coordinating with the National Strategy for Border Security.

(2) U PDATES.—The Secretary shall submit to Congress updates on the progress made toward the development and maintenance of a national database built upon best practices for biometrics associated with visa and travel documents.

(f) O ther Federal Agencies.—The Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information on migratory and law enforcement officials.

(g) General.—The progress of efforts to share information on migratory and law enforcement officials.

(h) Applicability.—Nothing in this section shall be construed to preclude the Secretary from taking such actions necessary and appropriate to achieve operational control over the entire international land and maritime borders of the United States.

(i) Security Clearances and Document Integrity.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards.

(j) Performance Metrics.—The progress of efforts to share information on migratory and law enforcement officials.

(k) Effectiveness.—The Secretary shall submit to Congress an assessment of the effectiveness of the efforts made to improve the exchange of information on migratory and law enforcement officials.

(d) Coordination.—The National Strategy for Border Security, the Secretary shall consult with representatives of—
(1) State, local, and tribal authorities with responsibility for the international land and maritime borders of the United States.
(2) The international community for the progress made toward the development and maintenance of a national database built upon best practices for biometrics associated with visa and travel documents.

(e) Submitting the National Strategy for Border Security to Congress.—The Secretary shall consult with representatives of—
(1) State, local, and tribal authorities with responsibility for the international land and maritime borders of the United States.
(2) The international community for the progress made toward the development and maintenance of a national database built upon best practices for biometrics associated with visa and travel documents.

(f) Other Federal Agencies.—The Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information on migratory and law enforcement officials.

(g) General.—The progress of efforts to share information on migratory and law enforcement officials.

(h) Applicability.—Nothing in this section shall be construed to preclude the Secretary from taking such actions necessary and appropriate to achieve operational control over the entire international land and maritime borders of the United States.

(i) Security Clearances and Document Integrity.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards.

(j) Performance Metrics.—The progress of efforts to share information on migratory and law enforcement officials.

(k) Effectiveness.—The Secretary shall submit to Congress an assessment of the effectiveness of the efforts made to improve the exchange of information on migratory and law enforcement officials.

(l) Coordination.—The National Strategy for Border Security, the Secretary shall consult with representatives of—
(1) State, local, and tribal authorities with responsibility for the international land and maritime borders of the United States.
(2) The international community for the progress made toward the development and maintenance of a national database built upon best practices for biometrics associated with visa and travel documents.
SEC. 114. IMPROVING THE SECURITY OF MEXICO AND THE UNITED STATES THROUGH ENHANCED TECHNICAL ASSISTANCE AND OTHER MEASURES.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in consultation with the Attorney General, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate official of the Government of Mexico to establish a program—

(1) to conduct an assessment of the security of the United States and Mexico, with the objective of identifying the need for and feasibility of providing technical assistance; and

(2) to provide technical assistance to the Governments of Mexico and Canada to improve the security of the United States and Mexico.

(b) SECURITY AGREEMENTS.—The Secretary of State, in consultation with the Attorney General, shall enter into agreements with the Governments of Canada, Mexico, and the United States to—

(1) provide for the sharing of information and other assistance in the prevention and detection of international crime; and

(2) provide for the coordination of law enforcement activities between the Governments of Mexico and Canada and the United States.

(c) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the security of the United States and Mexico by enhancing the security of the United States and Mexico through—

(a) identification and assessment of the extent of the threat to the security of the United States and Mexico; and

(b) development of a plan to enhance the security of the United States and Mexico.

SEC. 124. SECURE COMMUNICATION.

The Secretary shall, in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department of Homeland Security and the Automated Biometric Fingerprint Identification System (AIFS) of the Federal Bureau of Investigation to ensure secure and reliable communication between the United States and Mexico.

SEC. 125. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Federal Law Enforcement Training Center, including an evaluation of how the curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity.
training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Air Marshal Service Training Center to train 1 new Border Patrol agent.

(3) A comparison, on the review and breakdown graph (2), of costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local authorities, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, pro-
ficiency-based, is a more cost-effective or long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) a list all land and border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide for a Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) A SYSTEM FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 386 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in the heading, by striking “ENTRY AND EXIT DOCUMENTS” and inserting “TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS”;

(3) in subsection (b)(1)—

(A) by striking “Not later than October 26, 2004,” and inserting “The”; and

(B) by striking “visas and” both places it appears and inserting “visas, evidence of status, and visas and”;

(4) by redesignating subsection (d) as subsection (e); and

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

“(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien’s status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and biometrically encoded, except to the extent necessary to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.”.

SEC. 126A. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(B) by inserting “and any other non-immigrant visa issued by the United States that is in the possession of the alien” after “such visa”; and

(2) in paragraph (2)(A), by striking “other than a visa described in paragraph (1)” issued in a consular office located in the country of the alien’s nationality” and inserting “other than a visa described in paragraph (1) issued in a consular office located in the country of the alien’s nationality or foreign residence”.

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) in paragraph (1)—

(A) by striking “There are authorized” and inserting “The Secretary of Homeland Security is authorized to collect biometric data from—

(B) by moving subsection (c), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

“(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information related to their immigration status.”.

(b) INSPECTION OF APPLICANTS FOR ADMITTANCE.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

“(5)(A) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

“(A) any applicant for admission or alien seeking to transit through the United States; or

“(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).”.

(c) COLLISION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1222) is amended by adding at the end the following:

“(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

“(A) any applicant for admission or alien seeking to transit through the United States; or

“(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).”.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

“(C) ANY ALIENS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible.”;

(2) in subsection (d), by inserting after paragraph (1) the following:

“(2) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.”.

(3) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(4) an assessment of the necessity for ports of entry along such a system; and

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism.

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights.

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance.

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants
across the international border of the United States;
(10) an assessment of the impact of such a system on diplomatic relations between the United States and Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative arrangements and operations; and
(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;
(12) an assessment of the likelihood that such a system would be subject to infiltration by terrorists or other agents intending to inflict direct harm on the United States.
(b) Report.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.
(a) In general.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative that is worth more than $20,000,000, to determine whether each such contract action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of minority, and women-owned business, and cost lines. The Inspector General shall complete a report under this subsection with respect to each contract action—
(1) not later than 60 days after the date of the initiation of the action; and
(2) upon the conclusion of the performance of the contract.

(b) Inspector General.—
(1) Action.—If the Inspector General becomes aware of any improper conduct or wrongdoing, pursuant to a contract action described in paragraph (a), the Inspector General shall submit to the Secretary a report containing findings of the review, including findings regarding—
(A) cost overruns;
(B) significant delays in contract execution;
(C) lack of rigorous departmental contract management;
(D) insufficient departmental financial oversight;
(E) bundling that limits the ability of small businesses to compete; or
(F) other high risk business practices.

(c) Reports by the Secretary.—
(1) In general.—Not later than 30 days after the receipt of each report required under paragraph (b), the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.
SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN POINTS OF ENTRY.
(a) In general.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—
(1) the proposed purchase;
(2) any security concerns related to the proposed purchase; and
(3) the manner in which such security concerns have been addressed.

(b) Authorizations of Appropriate.—In addition to amounts that are otherwise authorized by law, the Secretary is authorized to appropriate to the Office, to enable the Office to carry out this section—
(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;
(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and
(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) In general.—Chapter 27 of title 18, United States Code, is amended by inserting at the end the following:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) Prohibition.—A person shall be punished by imprisonment for not more than 3 years, or both, if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration check point;

"(b) Penalties.—A person who commits an offense described in subsection (a) shall be—

(1) fined under this title;
(2) imprisoned for not more than 3 years, or both;
(3) imprisoned for not more than 10 years, or both, if in this violation attempts to elude customs or immigration inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration check point;

"(c) Conspiracy.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) Prima facie evidence.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111b of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.

"(e) Conforming amendment.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.

"(f) Failure to Obey Border Enforcement Officers.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

("(g) Failure to Obey Lawful Orders of Border Enforcement Officers.—Whoever willfully disregards or disobeys the lawful authority or command of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties under this title or imprisoned for not more than 5 years, or both.

"(h) Penalties.—A person who commits an offense described in subsection (g) shall be—

(1) fined under this title;
(2) imprisoned for not more than 20 years, or both; and
(3) may be sentenced to death."
Subtitle D—Border Tunnel Prevention Act
SEC. 141. SHORT TITLE.

This subtitle may be cited as the “Border Tunnel Prevention Act.”

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 260(b)(1)(C) of this title), or other articles (including weapons and explosives), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.

(b) CLARIFYING AMENDMENTS.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages."

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "§ 554," before "1439."

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate and amend sentencing guidelines to provide for increased penalties for persons who construct tunnels or passages described in section 554 of title 18, United States Code, as added by section 132.

(b) PROTECTIONS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentence enhancements, including hiring illegal aliens;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) become necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLe 28—CRIMINAL JURISDICTION AND PROCEDURE

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(i)(V) (8 U.S.C. 1158(b)(2)(A)(i)(V)) is amended by striking "(or VI)" and inserting "(VI), (VII), (VIII), or (IX)");

(b) CANCELLATION OF REMOVAL.—Section 240(a)(1)(A) of title 8 (8 U.S.C. 1225(a)(1)(A)) is amended—

(1) by striking "(i) inadmissible under and inserting "inadmissible under and inserting "described in"; and

(2) by striking "deportable under and inserting "described in paragraph (2)(A)(ii) or (4) of section 273(a)"

(c) VOLUNTARY DEPORTATION.—Section 240(b)(1)(C) (8 U.S.C. 1225(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4) and inserting "described in paragraph (2)(A)(ii) or (4) of section 257(a)"

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting ; or;

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 237(a)(4)(B)(iv) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)";

and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds that there is a danger to the security of the United States".

(e) RECORD OF ADMISSION.—Section 229 (8 U.S.C. 1101(a)(10)); and

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall apply to aliens lawfully admitted for permanent residence on or after the date of the enactment of this Act.

TERRORIST ALIENS.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal,

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

(1) make all reasonable efforts to comply with the removal order; or

(2) fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary for the alien’s departure, or acting to prevent the alien’s removal; and

(iii) by adding at the end the following:

"(IV) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to state or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary;"

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien for the duration of the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

(D) by obeying reasonable restrictions on the alien’s conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

(i) to prevent the alien from absconding; and

(ii) for the protection of the community;

and

(iii) for other purposes related to the enforcement of the immigration laws;

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien;"

(G) by redesignating paragraph (7) as paragraph (8); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary’s discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien’s parole or the alien’s re—
(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

(i) has been convicted of an offense of violence (as defined in section 16 of title 18, United States Code), or a purely personal and essentially transgressive offense (as defined in section 1326, 1324, 1325, 1326, 2327, and 1328).''; and

(8) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any order or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''

(J) APPLICABILITY.—This paragraph and paragraph (K) shall apply to any alien returned to custody under subparagraph (G).''

(9) DETERMINATION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting "(1) before "If, after a hearing before, on, or after the date of the enactment of this Act; and"

(C) in subparagraphs (B) and (C), as redesignated, by striking "paragraph (1)" and inserting "paragraph (A)"; and

(D) by adding after subparagraph (C), as redesignated, the following:

(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

(A) is an alien; and

(B)(i) has no lawful immigration status in the United States;

(ii) is the subject of a final order of removal; and

(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 3283, 2324, 274, 276, 277, 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).''; and

(2) in subsection (g)(3)—

(A) redesignating subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:
"(C) the person's immigration status; and".

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—
Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "the term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law (except for the provision providing for an effective date for section 203 of the Comprehensive Immigration Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, for which the person is or was not of good moral character and in which the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, the majority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;"

(3) in subparagraph (N), by striking "paragraph (1) or;"

(4) in subparagraph (O), by striking "section 275 or 276 for which the alien has had a conditional basis removed pursuant to this section" before the period at the end.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "(A) an alien described in section 212(a)(3) who was previously deported on the basis of a conviction that for other reasons such person is or was not of good moral character and in which the conviction was entered before, on, or after September 30, 1996, means—"

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 212(e) (8 U.S.C. 1182(e)) is amended by inserting "if the alien has had a conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 212(i) (8 U.S.C. 1182(i)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting, not later than 120 days after the Secretary of Homeland Security's final determination, after "may"; and

(2) by adding at the end the following: "Except that in other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, and is well disposed to the good government and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PENALTY FOR ENDANGERING NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, that the applicant is not a person of good moral character; or"

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1432) is amended by adding at the end the following:

"(Z) PENALTY FOR ENDANGERING NATIONAL SECURITY OF THE CRIMINAL GENERAL if and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General applicable to removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security or the Attorney General; and if such an applicant an establishment eligibility for naturalization in accordance with this title."."
the Federal Register, or after such time as the Secretary may designate in the Federal Register: “

(ii) in subparagraph (C), by striking “a period of not less than 6 months or more than 5 years” and inserting “any other period not to exceed 18 months”;

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking “The amount of any such fee shall not exceed $50.”;

(ii) in paragraph (2)(B)—

(i) in clause (i), by striking “or” and inserting “and”;

(ii) in clause (ii), by striking the period at the end and inserting “; or”;

(iii) by adding at the end of the following: “The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.”;

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)—

(A) in the matter preceding subparagraph (A), by inserting “212(a) or” after “section”;

(B) in the matter following paragraph (D)—

(i) by striking “or imprisoned not less than 6 months” and inserting “and imprisoned for not less than 6 months or more than 5 years”;

(ii) by striking “; or”;

(B) by striking “not more than 5 years” and inserting “not more than 20 years”;

(C) by amending subsection (c) to read as follows:—

“(1) CRIMINAL OFFENSE AND PENALTIES.—

(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 20 years, or both;

(ii) if the violation is the offender’s first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

(ii) if the violation is the offender’s second or subsequent violation of this subparagraph, shall be fined under title 18, United States Code, imprisoned for not less than 3 years or more than 20 years, or both;

(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for not more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both;

(ii) if the violation is the offender’s first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 2 years, or both; or

(ii) if the violation is the offender’s second or subsequent violation of this subparagraph, shall be fined under title 18, United States Code, imprisoned for not less than 3 years or more than 20 years, or both;

(E) if the offense caused serious bodily injury or death, shall be punished by imprisonment for not less than 7 years or more than 30 years, or

(F) shall be fined under such title and imprisoned for not less than 10 years or more than 20 years, if the offense involved an alien who the offender knew or had reason to believe was—

(i) engaged in terrorist activity (as defined in section 212(a)(3)(B));

(ii) intending to engage in terrorist activity;

(iii) if the offense caused or resulted in the death of any person, shall be punished by death or imprisonment for a term of not less than 10 years and up to life, and fined under title 18, United States Code;

(c) LIMITATION.—It is not a violation of paragraph (D), (E), or (F) of paragraph (1) to—

(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the work of a minister or missionary for the denomination or organization in the United States, who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses provided to such an alien; and

(B) for an individual organization, not previously convicted of a violation of this subsection, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

(a) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

(1) CRIMINAL OFFENSE AND PENALTIES.—

Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

(b) DEFINITION.—An alien described in this paragraph is an alien who—

(A) is an unauthorized alien (as defined in section 274A(h)(3));

(B) is present in the United States without lawful authority; and

(C) has been brought into the United States in violation of this subsection.

(2) SEIZURE AND FORFEITURE.—

(i) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

(ii) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury in the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

(iii) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, the following shall be prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter into, remain in, or
to the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

(2) the deposition otherwise complies with the Federal Rules of Evidence.

(1) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation or infrastructure to further the trafficking of unlawful aliens within the United States.

(2) FIELD OFFICES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall establish such field offices as are necessary to carry out this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

(4) DURATION OF SUBSECTION.—This section shall remain in effect through December 31, 2011 to carry out this subsection.

(a) REENTRY AFTER REMOVAL.—Any alien who has been convicted of a felony, deported, or removed, or who has been detained under the immigration laws of the United States, shall be fined under such title, imprisoned not more than 10 years, or both.

(b) REENTRY OF CRIMINAL OFFENDERS.—Any alien who has been convicted of a felony or been deported for a violation of Federal, State, and local transportation or infrastructure to further the trafficking of unlawful aliens within the United States, shall be fined under such title, imprisoned not more than 10 years, or both.

(c) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offense described in that paragraph and the term 'proceeds' is defined in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

(1) alleged in the indictment or information; and

(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

(b) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(c) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(d) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(e) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(f) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(g) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(h) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

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(k) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(l) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(m) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(n) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(o) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

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(u) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

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(z) DURATION OF SUBSECTION.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.
fined under such title, imprisoned not more than 20 years, or both; or

“(5) was convicted, before such removal or departure, for murder, rape, kidnapping, or a felony involving the personal use of a dangerous weapon or device (relating to peonage and slavery) or 1338 (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(c) ENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(1) alleged in the indictment or information; and

“(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of this section that—

“(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to re-enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(2) with respect to an alien previously denied admission and removed, the alien—

“(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

“(B) had complied with all other laws and regulations governing the alien’s admission into the United States.

“(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

“(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

“(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

“(3) the entry of the order was fundamentally unfair.

“(g) ENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 237(a)(4) who, enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release.

“(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care, food, and transportation, to the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

“(1) CROSSES THE BORDER.—The term ‘crosses the border’ applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

“(2) FELONY.—Term ‘felony’ means any crime carrying a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(3) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

“(4) REMOVAL.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

“(5) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.

(1) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

“CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

§ 1541. Trafficking in passports.

1541. Trafficking in passports.

1542. False statement in an application for a passport.

1543. Forgery and unlawful production of a passport.

1544. Misuse of a passport.

1545. Schemes to defraud aliens.

1546. Immigration and visa fraud.

1547. Marriage fraud.

1548. Attemps and conspiracies.

1549. Alternative penalties for certain offenses.

1550. Seizure and forfeiture.

1551. Additional jurisdiction.

1552. Additional venue.

1553. Definitions.

1554. Authorized law enforcement activities.

1555. Exception for refugees and asylees.

§ 1541. Trafficking in passports

(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly—

(1) and without lawful authority produces, issues, or transfers 10 or more passports;

(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

(b) FRAUD.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, for the additional penalty are—

(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

(c) CAUSES OR ATTEMPTS TO CAUSE THE PRODUCTION OF A PASSPORT.—Any person who knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

(2) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

(1) produces, issues, authorizes, or verifies a passport or any other document in violation of the laws, regulations, or rules governing the issuance of the passport;

(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States;

(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed, shall be fined under this title, imprisoned not more than 15 years, or both.

§ 1544. Misuse of a passport

(a) IN GENERAL.—Any person who—

(1) knowingly uses any passport issued or designed for the use of another;

(2) knowingly uses any passport in violation of any law, regulation, or rule governing the issuance and use of the passport;

(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority;

(4) knowingly violates the terms and conditions of any safe conduct duty obtained and issued under the authority of the United States shall be fined under this title, imprisoned not more than 15 years, or both.

§ 1545. False statement in an application for a passport

(a) IN GENERAL.—Any person who—

(1) knowingly makes any false statement or representation in an application for a United States passport (including any supporting documentation);

(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

(1) alleged in the indictment or information; and

(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of this section that—

(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to re-enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(2) with respect to an alien previously denied admission and removed, the alien—

(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

(B) had complied with all other laws and regulations governing the alien’s admission into the United States.

(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

(3) the entry of the order was fundamentally unfair.

(g) ENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 237(a)(4) who, enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release.

(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care, food, and transportation, to the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

(i) CROSSES THE BORDER.—The term ‘crosses the border’ applies if an alien acts
§ 1546. Immigration and visa fraud

(a) In General.—Any person who knowingly:

(1) uses any immigration document issued or designed for the use of another;

(2) forges, counterfeits, alters, or falsely makes any immigration document;

(3) secures, possesses, uses, buys, sells, or distributes any immigration document knowing it to contain any materially false statement or representation;

(4) secures, possesses, uses, buys, sells, or distributes any immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Multiple Violations.—Any person who knowingly possesses himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, fined not more than $250,000, or both.

§ 1547. Marriage fraud

(a) Evasion or Misrepresentation.—Any person who—

(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law, shall be fined under this title, imprisoned not more than 20 years, or both;

(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law, shall be fined under this title, imprisoned not more than 20 years, or both.

(b) Multiple Marriages.—Any person who who—

(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law, shall be fined under this title, imprisoned not more than 15 years, or both.

§ 1550. Seizure and forfeiture

(a) Property.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, any property traceable to such property or proceeds, shall be subject to forfeiture.

(b) Applicable Law.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under section 5816 of title 31, United States Code, by provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under section 5816 of title 31, United States Code, by section 5816(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.
"(B) the laws relating to the issuance and use of passports; and
"(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2) of subsection (a) that may be necessary for the carrying out of the provisions of this chapter.

(2) The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

(3) A person does not exercise ‘lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

(4) The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary, a foreign country, or an international organization, or any instrument purporting to be the same.

(5) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

(6) The term ‘State’ means a State of the United States, the District of Columbia, or any territory, or possession of the United States.

§1554. Authorized law enforcement activities

Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, a subdivision of the United States, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (21 U.S.C. 1801 et seq.).

§1555. Exception for refugees, asylees, and other vulnerable persons

(a) in General.—If a person believed to have violated section 1542, 1544, 1546, or 1548, or any other law of the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1229) or for any other legal status, the authorities of the United States Government, including law enforcement officers of the United States, may, in the discretion of the Attorney General, permit the alien to remain in the United States until a final determination is made of the asylum claim.

(b) Exception to other provisions.—Subject to subsection (a), the Secretary of Homeland Security may, when it is determined that an alien is a refugee or asylee, or other vulnerable person, permit the alien to remain in the United States to seek asylum or other legal status.

(c) Other exceptions.—Subject to subsection (a), the Secretary of Homeland Security may, when it is determined that an alien is a refugee or asylee, or other vulnerable person, permit the alien to remain in the United States to seek asylum or other legal status.

§1556. Authorization for detention after removal proceedings

(a) in General.—If an alien is removed under this Act, and is subsequently returned to the United States, the Secretary of Homeland Security may, in the discretion of the Attorney General, continue to hold the alien in custody pending a final determination of the alien’s entitlement to asylum or other legal status.

(b) Exception to other provisions.—Subject to subsection (a), the Secretary of Homeland Security may, when it is determined that an alien is a refugee or asylee, or other vulnerable person, permit the alien to remain in the United States to seek asylum or other legal status.

§1557. Encouraging aliens to depart voluntarily

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and annually thereafter, the Secretary, in consultation with the heads of appropriate agencies, shall make available to the Secretary such sums as are necessary to carry out the provisions of this Act.

§1558. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and annually thereafter, the Secretary, in consultation with the heads of appropriate agencies, shall make available to the Secretary such sums as are necessary to carry out the provisions of this Act.

§1559. Technical and conforming amendments

The table of sections of title 8, Code of Federal Regulations, under section 1158 of the Act (8 U.S.C. 1158), is amended by inserting at the end the following:

‘‘1558. Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and annually thereafter, the Secretary, in consultation with the heads of appropriate agencies, shall make available to the Secretary such sums as are necessary to carry out the provisions of this Act.’’.
Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to reopen, motion, application, petition, or petition for review relating to removal or relief or protection from removal.

**CONSEQUENCES BY THE SECRETARY.—**In connection with the alien’s agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

**ADVISALS.—**Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented to the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

**FAILURE TO COMPLY WITH AGREEMENT.—**

**(A) IN GENERAL.—**If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), then—

**(i) ineligible for the benefits of the agreement;**

**(ii) subject to the penalties described in subsection (d); and**

**(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).**

**(B) EFFECT OF FILING TIMELY APPEAL.—**If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge’s decision granting voluntary departure, the alien shall be permitted to depart the United States or pursue the appeal in the exercise of the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

**(4) REOPENING.—**The alien shall be ineligible to reopen the final order of removal that took effect upon the alien’s failure to depart, or upon the alien’s other violations of the conditions for voluntary departure, during the period described in paragraph (2). Depositions do not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

**(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and**

**(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is other eligible for such protection.**

**ELIGIBILITY.—**(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien who is permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart under section 241(b)(3) or protection against torture, if the motion—

**(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and**

**(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.**

**EFFECTIVE DATES.—**The amendments made by this section shall take effect on the date of enactment and apply to aliens who are subject to a final order of removal entered on or after such date.

**INADMISSIBLE ALIENS.—**Section 212 of the Act is amended—

**(a) IN GENERAL.—**In paragraph (1) of section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)), “on or after the date the alien entered the United States under section 212(d)(5) of the Immigration and Nationality Act” is amended—

**(1) IN ADMISSIBILITY.—**This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

**(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and**

**(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.**

**EFFECTIVE DATES.—**The amendments made by this section shall take effect on the date of enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

**PROHIBITION OF THE SALE OF FIREARMS TO CERTAIN ALIENS.**

Section 922 of title 18, United States Code, is amended—

**(1) in subsection (d)(5)—**

**(A) in paragraph (1), by striking “or” and inserting “and” at the end;**

**(B) in paragraph (2), by striking “(y)(2)” and all that follows and inserting “(y), is in a nonimmigrant classification; or” and**

**(C) by adding at the end the following: “(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and”**

**(2) in subsection (g)(5)—**

**(A) in paragraph (1), by striking “or” and inserting “and”; and**

**(B) by striking “(y)(2)” and all that follows and inserting “(y), is in a nonimmigrant classification; or” and**

**(C) by adding at the end the following: “(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and”**

**(3) in subsection (y)—**

**(A) in the header, by striking “ADMITTED UNDER NONIMMIGRANT VISA” and inserting “ADMITTED UNDER NONIMMIGRANT CLASSIFICATION” and**

**(B) in paragraph (1), by amending subparagraph (B) to read as follows: **
“(B) the term ‘nonimmigrant classification’ includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), who have been described in the immigration laws (as defined in section 101(a)(17) of such Act).”;

(C) in paragraph (2), by striking “has been lawfully admitted to the United States under a nonimmigrant visa” and inserting “is in a nonimmigrant classification”;

and

(D) in paragraph (3)(A), by striking “Any alien who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)” and inserting “Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)”.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) In General.—Section 3291 of title 18, United States Code, is amended to read as follows:

“(3291. Immigration, naturalization, and peonage offenses.)

“§ 3291. Immigration, naturalization, and peonage offenses.

“No person shall be prosecuted, tried, or punished for a violation of any section of chapters 67 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, or 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.

(b) Table of Titles.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

“3291. Immigration, naturalization, and peonage offenses.”

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

“(1) conduct investigations concerning—

(A) illegal passport or visa issuance or use;

(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

(C) violations of chapter 77 of title 18, United States Code; and

(D) Pedestrians committed within the special maritime and territorial jurisdiction of the United States (as defined in section 791 of title 18, United States Code);”;

SEC. 216. DIPLOMATIC SECURITY SERVICE AND BACKGROUND CHECKS.

(a) In General.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

“(f) Minimum Number of Agents in States.—

“(1) In General.—The Secretary of Homeland Security shall allocate to each State—

“(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

“(i) investigate immigration violations; and

(ii) ensure the departure of all removable aliens; and

“(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

“(2) Waiver.—The Secretary may waive the requirement of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census;”;

and

(2) by striking at the end the following:

“(1) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security to be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relocation from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

“(a) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

“(b) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

“(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.”;

(b) Effective Date.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) In General.—Chapter 4 of title III (8 U.S.C. 161 et seq.) is amended by adding at the end the following:

“(326. Construction.)

“(a) In general.—Nothing in this Act or in any other provision of law shall be construed to preclude the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to accept any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

“(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

“(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien’s inadmissibility, deportability, or eligibility for the status or benefit in question; and

“(3) any alien for whom all law enforcement checks, as determined by the Secretary, have been conducted and resolved:

“(1) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold with respect to an alien described in subparagraph (A)(i), (A)(iii), (B) or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

“(b) Clerk’s amendment.—The table of contents is amended by inserting after the item relating to section 301 the following:

“Sec. 362. Construction.”

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) court costs.

(b) Authorization of Appropriations.—

(1) Processing Criminal Illegal Aliens.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) Compensation Upon Request.—Section 281(a) (8 U.S.C. 1231(a)) is amended to read as follows:

“(5) There are authorized to be appropriated to carry this subsection—

“A sum as may be necessary for fiscal year 2007;”;

“(B) $750,000,000 for fiscal year 2008;”;

“(C) $850,000,000 for fiscal year 2009; and”;

“(D) $600,000,000 for each of the fiscal years 2010 through 2012.”.

(c) Technical Amendment.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary shall provide sufficient transportation and officers to transport criminal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department of Homeland Security.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands under the jurisdiction of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—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.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, includin—
(A) release on an order of recognizance; (B) appearance bonds; and (C) electronic monitoring devices.

**SEC. 222. CONFORMING AMENDMENT.**

Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended—

(1) by striking “(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a document or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud)” and (ii) inserting “which is described in chapter 75 of title 18, United States Code,” and

(2) by striking “(c) the reporting of address information pursuant to the Secretary’s discretion” and inserting “(c) the reporting of address information required under this section.”

**SEC. 223. REPORTING REQUIREMENTS.**

(a) **CLAIMING ADDRESS REPORTING REQUIREMENTS.—** Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking “notify the Attorney General in writing and inserting “submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary.”; and

(B) by striking “a mailing address, an authorized” and inserting “Secretary, or the Secretary of State”;

(C) by adding at the end the following: “If the alien is involved in proceedings before an immigration judge or in an administrative appeal or other proceeding, the alien shall submit to the Attorney General the alien’s current address and a telephone number, if any, at which the alien may be contacted.”;

(2) in subsection (b), by striking “Secretary General” each place such term appears and inserting “Secretary”;

(3) in subsection (c), by striking “given to such parent” and inserting “given by such parent”;

(4) by adding at the end the following:

(d) **ADDRESS TO BE PROVIDED.—**

(1) **IN GENERAL.—** Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien’s current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, organization, or employer.

(2) **SPECIFIC REQUIREMENTS.—** The Secretary may provide specific requirements with respect to—

(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

(3) **DETECTION.—** An alien who is being detained under the Secretary under this Act is required to report the alien’s current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of such alien’s address under this section at the time of the alien’s release from detention.

(4) **USE OF MOST RECENT ADDRESS PROVIDED BY THE ALIEN.—**

(A) Any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

(B) Any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

(C) Any information collected with respect to nonimmigrant foreign students or exchange program participants under section 481(d) of the Immigration and Nationality Act and the Immigration Responsibility Act of 1996 (8 U.S.C. 1372); and

(D) Any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

(5) **RELIEF.—** The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or any information pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

(6) **OBLIGATION.—** The alien’s provision of an address for any other purpose under the Federal immigration laws does not excuse the alien’s obligation to submit timely notice of the alien’s address to the Secretary under requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien’s failure shall be considered as a strong negative factor with respect to nonimigrant foreign students or exchange program participants under section 481(d) of the Immigration and Nationality Act and the Immigration Responsibility Act of 1996 (8 U.S.C. 1372).

(b) **CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—** Chapter 7 of title II (8 U.S.C. 1201 et seq.) is amended—

(1) in section 262(c), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(2) in section 263(a), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(B) in subsection (f)—

(i) by striking “Attorney General is authorized” and inserting “Secretary of Homeland Security and Attorney General are authorized”;

(ii) by striking “Attorney General or the Service” and inserting “Secretary or the Attorney General”.

(c) **PENALTIES.—** Section 266 (8 U.S.C. 1306) is amended—

(1) by adding subsection (b) to read as follows:

(b) **FAILURE TO PROVIDE NOTICE OF ALIEN’S CURRENT ADDRESS.—**

(1) **CRIMINAL PENALTIES.—** Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien’s current address in accordance with section 265 as fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

(2) **EFFECT ON IMMIGRATION STATUS.—** Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful cannot be presumed to be a flight risk. The Secretary of Homeland Security, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien’s failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien’s failure shall be considered as a strong negative factor with respect to nonimmigrant foreign students or exchange program participants under section 481(d) of the Immigration and Nationality Act and the Immigration Responsibility Act of 1996 (8 U.S.C. 1372).

(3) in subsection (b), by striking “Attorney General” each place it appears and inserting “Secretary”.

(d) **EFFECTIVE DATES.—**

(1) **IN GENERAL.—** Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) **CONFORMING AND TECHNICAL AMENDMENTS.—** The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

**SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.**

(a) **IN GENERAL.—** Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: “If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security.”;

(2) in paragraph (4), by adding at the end the following: “The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this section shall be reimbursed by the Secretary of Homeland Security.”;

(3) **AUTHORIZED OF APPROPRIATIONS.—** There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

**SEC. 225. REMOVAL OF DRUNK DRIVERS.**

(a) **IN GENERAL.—** Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting “including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law,” after “offense)”.

(b) **EFFECTIVE DATE.—** The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

**SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.**

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “and before June 1, 2006.”

**SEC. 227. EXPEDITED REMOVAL.**

(a) **IN GENERAL.—** Section 238 (8 U.S.C. 1229) is amended—

(1) by striking the section heading and inserting “EXPEDITED REMOVAL OF CRIMINAL ALIENS”;

(2) in subsection (a), by striking the subsection heading and inserting “EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.”;

(3) in subsection (b), by striking the subsection heading and inserting “REMOVAL OF CRIMINAL ALIENS”;

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:...
“(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal in the case of such alien. In subsections set forth in this subsection or section 235.

“(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

“(A) who has been lawfully admitted to the United States for permanent residence; and

“(B) was convicted of any criminal offense described in subparagraph (A)(III), (C), (D) or (E) of section 101(a)(43).”

“(B) was convicted of any criminal offense described in subparagraph (A)(IV), (C), (D) or (E) of section 101(a)(43).”

“(B) was convicted of any criminal offense described in subparagraph (A)(IV), (C), (D) or (E) of section 101(a)(43).”

“(B) was convicted of any criminal offense described in subparagraph (A)(IV), (C), (D) or (E) of section 101(a)(43).”

“(B) was convicted of any criminal offense described in subparagraph (A)(IV), (C), (D) or (E) of section 101(a)(43).”

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“(B) was convicted of any criminal offense described in subparagraph (A)(IV), (C), (D) or (E) of section 101(a)(43).”

“(B) was convicted of any criminal offense described in subparagraph (A)(IV), (C), (D) or (E) of section 101(a)(43).”
property within the special maritime and territorial jurisdiction);"; and

(2) by inserting “section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows: SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS. (a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act the office of the United States Attorney that is prosecuting a criminal case in a Federal court shall determine, not to be lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise); (2) if the defendant is determined not to be lawfully present in the United States, shall notify the defendant in writing of the determination, and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and (3) ensure that the information described in subsection (a)(2) is transmitted to the applicable Federal court. (b) USE OF LABOR THROUGH CONTRACT.—In acquiring and using labor for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment, it is unlawful for the United States (subject to subsequent legal proceedings to determine otherwise); (2) if the defendant is determined not to be lawfully present in the United States, shall notify the defendant in writing of the determination, and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and (3) ensure that the information described in subsection (a)(2) is transmitted to the applicable Federal court.

SEC. 232. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990. (a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES. (1) In General.—The Secretary shall construct or acquire new detention facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 214 of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State in employment of unauthorized aliens unlawful.—(1) In general.—It is unlawful for an employer—(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or (B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (a)(1) and (a)(2) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF ALIENS UNLAWFULLY CHARGED WITH FEDERAL OFFENSES. (a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act the office of the United States Attorney that is prosecuting a criminal case in a Federal court shall determine, not to be lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise); (2) if the defendant is determined not to be lawfully present in the United States, shall notify the defendant in writing of the determination, and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and (3) ensure that the information described in subsection (a)(2) is transmitted to the applicable Federal court.

SEC. 231. LISTING OF IMMIGRATION VIOLATORS. (a) RESPONSIBILITIES OF FEDERAL COURTS.—(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENT SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

SEC. 229. DATA EXTRACTION. Not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into an electronic relationship with the Immigration and Naturalization Service of the United States Citizenship and Immigration Services of the Department of Homeland Security "(4) Rebuttable presumption of unlawful hiring.—If the Secretary determines
that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that an employer knows or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

(A) IN GENERAL.—Subject to subparagraph (B), an employer—

(1) establishes that it has verified the identity and eligibility for employment of the individual;

(2) is in compliance with the requirements of subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that the Secretary proscribes in regulations, and thereby establish that the employment eligibility verification system established under subsection (d) is consistent with this section and with any regulations or guidance from the Secretary to streamline the procedures to comply with the requirements and duties under such subsection and with the employment eligibility verification requirements contained in this section;

(3) is evidence of eligibility for employment in the United States; and

(4) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(B) EXCEPTION.—Until the date that an employer certifies as required by clause (i) may be manifested by any technology that the Secretary proscribes in regulations, if the employer has not completed the electronic Employment Eligibility Verification System established under subsection (d) or is permitted to participate in the Electronic Employment Verification System established under subsection (d) or is permitted to participate in any other program to come into compliance with such subsection; or

(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in subparagraph (A) is an individual’s—

(1) social security account number card issued by the Commissioner of Social Security;

(2) permanent resident card or other document designated by the Secretary if the individual is a lawful permanent resident; or

(3) state driver’s license or identification card; or

(ii) other documents evidencing eligibility for employment in the United States, if—

(I) the Secretary has published a notice in the Federal Register stating that such documents are acceptable for purposes of this subparagraph; and

(ii) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(D) DOCUMENTS ESTABLISHING INDENTIFICATION OF INDIVIDUAL.—Any documentation used in this subparagraph is an individual’s—

(i) driver’s license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302); or

(ii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

(I) is not required by the Secretary to comply with such requirements; and

(ii) contains the individual’s photograph or information, including the individual’s name, date of birth, gender, and address; and

(iii) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

(iv) in the case of the individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity is acceptable if the Secretary determines that—

(I) the Secretary determines is a reliable means of identification; and

(ii) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

(A) REQUIREMENTS.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

(B) ATTESTATION OF EMPLOYEE.—

(A) REQUIREMENTS.—The employer shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an individually lawfully admitted permanent resident, or an alien who is authorized under this Act or by the Secretary to be hired, recruited, or referred for a fee, in the United States.

(B) SIGNATURE FOR EXAMINATION.—An attestation required by clause (a) may be manifested by a handwritten or electronic signature.

(C) PENALTIES.—An employer who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

(D) RETENTION OF ATTestation.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

(i) in the case of recruiting or refer-

(ii) in the case of the hiring of an individual the later of—

(i) 7 years after the date of such hiring;

(ii) 1 year after the date the individual’s employment is terminated;

(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

(2) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

(i) a document described in subparagraph (B) or (C); or

(ii) a document described in subparagraph (B), (C), or (D) that the employer has reason to believe the employer knew or had reason to know that such aliens were unauthorized.

(B) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer verify the employer’s compliance with this section, or has instituted a program to come into compliance.

(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under subparagraph (A), the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

(I) the employer is in compliance with the requirements of subsections (c) and (d); or

(ii) the employer has instituted a program to come into compliance with such requirements.

(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the verification of any records related to such certification.

(C) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

(i) ATTERTATION BY EMPLOYER.—

(A) REQUIREMENTS.—

(I) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

(I) a document described in subparagraph (B) or (C); or

(II) a document described in subparagraph (B) and a document described in subparagraph (D).

(ii) VERIFICATION REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

(iii) STANDARDS FOR EXAMINATION.—An employer or class of employers shall not use, or require an individual to use, a technology that the employer knows or has reason to know would conclude that the document examined is genuine and establishes the individual’s identity and eligibility for employment in the United States.

(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant required to participate in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology described in paragraph (A) that the Secretary determines is consistent with this section and with any regulations or guidance from the Secretary to streamline the procedures to comply with the requirements, and thereby establish that the employment eligibility verification system established under subsection (d) is consistent with this section and with any regulations or guidance from the Secretary to streamline the procedures to comply with the requirements and duties under such subsection and with the employment eligibility verification requirements contained in this section.

(B) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer verify the employer’s compliance with this section, or has instituted a program to come into compliance.

(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under subparagraph (A), the chief executive officer or similar official of the employer shall certify under penalty of perjury on the form prescribed by the Secretary, if the employer is in compliance with subsection (d) and the following paragraphs:

(I) the employer is in compliance with the requirements of subsections (c) and (d); and

(ii) any other documents evidencing eligibility for employment in the United States, if—

(I) the Secretary has published a notice in the Federal Register stating that such documents are acceptable for purposes of this subparagraph; and

(ii) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(D) DOCUMENTS ESTABLISHING INDENTIFICATION OF INDIVIDUAL.—Any documentation used in this subparagraph is an individual’s—

(i) social security account number card issued by the Commissioner of Social Security;

(ii) permanent resident card or other document designated by the Secretary if the individual is a lawful permanent resident; or

(iii) social security account number card issued by the Commissioner of Social Security;

(iv) permanent resident card or other document designated by the Secretary if the individual is a lawful permanent resident.

(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

(A) REQUIREMENTS.—The employer shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an individually lawfully admitted permanent resident, or an alien who is authorized under this Act or by the Secretary to be hired, recruited, or referred for a fee, in the United States.

(B) SIGNATURE FOR EXAMINATION.—An attestation required by clause (a) may be manifested by a handwritten or electronic signature.

(C) PENALTIES.—An employer who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

(D) RETENTION OF ATTestation.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for the individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

(i) in the case of recruiting or refer-

(ii) in the case of the hiring of an individual the later of—

(i) 7 years after the date of such hiring;

(ii) 1 year after the date the individual’s employment is terminated;

(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

(i) a document described in paragraph (B) or (C) of subparagraph (A) that the employer has reason to believe the employer knew or had reason to know that such aliens were unauthorized.

(ii) a document described in paragraph (B) and a document described in paragraph (D).
and the individual and the date of receipt of such documents.

‘‘(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) of the System in order to verify social security account number by the employer. Any employer or class of employers shall comply with the requirements of this subsection, except as otherwise permitted under law.

‘‘(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any nonmatch notice from the Commissioner of Social Security regarding the individual’s name and social security account number and the steps taken to resolve each issue described in the non-match notice.

‘‘(C) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

‘‘(5) PENALTIES.—An employer that fails to comply with the requirements of this subsection shall be subject to the penalties described in subparagraphs (B) and (C).

‘‘(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of national identification cards.

‘‘(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.

‘‘(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

‘‘(2) MANAGEMENT OF SYSTEM.—

‘‘(A) IN GENERAL.—The Secretary shall, through the System—

‘‘(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual’s identity and eligibility for employment in the United States;

‘‘(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

‘‘(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

‘‘(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

‘‘(i) if the System is able to confirm the individual’s identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such notice;

‘‘(ii) if the System is unable to confirm the individual’s identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

‘‘(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

‘‘(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date of the notice, the employer shall provide information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

‘‘(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

‘‘(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

‘‘(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and confidentiality of the information maintained in the System;

‘‘(ii) to respond to each inquiry made by an employer;

‘‘(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

‘‘(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

‘‘(v) to allow for monitoring of the use of the System and provide an audit capability; and

‘‘(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

‘‘(E) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall provide, through the System, with respect to all employees hired by the employer prior to, on, or after the date the Secretary requires such participation, an Electronic Employment Verification System.

‘‘(F) RESPONSIBILITIES OF THE SECRETARY.—

‘‘(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information and codes provided;

‘‘(ii) a determination of whether such social security account number was issued to the named individual;

‘‘(iii) a determination of whether such social security account number is valid for employment in the United States; and

‘‘(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

‘‘(G) UPGRADE INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that provides maximum accuracy and shall promulgate rules for the prompt correction of erroneous information.

‘‘(H) REQUIREMENTS FOR PARTICIPATION.—Notwithstanding paragraph (3), the Secretary shall require any employer that is required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

‘‘(I) DIRECTLY RELATED TO THE NATIONAL SECURITY OR HOMELAND SECURITY OF THE UNITED STATES.

‘‘(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require any employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary determines, in the Secretary’s sole and unreviewable discretion, such employer or class of employer is—

‘‘(A) CRITICAL EMPLOYERS.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired on or after such date if the Secretary determines, in the Secretary’s sole and unreviewable discretion, such employer or class of employers, in the Secretary’s sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

‘‘(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

‘‘(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 5,000 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

‘‘(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

‘‘(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

‘‘(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

‘‘(G) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary’s sole and unreviewable discretion, to require any employer or class of employers that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

‘‘(H) REQUIREMENTS FOR PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has determined that such cause to prevent an employer from participating in the System due to the employer’s engagement in violations of the immigration laws.
"(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary determines that such waiver or delay is appropriate to investigate; and

"(6) CONSEQUENTIAL FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

"(A) the Secretary shall notify the employer of such failure and shall treat as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

"(B) if a presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under section (f).

"(7) SYSTEM REQUIREMENTS.—

"(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, recruiting or referring for a fee, any individual for employment in the United States, shall—

"(i) obtain from the individual and record on the System an appropriate information regarding the individual's social security account number; and

"(ii) in the case of an individual who does not have social security account number, an appropriate code provided by the Secretary or an automated system maintained by the Secretary.

"(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, recruiting or referring for a fee, of the individual (as the case may be); or

"(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

"(C) CONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

"(ii) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

"(III) MODIFICATION OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

"(B) IN GENERAL.—An employer that employs an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

"(B) CONSEQUENCES OF NONCONFIRMATION.—

"(1) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual.

"(2) CONSEQUENCES OF NONCONFIRMATION.—If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f).

"(C) DETERMINATION OF PENALTY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other record used in the System for any purpose other than as provided for under this subsection.

"(2) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements concerning completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(D) CONSEQUENCES OF NONCONFIRMATION.—

"(1) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees shall be set at a level that will recover the costs of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is provided as a mechanism for adjudication and naturalization service for purposes of section 286.

"(2) REPORT.—Not later than 1 year after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

"(E) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of those complaints and for an appropriate determination on whether to investigate; and

"(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate for the investigation of a violation of such subsection in an investigation or, agreement to participate in, the System, if not otherwise required.
in appropriate cases, the civil penalty
designed compliance plans to prevent
may impose additional penalties for viola-
paragraphs (A) and (B), the Secretary
4 years to account for inflation, as provided
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SEC. 301. TEMPORARY WORKER ACCOUNT—

286. (a) Employers. The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

(b) No-match notice. The term ‘no-match notice’ means written notice from the Commissioner of Social Security to be employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records kept by the Commissioner.

(c) Secretary. Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

(d) Unauthorized alien. The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

‘‘(A) an alien lawfully admitted for permanent residence; or

‘‘(B) authorized to be so employed by this Act or by the Secretary.’’

SEC. 302. EMPLOYER COMPLIANCE FUND.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of the Detention Operations Manual of the Department, including amendments made by such titles; and

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENCIES.

(a) WORKSITE ENFORCEMENT. The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION. The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this Act.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C) of the Act (8 U.S.C. 1182(a)(6)(C)(i)), is amended by striking ‘‘citizen’’ and inserting ‘‘national’’.

(a) In General. Section 240A (8 U.S.C. 1229b) is amended by adding at the end the following:

‘‘(f) CANCELLATION OF DEPARTURE FOR HUMANITARIAN CASES.—

‘‘(1) In General.—The Secretary of Homeland Security, in the Secretary’s sole and unreviewable discretion, may adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

‘‘(A) is a conditional nonimmigrant who has not violated any material term or condition of such status;

‘‘(B) makes an application for such adjustment of status;

‘‘(C) has been physically present in the United States for a continuous period of not less than 10 years immediately preceding the date of such application; and

‘‘(D) establishes that the alien’s departure from the United States upon the expiration of conditional nonimmigrant status would result in significant hardship to the alien’s spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence;

‘‘(E) establishes that the alien meets the English language, history, and principles and form of government requirements under section 312; and

‘‘(F) establishes that the alien has paid all Federal income taxes owed for employment during the required period of continuous residence.

‘‘(2) APPLICATION FEE.—An alien seeking humanitarian relief shall submit to the Secretary of Homeland Security, in addition to any other fees authorized by law, a supplemental application fee of $100, which shall be deposited in the Temporary Worker Program Account established under section 286(a).

(b) CREATION OF BORDER SECURITY AND TEMPORARY WORKER ACCOUNT. Section 286 (8 U.S.C. 1356), as amended by sections 302 and 409(b), is further amended by adding at the end the following:

‘‘(y) BORDER SECURITY AND TEMPORARY WORKER ACCOUNT.—

‘‘(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Border Security and Temporary Worker Account’.

‘‘(2) Deposits.—Notwithstanding any other provision under this Act, there shall be de-

posited as offsetting receipts into the Border Security and Temporary Worker Account the supplemental application fee collected under section 290A(f).

SEC. 305. USE OF FUNDS.—Of the amounts deposited into the Border Security and Temporary Worker Account:

‘‘(A) 75 percent shall be used to carry out title III of this Act; and

‘‘(B) 25 percent shall be used to carry out title VI of this Act, and the amendments made by such title.’’

SA 3414. Mr. NELSON of Florida 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 171, between lines 17 and 18, insert the following:

SEC. 234. DETENTION STANDARDS.

(a) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

‘‘(1) provide for sight and sound separation of alien detainees without any criminal convictions from non-criminal detainees; and

‘‘(2) establish standards for detention of non-criminal detainees facing criminal prosecution; and

(c) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESSES.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

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

SA 3415. Mr. CHAFEE 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 fol-

lowing:
SEC. 3416. DIASPORA RESEARCH NETWORK.

(a) IN GENERAL.—There is established a grant program to be known as “Diaspora Research Network”.

(b) PURPOSE.—The purpose of the Diaspora Research Network is to—

(1) provide policy makers with systematic, comparative, and reliable data and expertise on diaspora issues;

(2) support efforts within diaspora communities to address self-identified concerns; and

(3) provide guidelines on how to best incorporate diaspora professionals in development, humanitarian assistance, and political strategies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Diaspora Research Network $30,000,000 for each of the fiscal years 2006, 2007, 2008, and 2009.

SA 3416. Mr. CONRAD 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 156, strike lines 10 through 12 and insert the following:

(a) IN GENERAL.—Any alien with nonimmigrant status under subparagraph (H)(i)(b) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), who seeks to practice medicine in the United States other than during participation in an accredited medical residency program, shall, during the 3-year period from the date of commencement of such status (or, in the case of an alien who initially practices medicine as part of such medical residency program, from the date of completion of such program), practice medicine in a facility in the United States other than during participation in a Health Professional Shortage Area (as designated under section 332(b) of the Public Health Service Act) or a Medical Undergraduate Area (as designated by the Secretary of Health and Human Services).

(b) EXEMPTION FROM NUMERICAL LIMITATION.—Section 212(g)(5) (8 U.S.C. 1182(g)(5)) is amended—

(1) in subparagraph (B), by striking “or” at the end;

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

and

(3) by adding at the end the following:

“(D) practices medicine in a facility that treats patients who reside in a Health Professional Shortage Area or a Medically Underserved Area, in accordance with section 239(a) of the Comprehensive Immigration Reform Act of 2006.”.

(c) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1158a) is amended by striking “and before June 1, 2006.”.

SA 3417. Mr. CONRAD 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. 3418. PEACE GARDEN PASS.

(a) AUTHORIZATION.—Notwithstanding section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); the Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the “Peace Garden Pass”) to allow citizens and nationals of the United States to travel to the International Peace Garden. (b) APPLICATION.—The Peace Garden Pass shall be issued to, and shall authorize the admittance of, any person who enters the International Peace Garden from the United States and exits the International Peace Garden into the United States without having been granted entry into Canada.

(c) IDENTIFICATION.—The Secretary shall, in consultation with the Secretary of State, in consultation with the Secretary of Health and Human Services).

SEC. 3418. PEACE GARDEN PASS.

(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 Bureau of Citizenship and Immigration Services that provides funds for community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for conditional nonimmigrant worker programs established under this Act by providing them with the services described in subsection (d)(2).

(c) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term “community-based organization” means an organization, including a faith-based organization, whose staff has experience and expertise in meeting the legal, social, educational, cultural, and employment needs of immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(2) IEACA GRANT.—The term “IEACA grant” means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(3) 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 shall be used to design, implement, and evaluate 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 218A of the Immigration and Nationality Act, as added by section 601. Such assistance may include assistance in—

(i) screening to assess prospective applicants’ potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(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 grantees considers useful to aliens who are interested in filing applications for treatment under such section 218A.

(B) ADJUSTMENT OF STATUS.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) CITIZENSHIP.—Assistance and instruction to applicants on—

(i) the rights and responsibilities of United States citizens;

(ii) English as a second language;

(iii) civics; or

(iv) applying for United States citizenship.

(D) DURATION AND RENEWAL.—(A) DURATION.—Each grant awarded under this section shall be awarded for a period not more than 3 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 a grant under this section is to provide services described in subparagraph (A), (B), or (C)(iv) of paragraph (2) may not receive such a grant unless the organization is—

(1) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(2) otherwise directed by an attorney.

(G) SELECTION OF GRANTEES.—The Secretary, in consultation with the community of providers of services under this section, shall select the highest percentage of foreign-born residents; and

(H) ELIGIBILITY.—(1) not less than 50 percent of the funding for grants under this section shall be awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(2) not less than 20 percent of the funding for grants under this section shall be awarded to programs located in States that are not described in subparagraph (A).

(I) 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 practicable.

(J) LIAISON BETWEEN USCIS AND GRANT- HOLDERS.—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 clarity in the process to come forward.

(K) 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—

(1) the status of the implementation of this section;

(2) the grants issued pursuant to this section; and

(3) the results of those grants.

(2) SOURCES OF GRANT FUNDS.—The Secretary may use funds made available under sections 218A(a)(2) and 218D(c)(4)(B) of this Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

C. DISTRIBUTION OF FEES AND FINES.—

(1) H-2C VISA FEES.—Notwithstanding section 218A(a) of the Immigration and Nationality Act, as added by section 305, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

(2) CONDITIONAL NONIMMIGRANT VISA FEES AND FINES.—Notwithstanding section 218D(c)(4) of this Act, as added by section 203, 2 percent of the fees and fines collected under section 218D of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

SA 3419. Mr. ENSIGN 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. . SUFFICIENCY FOR REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee or penalty required to be paid pursuant to this Act or any amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriation to and shall remain available until expended.

SA 3420. Mr. SESSIONS proposed an amendment 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:

In the bill, strike all after the word “SECTION” and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Securing America’s Borders Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 2. Reference to the Immigration and Nationality Act.

Sec. 3. Definitions.

II. TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
the number of positions for full-time active duty port of entry inspectors and provide proper training, equipment, and support to such additional inspectors.

(3) Authorization of appropriations.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended—

(A) by striking “4,000” and inserting “7,000”; and

(B) by striking “2,000” and inserting “4,000”.

(4) INVESTIGATIVE PERSONNEL.—

(a) Immigration and Customs Enforcement Inspectors.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subsection (a), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to detect and prevent illegal smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) Customs and Border Protection Officers.—The Secretary is authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) Port of Entry Inspectors.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (2) of subsection (a).

(3) Border Patrol Agents.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), as amended by subsection (a)(3).

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control over all ports of entry into 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.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains a description of the current use of Department of Defense equipment to assist such surveillance activities; and

(3) A description of the types of equipment and other support to be provided by the Secretary for carrying out a 1-year period beginning on the date of the submission of the report.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as may be necessary for the fiscal year 2007 through 2011 to carry out subsection (a).

(b) CONSTRUCTION.—The Secretary may maintain temporary or permanent checkpoints or roadways in border port facilities that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARriers.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Sasabe, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico; and

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fencing extending west of Naco, Arizona, for a distance of 25 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico; and

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

SEC. 111. SURVEILLANCE PLAN, STRATEGIES, AND REPORTS

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) An implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by transnational criminal and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A comprehensive plan for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism,
narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) A description of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence, capabilities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary of Homeland Security should take to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal privacy rights, and the ability of law enforcement to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Homeland Security, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT AUTHORIZATION.—The progress made toward the development and implementation of approved security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet appropriate technical and performance standards and are committed to travel document verification before the citizens of such countries travel internationally, including by travel by such citizens to the United States;

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents;

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Immigration Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including—

(A) in enhancing consultative activities among official agencies that issue visas at the consulates or embassies of Canada, Mexico, or the United States, and the development of strategies to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview process;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to applicant documentation.

(C) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance programs for and systems to support advanced automated reporting and risk targeting of international passengers;

(4) INTELLIGENCE.—The progress made in improving the exchange of information and coordination among Canada, Mexico, and the United States in implementing parallel entry-exit tracking systems, while respecting the privacy laws of both countries, including sharing information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the United States; and

(B) in establishing appropriate linkages among Canada, Mexico, and the United States to combat cross-border terrorism and to enhance counterterrorism efforts, including the progress made—

(a) in establishing counterterrorism agreements with foreign governments, including agreements that establish the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the countries that identify an individual as an individual on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving the exchange of information and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States; and

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;
SEC. 114. IMPROVING THE SECURITY OF MEXICO’S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize and specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and regain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) IN CONSULTATION WITH CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deportable gang members; and

(2) to establish a program and database to track individuals involved in Central American gang activities;

(d) DEVELOPTING A MECHANISM.—The Secretary of State, in coordination with the Secretary of State of Guatemala, the Government of the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the integration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than September 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien’s initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1352a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other secure transmission means and to develop a secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents and their respective Border Patrol stations;

(2) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US–VISIT) system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1352a);

(2) deploying and deploying at such ports of entry the exit component of the US–VISIT system; and

(3) making interoperable all immigration-related systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations for each of the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training may include the development, evaluation, and use of technology developed by the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking “Attorney General’’ each place it appears and inserting “Secretary of Homeland Security’’;

(b) in the heading, by striking “ENTRY AND EXIT DOCUMENTS and inserting “TRAVEL AND ENTRY DOCUMENTS”;

(c) subsection (d), by striking “EVIDENCE OF STATUS’’;

(d) in subsection (b)(1)—

(1) by striking “Not later than October 26, 2001, the’’ and inserting “The’’; and

(2) by striking “visas, evidence of status, and’’; and

(e) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

(2) An evaluation of whether utilizing biometric technology for immigration and border control purposes may affect—

(a) an individual’s privacy and fundamental freedoms, and

(b) the ability of law enforcement agencies to identify and apprehend criminal aliens.

(f) by redesignating subsection (e) as subsection (f) and inserting after subsection (e) the following:

(3) a review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

SEC. 127. CANCELLATION OF VISAS.

(d) To Congress the findings of the assessment required by paragraph (1).

Subsection (g) (8 U.S.C. 1202(g)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security’’;

(2) by striking “visas, evidence of status, and’’ and inserting “visas, evidence of status, and’’; and

(3) by redesigning subsection (d) as subsection (e) and inserting after subsection (c) the following:

(2) by striking “Secretary of Homeland Security’’.

Subsection (h) (8 U.S.C. 1202(h)) is amended—

(1) by striking “Secretary of Homeland Security’’.

Subsection (i) (8 U.S.C. 1202(i)) is amended—

(1) by striking “Secretary of Homeland Security’’.
(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(B) by inserting and any other non-
immigrant visa issued by the United States
that is in the possession of the alien” after
“such visa”; and

(2) in paragraph (2)(A), by striking “(other than a visa described in paragraph (1))
issued in a consular office located in the
country of the alien’s nationality” and in-
serting “(other than a visa described in para-
graph (1)) issued in a consular office located
in the country of the alien’s nationality or
foreign residence”.

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS ARRIVING IN THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesigning subsection (c) as sub-
section (g);

(2) by moving subsection (g), as redesign-
ated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the fol-
lowing:

“(c) The Secretary of Homeland Security is
authorized to require aliens departing the
United States to provide biometric data and
other information relating to their immigra-
tion status.”;

(b) INSPECTION OF APPLICANTS FOR Admis-
sion.—Section 235(d) (8 U.S.C. 1225(d)) is amended—

(1) by inserting “To collect biometric data from—

(A) any applicant for admission or alien
seeking to transit through the United States;

(B) any lawful permanent resident who is
entering the United States and who is not re-
garded as seeking admission pursuant to sec-
tion 101(a)(13)(C).

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREAMEN.—Section 232 (8 U.S.C. 1222) is amended by adding at the end the fol-
lowing:

“(d) An immigration officer is authorized to
collect biometric data from an alien crew-
man seeking permission to land temporarily
in the United States; or

(2) in subsection (c), by inserting after para-
graph (1) the following:

“(2) Any immigration officer is authorized to
collect biometric data from—

(A) any applicant for admission or alien
seeking to transit through the United States;

(B) any lawful permanent resident who is
entering the United States and who is not re-
garded as seeking admission pursuant to sec-
tion 101(a)(13)(C).

(d) GROUND OF INADMISSIBILITY.—Section
212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end
the following:

“(7) A non aliens.

(e) COLLECTION OF BIOMETRIC DATA.—
Any alien who knowingly fails to comply with
a lawful request for biometric data under
section 215(c) or 232(d) is inadmis-
sible.

(f) IMPLEMENTATION.—Section 7208 of the 9-
11 Commission Implementation Act of 2004 (8
U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the
following:

“(c) IMPLEMENTATION.—In fully imple-
menting the automated biometric entry and
exit data system under this section, the Sec-

retary is not required to comply with the re-
quirements of chapter 5 of title 5, United States
Code (commonly referred to as the Adm-

inistrative Procedure Act) or any other law
relating to rulemaking, information col-
lection, or publication in the Federal Register;”;

and

(2) in subsection (1)—

(A) by striking “There are authorized” and
inserting the following:

“(1) IN GENERAL.—There are authorized;

and

(B) by adding at the end the following:

“(2) IMPLEMENTATION AT ALL LAND BORDER
PORTS OF ENTRY.—There are authorized to be
appropriated such sums as may be necessary
for each fiscal year, after consideration of
the findings of the review, including
findings regarding—

(A) cost overruns;

(B) significant delays in contract execu-

tion;

(C) lack of rigorous departmental contract
management;

(D) insufficient departmental financial
oversight;

(E) bundling that limits the ability of small
businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days
after the receipt of each report required under
subsection (b)(5), the Secretary shall report a
finding to the Committee on the Judiciary of the Senate and the Committee on
the Judiciary of the House of Represen-
tatives, that describes—

(A) the findings of the report received from
the Inspector General; and

(B) the steps the Secretary has taken, or
(continued...
inserting "described in paragraph (2)(A)(ii)(I) or (II) of section 237(a)";

(d) Restriction on Removal.—Section 241(b)(3)(B) (8 U.S.C. 1221(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States);"; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with re-

the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States);"; and

(e) Record of Admission.—Section 249 (8 U.S.C. 1229) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMA-

NENT RESIDENCE IN THE CASE OF CERTAIN ALIENS (IMMIGRATION AND NATIONALITY ACT) TRANSFERRED THE UNITED STATES PRIOR TO JAN-

UARY 1, 1972.

A record of lawful admission for perma-

nent residence is hereby made. In the discre-

tion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe for the alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is other-

wise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminal activities, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States con-

tinuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).

(f) Effective Date and Application.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to—

(A) any aliens in a removal, deportation, or exclusion proceeding pending on or after the date of the enactment of this Act; and

(B) any act or condition constituting a ground for inadmissibility, inadmissibility, or exclusion occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 302. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENT.—Section 242(a) (8 U.S.C. 1229a(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Sec-

retary of Homeland Security"; 

(B) by striking "Attorney General" any other place it appears and inserting "Sec-

retary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause

(ii) if a court, the Board of Immigration Appeals or the immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal;'

(iii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of

90 days and the alien may remain in deten-

tion during such extended period if the alien fails or refuses to—

(i) make all reasonable efforts to comply with the removal order;

(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to meet the alien in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal;''; and

(iii) by adding, following—

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this section, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the re-

moval period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Sec-

retary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Im-

migration Appeals or the immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the exercise of discretion, may detain the alien during the pendency of such stay of removal;'';

(E) in paragraph (3), by amending subpara-

graph (B) to read as follows:

"(B) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary pre-

scribes for the alien—

(i) to prevent the alien from absconding;

(ii) for the protection of the community; or

(iii) for other purposes related to the en-

forcement of the immigration laws;'';

(F) in paragraph (4), by striking "removal period and, if released," and inserting "re-

moval period, in the discretion of the Sec-

retary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien—

(G) by redesigning paragraph (7) as para-

graph (10); and

(H) by inserting after paragraph (6) the fol-

lowing:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for ad-

mission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may pro-

vide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the condi-

tions of parole or the alien's removal becomes reasonably foreseeable, pro-

vided that in no circumstance shall such alien be considered admitted.

(B) AUTHORITY TO DETAIN FOR DETENTION OR RELEASE OF ALIENS.—The following pro-

cedures shall apply to an alien detained under this section:

(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Sec-

retary of Homeland Security shall establish a detention review process to deter-

mine whether an alien described in subpara-

graph (B) should be detained or released after the removal period in accordance with subparagraphs (C) and (E).

"(B) ALIEN DESCRIBED.—An alien is de-

scribed in this subparagraph if the alien—

(i) has effected an entry into the United States;

(ii) has cooperated fully with the Sec-

retary's efforts to establish the alien's identi-

ty and to carry out the removal order, in-

cluding making timely application in good faith for travel or other documents nec-

essary for the alien's departure; or

(iv) has conspired or acted to prevent removal.

(C) EVIDENCE.—In making a determina-

tion under subparagraph (A), the Secretary—

(i) shall consider any evidence submitted

by the alien;

(ii) may consider any other evidence, in-

cluding

any information or assistance provided by the Department of State or other Federal agency; and

(iii) any other information available to the Secretary pertaining to the ability to re-

move the alien;

(D) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (in-

cluding any extension of the removal period under paragraph (1)(C)) if—

(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for the 90-

day period authorized under subparagraph (D) until the alien is released, if the Sec-

retary—

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to—

(A) any aliens in a removal, deportation, or exclusion proceeding pending on or after the date of the enactment of this Act; and

(B) any act or condition constituting a ground for inadmissibility, inadmissibility, or exclusion occurring or existing before, on, or after the date of the enactment of this Act.
“(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43) for which the alien was sentenced to an aggregate term of imprisonment of at least 1 year);”.

“(F) ADMINISTRATIVE REVIEW PROCESS.—

The Secretary, without any limitations other than those specified in this section, may, in the Secretary’s discretion, impose conditions on the alien in accordance with the regulations prescribed pursuant to paragraph (3).

“(i) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii), if the alien has not been released from custody if—

(1) the alien fails to comply with the conditions of release;

(2) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

(3) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

“(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien released under subparagraph (I) as if the removal period terminated on the day of the redetention.

“(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Section 242(b)(4)(B) of title 8, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating subparagraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting “(1)” before “If, after a hearing”;

(C) in subparagraphs (B) and (C), as redesignated by subparagraph (1), and inserting “subparagraph (A)”;

and

(D) by adding after subparagraph (C), as redesignated, the following:

“Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the alien’s removal if the judicial officer finds that there is probable cause to believe that the person—

(A) is an alien described in section 212(a)(3)(B); or

(B) has no lawful immigration status in the United States;

(ii) the subject of a final order of removal; or

(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1227, or 1426 of this title, chapter 75 or 77 of this title, or section 231, 274, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1221, 1224, 1225, 1227, and 1321);”;

and

(2) in subsection (g)—

(A) in subparagraph (A), by striking “and” and inserting “notwithstanding any other provision of law (including any provision providing for an effective date),”;

(B) in subparagraph (B), by inserting “Notwithstanding any other provision of law (including any provision providing for an effective date), the term ‘aggravated felony’ applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—;

(1) in subparagraph (A), by striking “in subsection (a) or (b) of section 212(a)(3) or section 212(a)(4) of chapter 2, subtitle A, title 8, United States Code, the term ‘aggravated felony’ includes—”;

(2) in subparagraph (B), by striking “in subsection (a) or (b) of section 212(a)(3) or section 212(a)(4) of chapter 2, subtitle A, title 8, United States Code, the term ‘aggravated felony’ includes—”;

(3) in subparagraph (C), by striking “in subsection (a) or (b) of section 212(a)(3) or section 212(a)(4) of chapter 2, subtitle A, title 8, United States Code, the term ‘aggravated felony’ includes—”;

(4) in subparagraph (D), by striking “in subsection (a) or (b) of section 212(a)(3) or section 212(a)(4) of chapter 2, subtitle A, title 8, United States Code, the term ‘aggravated felony’ includes—”;

and

(C) the person’s immigration status;”;

(B) by inserting “by adding to the section, regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

(B) the Secretary of Homeland Security or the Attorney General waive(s) the application of this paragraph; or”;

and

(C) in the undesignated matter following paragraph (9), by striking “a finding that for other reasons such person is or was not of good moral character” and inserting the following:

“a discretionary finding for other reasons that such a person is or was of good moral character.”

“PENDING PROCEEDINGS.—Section 204(b)(8) (8 U.S.C. 1158(b)(8)) is amended by inserting “if the petition is approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner’s denial or the loss of the petition’s likelihood of approval.”

“CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.

“TERRORIST BARS.—

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

“(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

(B) the Secretary of Homeland Security or the Attorney General waive(s) the application of this paragraph; or”;

and

(2) E FFECTIVE DATE.—The amendments made by this section—

(A) shall take effect on the date of enactment of this Act; and

(B) shall apply to—

(i) any alien who is the subject of a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

“RENEWAL AND DELEGATION OF CERTIFICATION.—

(1) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) if the alien applied in good faith for travel or other purposes.

(2) DELEGATION.—Notwithstanding any other provision of law, the Secretary may delegate the authority to make or renew a certification described in subparagraph (A) not later than in accordance with this subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

“(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

(1) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) if the alien applied in good faith for travel or other purposes.

(2) DELEGATION.—Notwithstanding any other provision of law, the Secretary may delegate the authority to make or renew a certification described in subparagraph (A) not later than after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).
(2) by adding at the end the following:

"The petitioner shall have the burden of showing that the Secretary’s denial of the application was contrary to law. Except in a proceeding involving section 238(a), and notwithstanding any other provision of law, no court shall have jurisdiction to determine, or to review a determination of the Secretary regarding, whether for purposes of an application for naturalization, an alien—

"(1) is a person of good moral character;

"(2) understands and is attached to the principles of the Constitution of the United States; or

"(3) is well disposed to the good order and happiness of the United States;"

(e) MEASURING NATIONAL SECURITY.—Section 318 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENCOUNTERING NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4)."

(f) CORRECTive NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if", and all that follows and inserting: "the Secretary of Homeland Security or the Attorney General if any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant’s inadmissibility, or to determine whether the applicant’s lawful permanent resident status should be rescinded, regardless of whether such proceeding was commenced, the findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title."

(g) DISTRICT COURT JURISDICTION.—Section 338(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for further action in which the applicant resides for a hearing on the matter. Such district court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary’s determination on the application."

(h) EFFECTIVE DATE.—The amendments made by this section:

(1) shall take effect on the date of enactment of this Act;

(2) shall apply to any act that occurred before, or after such date of enactment; and

(3) shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed after, such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALITIES RELATED TO GANG VIOLENCE, RE-ENTRY CRIMINALS, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) in paragraph (a), by striking subparagraph (F) as a subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(f) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time later admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each time it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following:

"Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register."

(ii) in subparagraph (C), by striking "any such fee shall not exceed $50.");

(C) in subsection (c)(2)(B)—

(i) in clause (i), by striking "", or"", at the end;

(ii) in clause (ii), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code);"; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) by adding after the following:

"The Secretary of Homeland Security may detain an alien provided temporarily for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in subparagraphs (1)(B), (2), (3), and (4) of section 235(a));"; and

(3) by amending subsection (d) to read as follows:

"(4) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed."

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"(a) CRIMINAL OFFENSES AND PENALTIES.—

(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

(C) transports, moves, harbors, conceals, or on or in a vessel from detection in violation of the United States knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

(D) conspires or attempts to commit any

(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such such person is an alien who lacks lawful authority to come to, enter, or remain in the United States;

(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or remain in the United States;

(G) conspires or attempts to commit any

(H) criminal penalties for making a false statement in such an application or in any other matter.

(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

"(1) is a person of good moral character;"

"(2) understands and is attached to the principles of the Constitution of the United States; or"

"(3) is well disposed to the good order and happiness of the United States;"

"(a) CRIMINAL OFFENSES AND PENALTIES.—

(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

(C) transports, moves, harbors, conceals, or on or in a vessel from detection in violation of the United States knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;
“(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both; or
“(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—
“(i) if the violation is the offender’s first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or
“(ii) if the violation is the offender’s second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not more than 3 years if the offense involved an alien less than 7 years or more than 30 years, or
“jury (as defined in section 2119(2) of title 18, United States Code, imprisoned for not more than 10 years, or both. or
“(C) if the offense furthered aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;
“(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, disability, or serious bodily injury (as defined in section 212(a)(3) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;
“(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—
“(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or
“(ii) intending to engage in terrorist activity,
“(G) if the offense caused or resulted in the death of any person, shall be punished by death, for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.
“(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—
“(A) for a religious denomination having personal knowledge of the facts concerning the alien’s status or lack of status that such assistance is rendered without compensation or the expectation of compensation;
“(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.
“(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—
“(1) CRIMINAL OFFENSES AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard for the fact that such individuals are aliens are described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.
“(2) DEFINITIONS.—In this paragraph is an alien who—
“(A) is an unauthorized alien (as defined in section 274(a)(3));
“(B) is present in the United States without lawful authority; and
“(C) has been brought into the United States in violation of this subsection.
“(c) SEIZURE AND FORFEITURE.—
“(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of any property traceable to such property or proceeds, shall be subject to forfeiture.
“(2) APPLICABLE PROCEDURES.—Seizure and forfeiture shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.
“(d) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether an individual is a violation (a) has prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—
“(A) any order, finding, or determination concerning the alien’s status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or an officer) during any judicial or administrative proceeding authorized under Federal immigration law;
“(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien’s status or lack of status; and
“(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien’s status or lack of status.
“(4) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for violation of any provision of this section except—
“(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and
“(2) other officers responsible for the enforcement of Federal criminal laws.
“(e) ADMISSIBILITY OF VIDEOFACED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or other audiovisual evidence preserved deposition of a witness to a violation of subparagraph (a) shall be admitted into evidence in an action brought for the violation of subparagraph (a) if—
“(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and
“(2) the deposition otherwise complies with the Federal Rules of Evidence.
“(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—
“(A) develop and implement an outreach program to educate people in and out of the United States about the dangers of bringing in and harboring aliens in violation of this section; and
“(B) establish the American Local and International Enforcement (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.
“(g) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.
“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the fiscal years 2007 through 2011 to carry out this subsection.
“(i) DEFINITIONS.—In this section—
“(1) IN GENERAL.—The term ‘lawful authority’ means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.
“(2) PROCEDURES.—The term ‘proceeds’ includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.
“(3) UNLAWFUL TRANSIT.—The term ‘unlawful transit’ means travel, movement, or temporary presence that is prohibited under section 277 of the United States, which the alien is present or any country from which the alien is traveling or moving.
“(4) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:
“Sec. 274. Alien smuggling and related offenses.
“(a) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 274 of title 18, United States Code, is amended—
“(1) in paragraph (1)—
“(A) in subparagraph (A), by inserting ‘alien smuggling crime,’ after ‘any crime of violence’;
“(B) in subparagraph (A), by inserting ‘alien smuggling crime,’ after ‘such crime of violence’;
“(C) in subparagraph (D)(i), by inserting ‘alien smuggling crime,’ after ‘crime of violence’; and
“(2) by adding at the end the following:
“(f) For purposes of this subsection, the term ‘alien smuggling crime’ means any felony described in section 277, 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).”
(a) In General.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border of the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty in addition to any other provision of law, in an amount equal to—

(1) not less than $50 or more than $250 for each such entry, attempt, attempted entry, or attempted crossing; or
(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

(b) Crossed the Border Defined.—In this section, an alien is deemed to have crossed the border of the United States if the alien entered, crossed, or attempted to cross the border of the United States, knowing that such presence violates the terms of any admission, parole, immigration status, or authorized stay granted the alien under this Act.

(c) Criminal Penalties.—Any alien who violates any provision under paragraph (1)—

(1) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both; and
(2) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both; or
(3) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both.

(d) If the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

(e) If the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

(f) Prior Convictions.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

(1) alleged in the indictment or information; and
(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

(2) Duration of Offense.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(b) Improper Time or Place; Civil Penalties.—

(1) In General.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border of the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty in addition to any other provision of law, in an amount equal to—

(1) not less than $50 or more than $250 for each such entry, attempt, attempted entry, or attempted crossing; or
(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

(c) Crossed the Border Defined.—In this section, an alien is deemed to have crossed the border of the United States if the alien entered, crossed, or attempted to cross the border of the United States, knowing that such presence violates the terms of any admission, parole, immigration status, or authorized stay granted the alien under the expectation of compensation.

(d) Prohibited Acts.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently attempts to enter, shall be subject to the penalties set forth in paragraphs (1) through (3) of subsection (a), if an alien described in that subsection—

(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;
(2) was convicted for a felony before such removal or departure, the alien shall be fined under such title, imprisoned not more than 15 years, or both;
(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 20 years, or both;
(4) was convicted for 3 or more misdemeanors before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both;
(5) was convicted, before such removal or departure, for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to harassment by computer), or a misdemeanor or a violation of subsection (a), if an alien described in that subsection—

(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reenter the United States, the alien shall be incarcerated for the remainder of the sentence of imprisonment which was the expectation of compensation.

(e) Aiding and Abetting.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency medical care and food, or to transport the alien to a location where such assistance can be rendered, provided that such assistance is rendered without compensation or the expectation of compensation.

(f) Definitions.—In this section:

(1) Crosses the Border.—The term ‘crosses the border’ applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

(2) Felony.—Term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

(3) Misdemeanor.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

(g) Removal.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

(h) State.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 208. Reform of Passport, Visa, and Immigration Fraud Offenses.

(a) In General.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.
1543. Forgery and unlawful production of a passport.
1544. Misuse of a passport.
1545. Schemes to defraud aliens.
1546. Immigration and visa fraud."
§1541. Trafficking in passports

(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly—

(1) and without lawful authority produces, issues, or transfers 10 or more passports;

(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the application to contain any false statement or representation.

shall be fined under this title, imprisoned not more than 20 years, or both.

§1542. False statement in an application for a passport

Any person who knowingly—

(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports.

shall be fined under this title, imprisoned not more than 15 years, or both.

§1543. Forgyery and unlawful production of a passport

(a) FORGERY.—Any person who—

(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

(2) reduces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

(3) transfers or furnishes a passport to a person when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

(4) knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

or

(5) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) ENTRY: FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

(1) to enter or to attempt to enter the United States; or

(2) to defraud the United States, a State, or a political subdivision of a State, shall be fined under this title, imprisoned not more than 15 years, or both.

§1545. Schemes to defraud aliens

(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter connected therewith, if such scheme or artifice.
shall be fined under this title, imprisoned not more than 25 years, or both.

"(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

"(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense against the United States, which offense is punishable by imprisonment for more than 1 year; or

"(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

*S 1550. Seizure and forfeiture

"(a) FORFEITURE.—Any property, real or personal, existing outside the United States, or the proceeds of such property or property, the gross proceeds of such violation, or any property traceable to such property or proceeds, shall be subject to forfeiture.

"(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 8101(a) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, the Attorney General, or a court.

*S 1551. Additional jurisdiction

"(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

"(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

"(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 928(a)(20)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(29) of such Act); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

*S 1553. Additional venue

"(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

"(1) any district in which the false statement or representation was made;

"(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

"(3) in the case of an application prepared and submitted outside the United States, in the district in which the resultant passport was produced.

"(b) SAVINGS Clause.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

*S 1553. Definitions

"(a) As used in this chapter:

"(1) 'The term 'make' means to prepare or complete an immigration document with knowledge with or in reckless disregard of the fact that such document is false or fraudulent;

"(2) 'The term 'contains' means to state or representation that is false, fictitious, or fraudulent;

"(3) 'The term 'false statement or representation is a person who violates any section of this chapter.

"(4) 'The term 'immigration document'—

"(i) any passport or visa; or

"(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary or evidence document authorized by the immigration laws of the United States; and

"(5) 'The term 'felony' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the laws of the United States, any State, or a foreign government.

"(6) 'The term 'immigration laws' includes—

"(i) any passport or visa; or

"(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary or evidence document authorized by the immigration laws of the United States; and

"(7) 'The term 'lawfully authorized to make' means to prepare or complete an immigration document with knowledge with or in reckless disregard of the fact that such document is false or fraudulent;

"(8) 'The term 'false representation' includes a person who violates any section of this chapter.

"(9) 'The term 'immigration document' includes—

"(i) any passport or visa; or

"(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary or evidence document authorized by the immigration laws of the United States; and

"(10) 'The term 'State' means a State of the United States after the completion of their sentences.

"(11) 'The term 'prison sentence' includes—

"(A) the laws relating to the issuance and use of passports; and

"(B) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

"(12) 'The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

"(13) 'A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(14) 'The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization, or any instrument purporting to be the same.

"(15) 'The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(16) 'The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

*S 1554. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigatory, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (28 U.S.C. 241 et seq.).

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.


"(1) in subclause (I), by striking 'or', or'

"(2) in subclause (II), by striking the comma at the end and inserting 'or'; and

"(3) by inserting after subclause (II) the following:

"(iii) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,'.

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) a violation of any provision of chapter 75 of title 18, United States Code,'.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

"(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program referred to in this section as the 'Program' and shall develop and implement another program to—

"(A) remove all criminal aliens in Federal and State correctional facilities;

"(B) ensure that such aliens are not released into the community; and

"(C) remove such aliens from the United States after the completion of their sentences.

"(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

"(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision, not later than 6 months after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

"(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

"(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

"(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the activities of the Program and in any other program authorized under subsection (a).

"(e) AUTHORIZATION OF APPROPRIATIONS.—The appropriations to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229b) is amended—

"(1) in subsection (a)—

"(A) by amending paragraph (1) to read as follows:

"(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(2) or (3) of section 241(a)(3) or (4) of section 237(a), the Secretary of Homeland Security may permit the
alien to voluntarily depart the United States at the alien’s own expense under this sub-
section instead of being subject to pro-
cedings under section 240B;”;
(B) striking paragraph (3); (C) by redesigning paragraph (2) as para-
graph (3); and (D) by adding after paragraph (1) the follow-
ing paragraph:

“2) BEFORE THE CONCLUSION OF REMOVAL
PROCEEDINGS.—If an alien is not described in
paragraph (2)(A)(iii) or (4) of section 237(a), the
Secretary of Homeland Security may permit the alien to voluntarily depart the United States
at the alien’s own expense under this subsec-
tion after the initiation of removal pro-
cedings under section 240B and before the
conclusion of such proceedings before an im-
migration judge.”;
(E) in paragraph (3), as redesignated;
(i) by amending subparagraph (A) to read as
follows:

“(A) INSTEAD OF REMOVAL.—Subject to sub-
paragraph (C), permission to voluntarily de-
part under paragraph (1) shall not be valid for
any period in excess of 120 days. The Secre-
tary may require an alien permitted to vol-
antarily depart under paragraph (1) to post a
voluntary departure bond, to be surren-
dered upon proof that the alien has de-
parted the United States within the time
specified.”;
(ii) by redesignating subparagraphs (B),
(C), (D), and (E) as paragraphs (C), (D), and (E),
respectively;
(iii) by adding after subparagraph (A) the fol-
lowing:

“(B) BEFORE THE CONCLUSION OF REMOVAL
PROCEEDINGS.—Permission to voluntarily de-
part under paragraph (2) shall not be valid for
any period in excess of 60 days, and may be
granted only after a finding that the alien has
the means to depart the United States and in-
te nds to do so. An alien permitted to vol-
antarily depart under paragraph (2) shall post
a voluntary departure bond, in an amount
necessary to ensure that the alien will
depart, to be surrendered upon proof that
the alien has departed the United States
within the time specified. An immi-
gration judge may waive the requirement to
post a voluntary departure bond in indi-
vidual cases, if the judge finds that the alien
has presented compelling evidence that the
posting of a bond will pose a serious finan-
cial hardship and the alien has presented
credible evidence that such a bond is unnec-
ess ary to guarantee timely departure.”;
(iv) in subparagraph (C), as redesignated,
by striking “paragraphs (C) and (D)(i)”) and
inserting “paragraphs (D) and (E)(i)”;
(v) in subparagraph (D), as redesignated,
by striking “paragraph (B)” each place that
term appears and inserting “paragraphs
(C)” and
(vi) in subparagraph (D), as redesignated,
by striking “paragraph (B)” each place that
term appears and inserting “paragraphs
(C)”;
and
(F) in paragraph (4), by striking “para-
graph (1)” and inserting paragraphs (1) and
(2):”;
(2) in subsection (b)(2), by striking “a pe-
riod exceeding 60 days” and inserting “any
period exceeding the period of the agree-
ment”;
(3) by amending subsection (c) to read as
follows:

“(c) CONDITIONS ON VOLUNTARY DEPAR-
TURE.—
(1) VOLUNTARY DEPARTURE AGREEMENT.—
Voluntary departure may only be granted as
part of an affirmative agreement by the alien.
The voluntary departure agreement
under subsection (b) shall include a waiver of
the right to any further motion, appeal, ap-
plication, petition, or petition for review re-
lating to removal or relief or protection from
removal.

(2) CONCESSIONS BY THE SECRETARY.—In
connection with the alien’s agreement to de-
part voluntarily, the Secretary of Homeland Security may agree to a reduction in the period of inadmis-
sibility under subparagraph (A) or (B)(i) of
section 221(d).

(3) ADVISALS.—Agreements relating to voluntary
departure granted during removal proceedings
under section 240B, or at the con-
cclusion of such proceedings, shall be pro-
duced on the record before the immigration
judge. The immigration judge shall advise
the alien of the consequences of a voluntary
departure agreement before accepting such
agreement.

(4) FAILURE TO COMPLY WITH AGREEMENT.—
(A) IN GENERAL.—If an alien agrees to vol-
antarily depart under this section and fails
to depart the United States within the time
allowed for voluntary departure or fails to
comply with any other terms of the agree-
ment (including failure to timely post any
required bond), the alien is—

(i) ineligible for the benefits of the agree-
ment;

(ii) subject to the penalties described in
subsection (d); and

(iii) subject to an alternate order of re-
moval if voluntary departure was granted
under subsection (a)(1) for any class of
aliens. The Secretary or Attorney General
may by rule provide an alternate order of
removal under subsection (a)(1) for any

(b) RULEMAKING.—The Secretary may pro-
mulgate regulations to limit eligibility or
impose additional conditions for vol-
anty departure under subsections (a)(2)
or (b) of this section for any class or classes
of aliens.;”
and
subsection (f), by adding at the end the
following:

“Notwithstanding section 231(a)(3)(D) of this Act, sections 1361, 1651,
and 2241 of title 28, United States Code, any other provision of law (statutory or nonstatutory),
court shall have jurisdiction to affect, re-
install, enjoin, delay, stay, or tolle the period
allowed for voluntary departure under this
section.”;
(b) RULEMAKING.—The Secretary may pro-
mulgate regulations to provide for the im-
position and collection of penalties for failure
to depart under section 240B(d) of the Immi-
grant and Nationality Act (8 U.S.C.
1229c).

(c) EFFECTIVE DATES.—
(1) IN GENERAL.—Except as provided in para-
graph (2), the amendments made by this
section shall apply with respect to all orders
of voluntary departure under section
240B of the Immigration and Nationality Act
(8 U.S.C. 1229c).

(2) EXCEPTION.—The amendment made by
subsection (a)(6) shall take effect on the
date of the enactment of this Act and shall
apply in respect to any petition for review which
is filed on or after such date.

SEC. 212. DETERMINING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY

(a) INADMISSIBLE ALIENS.—Section
212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is ame-
ded—

(1) by striking “seeks admission within 5 years of the date of such
removal (or within 20 years) and inserting “seeks admission not later than 5 years after the
date of the alien’s removal (or not later than
20 years after the alien’s removal”; and
(2) in clause (b), by striking “seeks admission within 10 years of the date of such
removal (or within 20 years)” and inserting “seeks admission not later than 10 years after the
date of the
alien’s departure or removal (or not later than 20 years after).”  
(b) BAR ON DISCRETIONARY RELIEF.—Section 2341(d)(3) of the Act is amended—  
(1) by striking “(c) INELIGIBILITY FOR RELIEF.” and inserting “Secretary of Homeland Security;” and  
(2) by striking the end of subsection (b) and inserting “(2) For a period of 10 years after the alien’s departure from the United States.”  
(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen or seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—  
(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and  
(B) presents sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.”

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act.”

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.  
Section 922 of title 18, United States Code, is amended—  
(1) in subsection (d)(5)—  
(A) in subparagraph (A), by striking “or” at the end;  
(B) in subparagraph (B), by striking “(y)(2)” and all that follows and inserting “(y), in a nonimmigrant classification; or”; and  
(C) by adding at the end the following: “(C) has been parole into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)); and”  
(2) in subsection (g)(5)—  
(A) in subparagraph (A), by striking “or” at the end;  
(B) in subparagraph (B), by striking “(y)(2)” and all that follows and inserting “(y), in a nonimmigrant classification; or”; and  
(C) by adding at the end the following: “(C) has been parole into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d));”  
(3) in subsection (i)—  
(A) in the header, by striking “ADMITTED UNDER NONIMMIGRANT VISAS” and inserting “IN A NONIMMIGRANT CLASSIFICATION (y)(2)” and all that follows and inserting “(y), in a nonimmigrant classification; or”; and  
(B) in paragraph (1), by adding subparagraph (B) to read as follows: “(B) the term ‘nonimmigrant classification’ includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).”;  
(C) in paragraph (2), by striking “has been lawfully admitted to the United States under a nonimmigrant visa” and inserting “is in a nonimmigrant classification”; and  
(D) in paragraph (3)(A), by striking “Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)” and inserting “Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)”.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.  
(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows: “3291. Immigration, naturalization, and peonage offenses  
(1) No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 73 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 241, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.”

(b) CLEARI NG.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following: “3291. Immigration, naturalization, and peonage offenses.”

SEC. 215. DIPLOMATIC SECURITY SERVICE.  
Section 208(a)(1) of title 22, United States Code, is amended to read as follows: “(1) conduct investigations concerning—  
(A) illegal passport or visa issuance or use;  
(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and  
(C) violations of chapter 77 of title 18, United States Code; and  
(2) Federal offenses committed within the special maritime and territorial jurisdiction of the United States, or within any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.”

SEC. 216. FIELD AGENT ALLOCATION AND BACK-UP CRIMINAL HUNTS.  
(a) IN GENERAL.—Section 103 of title 8, United States Code, is amended to read as follows: “(f) MINIMUM NUMBER OF AGENTS IN STATES.  
(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—  
(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—  
(i) investigate immigration violations; and  
(ii) ensure the departure of all removable aliens; and  
(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions;  
(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census; and  
(2) by adding at the end the following: “(1) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—  
(A) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;  
(B) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or  
(C) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.”

SEC. 217. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.  
(a) IN GENERAL.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following: “SEC. 362. CONSTRUCTION.  
(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—  
(A) any alien described in subparagraph (A)(i), (A)(ii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);  
(B) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien’s inadmissibility, deportability, or eligibility for status or benefit on such basis.;  
(C) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted as resolved.  
(D) DENIAL, WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subparagraph (A)(i)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.”

(b) CLEARI NG.—The table of contents is amended by inserting after the item relating to section 237(a)(4) the following: “Sec. 362. Construction.”

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.  
(a) REMUNERATION FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary of Homeland Security shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—  
(1) indigent defense;  
(2) criminal prosecution;  
(3) autopsies;  
(4) translators and interpreters; and  
(5) courts costs.  
(b) AUTHORIZATION OF APPROPRIATIONS.—  
(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).  
(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) of the Act (8 U.S.C. 1231(i)) is amended to read as follows: “(5) There are authorized to be appropriated to carry out this subsection—  
(A) such sums as may be necessary for fiscal year 2007;  
(B) $750,000,000 for fiscal year 2008;  
(C) $850,000,000 for fiscal year 2009; and
SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary of Homeland Security shall provide sufficient transportation and officers to take illegal aliens apprehended by state and local law enforcement officers into custody for processing at a Department of Homeland Security detention facility.

(b) Authorization of Appropriations.—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.

SEC. 220. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) In General.—Section 103(g) (8 U.S.C. 1327(g)) is amended—

(1) in paragraph (2), by adding at the end the following: “(i) the effectiveness of the Intensive Supervision Violation Program and the costs and benefits of expanding that program to all States; and

(2) in the last sentence, by striking “Secretary’’ and inserting “Secretary of Homeland Security’’.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 221. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) shall—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Reporting.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) identifies a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—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.

SEC. 222. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Violation Program; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 223. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking “(i) which either is falsely making, altering, mutilating, or destroying a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1958(a) of such title (relating to document fraud) and

(2) by inserting the following: “that is not described in section 1548 of such title (relating to increased penalties), and” after “first offense”.

SEC. 224. REPORTING REQUIREMENTS.

(a) Clarifying Address Reporting Requirements.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a), by striking “the Attorney General may provide specific requirements by regulation’’ and inserting “the Secretary of Homeland Security, in a manner approved by the Secretary,’’;

(b) by striking “the Attorney General may require by regulation and inserting “the Secretary may require’’; and

(c) by adding at the end the following: “If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Secretary the alien’s current address and a telephone number, if any, at which the alien may be contacted;’’;

(2) in subsection (b), by striking “Attorney General’’ and inserting “Secretary’’;

(3) in subsection (c), by striking “given to such parent’’ and inserting “given by such parent’’; and

(4) by inserting at the end the following: “d) Address To Be Provided.—

(1) In cases otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien’s current residence, unless the alien shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

(2) The Secretary may provide specific requirements with respect to—

(A) designated classes of aliens and special circumstances involving aliens who are employed at a remote location; and

(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

(3) Detention.—An alien who is being detained by the Secretary under this Act is not required to report the alien’s current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien’s address under this section at the time of the alien’s release from detention.

(4) Use of Most Recent Address Provided by the Alien.—

(1) in General.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien’s address under other Federal programs, including—

(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 611 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1372); and

(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

(2) Reliance.—The Secretary may rely on the most recent address provided by the alien under this section for a period of 6 months to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 280(a)(1)(P) to contact the alien about pending removal proceedings.

(3) Obligation.—The alien’s provision of an address for any other purpose under the Federal immigration laws does not excuse the alien’s obligation to submit timely notice of the alien’s address to the Secretary under this section (or to the Attorney General under section 280(a)(1)(P) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking “Attorney General’’ and inserting “Secretary of Homeland Security’’;

(2) in section 263(a), by striking “Attorney General’’ and inserting “Secretary of Homeland Security’’; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking “Attorney General’’ each place it appears and inserting “Secretary of Homeland Security’’;

(B) in subsection (f)—

(i) by striking “Attorney General is authorized’’ and inserting “Secretary of Homeland Security and Attorney General are authorized’’; and

(ii) by striking “Attorney General or the Secretary’’ and inserting “Secretary or the Attorney General’’.

(c) Penalties.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

“(b) Failure To Provide Notice of Alien’s Current Address.—

(1) Criminal Penalties.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien’s current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 8 months, or both.

(2) Effect on Immigration Status.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful...
shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than one occasion to submit to inspection as required under section 235, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering the alien’s failure to comply with section 235 as a separate negative factor. If the alien failed to comply with the requirements of section 235 after becoming subject to a final order of removal, deportation, removal, or exclusion, the alien’s failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.

(a) are effective as if enacted on March 1,

(b) CONFORMING AND TECHNICAL AMENDMENTS—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection 'Attorney General'' each place it appears in paragraphs (1), (2) and (3).

(c) RULES OF CONSTRUCTION.—Nothing in this section shall be applicable to any alien who is not present in the United States or who the alien’s failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.

(2) in subsections (a) and (b), by striking “Attorney General” each place it appears in paragraphs (1), (2) and (3).

5. (a) I N GENERAL.—Beginning on October 1,

(b) CONSTRUCTION.—Nothing in this subsection applies to any alien who

(c) TRANSFER.—If the head of a law enforcement agency of a State or a political subdivision of a State appr"
that the alien be taken into Federal custody, the Secretary of Homeland Security—

(1) shall—

(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1326c), and expeditiously inform the entity whether the alien is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

(B) if an alien is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States, either—

(i) within 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government; or

(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

(2) shall designate at least 7 Federal, State, or local law enforcement agencies or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

(d) Reimbursement.—

(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State for a political subdivision of a State for expenses, as verified by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

(2) COST COMPUTATION.—Compensation provided under subparagraph (A) shall be—

(A) the product of—

(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State or, as appropriate, a political subdivision of the State; multiplied by

(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, the cost of transfer plus

(C) The cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that aliens incarcerated in a Federal facility pursuant to this subsection are held in facilities which provide an appropriate level of security, and that, where practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities devoted to aliens detained solely for criminal violations of Federal immigration law.

(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular schedule for the detention and transportation of apprehended aliens from the custody of those States and political subdivisions for which the Secretary regularly submits requests described in subsection (c) into Federal custody.

(g) AUTHORITY FOR CONTRACTS.—

(1) REQUIREMENT.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement under paragraph (1), the Secretary shall determine whether the alien, or where appropriate, the political subdivision with which the alien is located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1326c). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such State or political subdivision's legal obligations.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 230. LISTING OF IMMIGRATION VIOLATORS IN NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, or the National Crime Information Center of the Department of Justice, shall—

(A) remove from the National Crime Information Center the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued; or

(ii) who enters into a voluntary departure agreement, or voluntary departure with an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1252c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(B) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(C) whose visa has been revoked.

(b) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(c) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or the head of the National Crime Information Center, as appropriate, to remove any information provided under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the law or to comply with the law shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notice of any time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(d) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, or the application of the immigration laws to any alien, and use such records as evidence in the preparation of all proceedings, records, and reports prescribed by the immigration laws, or required by the Secretary to be kept by this title, or the application of any of such laws to any alien, and use such records as evidence in the preparation of all proceedings, records, and reports prescribed by the immigration laws, or required by the Secretary to be kept by this title, or the application of any erroneous information provided by the Secretary under paragraph (1) related to such alien.”

SEC. 231. LAUNDERING OF MONETARY INSTRUMENTS.

(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

(1) IN GENERAL.—It is unlawful for an employer—

(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

(B) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that an employer has hired more than 10 unauthorized aliens with respect to such employment.

(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contractor, subcontractor, or exchange entered into, renegotiated, or extended after the date of the enactment of the Securing America’s Border Act of 2008 to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding that the employer had reason to know that such aliens were unauthorized.

(d) DEFENSE.—

(A) IN GENERAL.—Subject to subparagraph (B), an employer shall be deemed to have complied in good faith with the requirements of subsections (c) and (d) has
established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

(b) Exception.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

(2) Order of Internal Review and Certification of Compliance.—

(A) Authority to require certification.—The Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer establish that it is in compliance with this section, or has instituted a program to come into compliance.

(B) Content of certification.—Not later than 90 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under this paragraph that—

(i) the employer is in compliance with the requirements of subsections (c) and (d); or

(ii) that the employer has instituted a program to come into compliance with such requirements.

(3) Exception.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

(A) Publication.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to the verification, examination, or inspection for the audit of any records related to such certification.

(B) Document Verification Requirements.—An employer hiring, recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

(i) Attestation by Employer.—

(A) Requirements.—

(i) in general.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining

(I) a document described in subparagraph (B); or

(II) a document described in subparagraph (C) and a document described in subparagraph (D).

(ii) Signature Requirements.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

(iii) Standards for Examination.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual’s identity and eligibility for employment in the United States.

(iv) Requirements for Employment Eligibility Verification System Participants.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to use any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

(B) Documents Establishing Employment Eligibility.—A document described in this subparagraph is an individual’s—

(i) United States passport; or

(ii) permanent resident card or other document designated by the Secretary, if the document—

(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary prescribes in regulations is sufficient for the purposes of this subparagraph;

(II) is evidence of eligibility for employment in the United States; and

(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(C) Documents Establishing Identity of Individual.—A document described in this subparagraph is acceptable for purposes of this paragraph if—

(i) the Secretary has published a notice in the Federal Register attesting that such document is acceptable for purposes of this paragraph and

(ii) the Secretary determines is a reliable to establish identity or eligibility for employment in the United States.

(D) Documents Establishing Both Employment Eligibility and Identity.—A document described in this subparagraph if the Secretary determines is acceptable for purposes of this paragraph if—

(i) the Secretary has published a notice in the Federal Register attesting that such document is acceptable for purposes of this paragraph and

(ii) the Secretary determines is a reliable to establish identity or eligibility for employment in the United States.

(E) Authority to prohibit use of certain documents.—

(i) Authority.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable extent, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

(ii) Requirement for publication.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

(4) Publication.—The Secretary is authorized to publish in the Federal Register requirements under this section that are comprised of rules, regulations, standards, guidelines, and procedures for the audit of any records related to such certification.

(A) Requirements.—

(i) in general.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

(ii) Use of retained documents.—An employer may use copies required by clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

(B) Retention of Employment Verification System Participant Records.—The employer shall maintain records related to an individual of any no-
match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each notice submitted in the no-match notice.

"(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

"(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain employer or additional records related to the individual for the purposes of this section.

"(E) PENALTIES.—An employer that fails to comply with the requirements described in subsection (e)(4)(B) shall—

(i) provide a response to an inquiry made by an employer prior to, on, or after the date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employers in the United States to participate in the System and fails to comply with the requirements of the System with respect to an individual.

(ii) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

(iii) to track and record any occurrence when the System is unable to receive such an inquiry; and

(iv) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful employment practices, based on national origin or citizenship status.

"(F) RESPONSIBILITIES OF THE SECRETARY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

(ii) a determination of whether such social security account number is valid for employment in the United States; and

(iii) the date of issuance of such social security account number if the employer requested that the Secretary provide such information.

"(G) UPDATE INFORMATION.—The Commissioner of Social Security and the Secretary shall maintain information obtained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

"(H) REQUIREMENTS FOR PARTICIPATION.—Exempt as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

(A) CRITICAL EMPLOYERS.—

(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the enactment of the Securing America's Borders Act, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer after such date.

(ii) to directly related to the national security or homeland security of the United States.

(iii) DISCRETIONARY PARTICIPATION.—As of the date that is 90 days after the enactment of the Securing America's Borders Act, the Secretary may require additional any employer or class of employers to participate in the System, with respect to employees hired by the employer after such date if the Secretary determines that the employer or class of employers maintains the privacy and security of the information maintained in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

"(I) MID-SIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Securing America's Borders Act, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

"(J) SMALL EMPLOYERS.—Not later than 4 years after the date of enactment of the Securing America's Borders Act, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

"(K) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), (E), and (F) to the effective date of such requirements.

"(L) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding any provision of this paragraph, the Secretary has the authority, in the Secretary's sole and unreviewable discretion, to—

(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer before or on, or after the date of the enactment of the Securing America's Borders Act, if the Secretary determines that the employer has engaged in violations of the immigration laws.

"(M) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer to the extent that the Secretary determines that such employer has engaged in violations of the immigration laws.

"(N) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer fails to participate in the System and fails to comply with the requirements of the System with respect to an individual,

(i) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and
(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under paragraph (2) of this subsection.

(7) System requirements.—

(A) in general.—An employer that participates in the System shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

(i) obtain from the individual and record on the system a social security account number; and

(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

(B) Seeking verification.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States.

(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary) after the hiring, or recruiting, or referring for a fee, of the individual (as the case may be), the employer shall initiate an inquiry through the System to seek confirmation of the individual’s identity and eligibility for employment in the United States.

(ii) in the case of an individual that the employer does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the individual will require; and

(iii) the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the individual will require.

(C) Confirmation or nonconfirmation.—

(i) Confirmation upon initial inquiry.—If an employer receives a confirmation notice under paragraph (2)(A)(i) for an employee that the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

(ii) Nonconfirmation and verification.—

(I) Nonconfirmation.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(i) for an individual, the employer shall inform such individual of the issuance of such notice in writing and the individual may contest such nonconfirmation notice.

(II) Contest.—If the individual does not contest the tentative nonconfirmation notice under subsection (I) within 10 days of receipt of the notice, the individual or the employer, as appropriate, shall file with the Secretary a written notice of the nonconfirmation.

(III) Contest.—If the individual contests the tentative nonconfirmation notice under subsection (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual’s employer and shall utilize the verification process developed under paragraph (2)(C)(i).

(IV) Effective period of tentative nonconfirmation.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

(V) Prohibition on termination.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice unless such notice becomes final under clause (II) or a final nonconfirmation notice or final nonconfirmation notice is issued by the System.

(VI) Recording of conclusion on form.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System.

(VII) Consequences of nonconfirmation.—

(A) general.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

(B) Protection from liability.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

(VIII) Limitation on use of the System.—Notwithstanding any other provision of law, no information is constructed to permit or allow any department, bureau, or other agency of the United States to utilize, any information, database, or other record or records for any purpose other than as provided for under this subsection.

(X) Modification authority.—The Secretary, in exercising the authority provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

(IX) Fees.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited in the fund established under subsection (a)(2) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

(XI) Report.—Not later than 1 year after the date of the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

(XII) Compliance.—

(A) Complaints and investigations.—The Secretary may investigate such complaints—

(i) for an individual and entities to file complaints regarding potential violations of subsection (a); and

(ii) for an investigation of those complaints that the Secretary deems it appropriate to investigate; and

(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

(XIII) Authority in investigations.—

(A) in general.—In conducting investigations under this subsection, officers and employees of the Department of Homeland Security—

(i) shall have reasonable access to examine any place of evidence of any employer being investigated; and

(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this section.

(B) Failure to cooperate.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may recommend that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court in the same manner as a failure to obey a subpoena issued by a grand jury.

(C) Department of labor.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

(XIV) Compliance procedures.—

(A) Pre-penalty notice.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to assess a civil penalty for a fine or other penalty. Such notice shall—

(i) describe the violation;

(ii) specify the laws and regulations allegedly violated;

(iii) disclose the material facts which establish the alleged violation; and

(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

(B) Remission or mitigation of penalties.—

(i) Petition by employer.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days of receipt of such notice, with the Secretary, a petition for the remission or mitigation of such fine or penalty, on a petition for termination of the proceedings. The petition may include any relevant evidence of the evidence that would be relevant to such petition, shall be filed and considered in accordance with procedures to be established by the Secretary.

(ii) Review by Secretary.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in the System, if not otherwise required.

(iii) Applicability.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

(XV) Penalty claim.—After considering complaints regarding potential violations of paragraphs (1)(A), (1)(B), or (2) of subsection (a) of this section, the Secretary—

(A) if the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in the System, if not otherwise required.

(B) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this section.

(XVI) Provision of notice.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to assess a civil penalty for a fine or other penalty. Such notice shall—

(i) describe the violation;

(ii) specify the laws and regulations allegedly violated;

(iii) disclose the material facts which establish the alleged violation; and

(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

(C) Department of labor.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

(XVII) Compliance procedures.—

(A) Pre-penalty notice.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to assess a civil penalty for a fine or other penalty. Such notice shall—

(i) describe the violation;

(ii) specify the laws and regulations allegedly violated;

(iii) disclose the material facts which establish the alleged violation; and

(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

(B) Remission or mitigation of penalties.—

(i) Petition by employer.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days of receipt of such notice, with the Secretary, a petition for the remission or mitigation of such fine or penalty, on a petition for termination of the proceedings. The petition may include any relevant evidence of the evidence that would be relevant to such petition, shall be filed and considered in accordance with procedures to be established by the Secretary.

(ii) Review by Secretary.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in the System, if not otherwise required.

(XIII) Applicability.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) of this section or of any other requirements of this section.
the determination is based and the appropriate penalty:

"(4) CIVIL PENALTIES.—

(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer who violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to such each such violation.

(iii) If the employer has previously been fined more than 1 time under this subparagraph, or has failed to comply with a previously issued and final order related to such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of the subsection (b), (c), and (d), shall pay a civil penalty as follows:

(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

"(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may reduce or mitigate the penalties imposed upon employers, based upon factors including the employer’s hiring volume, any good-faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection or a related program.

"(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

"(F) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary’s determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee acceptable to the Secretary.

"(G) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination that an order or decision under this subsection, the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enjoin compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity of the Secretary’s determination shall not be subject to review.

"(H) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

(i) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each such violation, and a person who has engaged in such a violation, or who has shared in the profits of such a violation, shall be fined not more than $100,000, imprisoned for not more than 6 months for the entire pattern or practice, or both.

(ii) ENFORCEMENT OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(I) PROHIBITION OF INDEMNITY BONDS.—

(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring of aliens, to agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

(2) CIVIL PENALTY.—Any employer which is determined and opportune for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

"(J) DEBARMENT OF EMPLOYERS.—General Services Administration Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be debarred unless reviewable in the proceeding. The decision of whether to debar or take alternative shall not be judicially reviewed.

"(K) MISCELLANEOUS PROVISIONS.—

(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted to permanent resident status) to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

(2) PREEMPTION.—The provisions of this section preempt any State or local law—

(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for employment, unauthorized aliens; or

(B) requiring as a condition of conducting, continuing, or expanding a business that a business entity:

(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

(ii) take other steps that facilitate the employment of day laborers by others.

(3) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, all amounts collected under this subsection shall be deposited by the Secretary into the Employer Compliance Fund established under section 208(w).

(4) FAILURE TO WITHHOLD.—

(A) FAILURE TO WITHHOLD.—In the case of any employer who fails to withhold applicable taxes from wages paid to an unauthorized alien, the Secretary may recover such taxes from the employer under subsection (e), to have violated paragraph (1) of this subsection.

(B) WAIVER.—The Administrator of General Services, in consultation with the Secretaries of Treasury and the Attorney General, may waive the administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 298(w).

(5) MISCELLANEOUS PROVISIONS.—

(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) EFFECT.—An employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is suspended or debarred under paragraph (2), the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Contracts, Grants, or Cooperative Agreements for a period of 2 years.

(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 298(w).

(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred under subparagraph (B), to have violated paragraph (1)(A) of this subsection, pay a civil penalty, or enter into an agreement with the employer of the Government’s intention to debar the employer from the receipt of all Federal contracts, grants, or cooperative agreements for a period of 2 years.

(B) NOTICE TO AGENCIES.—Prior to debaring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise the Administrator of General Services in writing of the employer’s decision to debar the employer from the receipt of all Federal contracts, grants, or cooperative agreements for a period of 2 years.

(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debaring the employer from the receipt of any Federal contract, grant, or cooperative agreement with the employer, enter into an agreement with the employer to enter into another agreement with the employer to enter into a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

(4) CRIMINAL PENALTIES AND INJUNCTIONS.—

(A) CRIMINAL PENALTY.—An employer that, in the hiring, recruiting, or referring of aliens, is determined and opportune for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

(B) NOTICE TO AGENCIES.—Prior to debaring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise the Administrator of General Services in writing of the employer’s decision to debar the employer from the receipt of all Federal contracts, grants, or cooperative agreements for a period of 2 years.

(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debaring the employer from the receipt of any Federal contract, grant, or cooperative agreement with the employer, enter into an agreement with the employer to enter into another agreement with the employer to enter into a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.
"(3) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

(4) UNAUTHORIZED ALIEN.—The term ‘unauthorized alien’, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

(A) an alien lawfully admitted for permanent residence;

(B) authorized to be so employed by this Act or by the Secretary.

(b) CONFORMING AMENDMENTS.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are amended.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—


(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1252b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ‘‘274A(b)’’ and inserting ‘‘274A(d)’’;

(B) in subsection (g)(2)(B)(i), by striking ‘‘274A(b)(5)’’ and inserting ‘‘274A(d)(9)’’.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

‘‘(w) EMPLOYER COMPLIANCE FUND.—

‘‘(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account to be known as the ‘Employer Compliance Fund’ (referred to in this subsection as the ‘Fund’).

‘‘(2) DEPOSITS.—There shall be deposited into the Fund, a civil monetary penalty collected by the Secretary of Homeland Security under section 274A.

‘‘(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

‘‘(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, equally to the Secretary of Homeland Security.’’.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigating and enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase, by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(i)(I) (8 U.S.C. 1182(a)(6)(C)(1)(I)), is amended by striking ‘‘citizen or national’’.

TITLE IV.—BACKLOG REDUCTION AND VISAS FOR STUDENTS, MEDICAL PROVIDERS, AND ALIENS WITH ADVANCED DEGREES

SEC. 401. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-Sponsored IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

‘‘(c) WORLDWIDE LEVEL OF FAMILY-Sponsored IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

‘‘(1) 480,000;

‘‘(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

‘‘(3) the difference—

‘‘(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

‘‘(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.’’.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

‘‘(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

‘‘(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

‘‘(A) 290,000;

‘‘(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

‘‘(C) the difference between—

‘‘(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visas issued under this subsection during those fiscal years; and

‘‘(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

‘‘(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

SEC. 402. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ‘‘(4)’’;

(B) by striking clause (iv);

(2) in paragraph (3)(A)—

(A) by striking ‘‘(3)’’;

(B) by striking clause (iii);

(3) in paragraph (4)(A), by striking ‘‘(2)’’;

(4) in paragraph (4)(B), by redesigning paragraph (5) as paragraph (4); and

(5) in paragraph (4)(A), as redesignated, by striking ‘‘10 percent’’ and inserting ‘‘5 percent’’.

(6) by inserting after paragraph (4), as redesignated, the following:

‘‘(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of the worldwide level specified in paragraph (1) for non-immigrant workers, in a quantity not to exceed the sum of—

‘‘(A) 20,000;

‘‘(B) the number of visas calculated under subsection (d) that were issued after fiscal year 2005;

‘‘(C) the difference between—

‘‘(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visas issued under this subsection during those fiscal years; and

‘‘(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

‘‘(6) MARRIED SONS AND DAUGHTERS OF U.S. CITIZENS.—Visas issued under this paragraph shall not be counted against the numerical limitation set forth in paragraph (1), and shall not be counted against the numerical limitation set forth in paragraph (5).

‘‘(7) by inserting after paragraph (6), as redesignated, the following:

‘‘(8) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of the worldwide level specified in paragraph (1), for temporary workers, in a quantity not to exceed the sum of—

‘‘(A) 20,000;

‘‘(B) the number of visas calculated under subsection (d) that were issued after fiscal year 2005;

‘‘(C) the difference between—

‘‘(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visas issued under this subsection during those fiscal years; and

‘‘(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

‘‘(9) ALIENS SUBJECT TO NUMERICAL LIMITATION.—Visas issued under this paragraph shall not be counted against the numerical limitation set forth in paragraph (1).

SEC. 403. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATIONS FOR FAMILY-Sponsored IMMIGRANTS.—The Secretary shall, subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated the visas as follows:

‘‘(1) 10 percent of such worldwide level; and

‘‘(2) 10 percent of such worldwide level; and

‘‘(3) by striking paragraph (4).

(b) PREFERENCE ALLOCATIONS FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 202(b) (8 U.S.C. 1152(b)) is amended—

(1) in paragraph (1), by striking ‘‘28.6 percent’’ and inserting ‘‘15 percent’’;

(2) by striking paragraph (2)(A), by striking ‘‘28.6 percent’’ and inserting ‘‘15 percent’’;

(3) in paragraph (3)(A)—

(A) by striking ‘‘28.6 percent’’ and inserting ‘‘35 percent’’;

(B) by striking clause (ii);

(4) by striking paragraph (4);

(5) by redesigning paragraph (5) as paragraph (4); and

(6) in paragraph (4)(A), as redesignated, by striking ‘‘7.1 percent’’ and inserting ‘‘5 percent’’.

(c) DEFINITION OF TEMPORARY RESIDENT.—

Section 101(a)(27)(D) (8 U.S.C. 1101(a)(27)(D)) is amended by striking ‘‘subject to the numerical limitations of section 204(b)(4),’’.
student visas.

(3) Limitation.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

(f) Use of fees.—
(1) Job training; scholarships.—Section 208(a)(1) (8 U.S.C. 1156(a)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) Fraud prevention and detection.—Section 202(b)(6) (8 U.S.C. 1182(b)(6)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 406. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) Aliens with certain advanced degrees not subject to numerical limitation on employment-based immigrants.—

(1) In general.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(J) Aliens described in subparagraph (A) or (B) of section 202(b)(1)(A) or who have received a national interest waiver under section 202(b)(2).

(H) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 101(a)(15)(F) may file an application for adjustment of status and permanent residence; and

(I) any alien who has been issued a visa or other appropriate travel document under section 101(a)(15)(F).

"(K) The Secretary on behalf of the alien.

SEC. 407. STUDENT VISA PROGRAMS.

(a) Authorization.—

(1) In general.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 245(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence.

(2) Adjustment of Status.—Section 245(a) (8 U.S.C. 1225a) is amended to read as follows:

"(a) Authorization.—

"(1) In general.—The status of an alien who is admitted as a nonimmigrant student or as a nonimmigrant scholar or as a nonimmigrant trainee, as described in this section or in section 101(a)(15)(F), may be adjusted if the alien has met the requirements of this section.

"(2) Precedence for filing.—In subparagraph (A), paragraph (1) shall apply to any visa application filed—

"(A) after 6 months; or

"(B) before the alien's travel document expires.

"(3) Adjustment of status.—The adjustment of status under this section may be made only if the alien meets the requirements of this section.

"(4) Adjustment of status under section 245(a)(2)(D)'' before the period at the end.

(b) Employment of nonimmigrants.—Section 212(r) (8 U.S.C. 1184(r)) is amended by striking "under section 204(a)(2)(A)'' and inserting "under this section, or under subparagraphs (B)(ii) or (B)(iii) of section 202(b)(1)(A)''.

(c) Requirements for F-4 visa.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(1) by inserting before paragraph (1) the following:

"(2) by adding to the end the following:

"(A) during the period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year, from the date of 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;

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and adjustment under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence. If such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program,

"(D) by adding at the end the following:

"(A) during the period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year, from the date of 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;

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and adjustment under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence. If such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program,

"(D) by adding to the end the following:

"(A) during the period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year, from the date of 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;

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and adjustment under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence. If such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.

"(D) by adding to the end the following:

"(A) during the period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year, from the date of 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;

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and adjustment under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence. If such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.

"(D) by adding to the end the following:

"(A) during the period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year, from the date of 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;

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and adjustment under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence. If such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.

"(D) by adding to the end the following:

"(A) during the period of study in a graduate program described in such section;
(ii) by adding after clause (vii) the following:

“(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this Act, or

“(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or

(2) by adding at the end the following:

“(A) in subparagraph (B), by striking “or” at the end; and

(B) in subparagraph (C), by striking the period at the end and inserting “; or”, and

(C) by adding at the end the following:

“(D) has earned an advanced degree in science, technology, engineering, or mathematics;”;

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

“(9) If the numerical limitation in paragraph (1)(A)—

“(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation in such fiscal year; and

“(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.”;

(d) APPlicABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application filed on or after the date of enactment of this Act.

SEC. 407. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1112 note; Public Law 103–416) is amended by striking “Act and before June 1, 2006,” and inserting “Act.”

TITLE V—IMMIGRATION LITIGATION

SEC. 501. CONSOLIDATION OF IMMIGRATION APPEALS.

(a) REAPPOINTMENT OF COURT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended in the item relating to the Federal Circuit by striking “beginning” and inserting “beginning.”

(b) REVIEW OF ORDERS OF REMOVAL.—Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (2), by striking the first sentence and inserting “The petition for review shall be filed with the United States Court of Appeals for the Federal Circuit.”;

(2) in paragraph (5)(B), by adding at the end the following:

“Any appeal of a decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.”;

and

(3) in paragraph (7), by amending subparagraph (C) to read as follows:

“(C) CONSEQUENCE OF INVALIDATION AND VENUE OF APPEALS.—

“(1) INVALIDATION.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 234(a) (18 U.S.C. 1545).”;

“(ii) PEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the district court’s ruling that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.”;

(c) REVIEW OF ORDERS REGARDING INMIGRATION APPEALS.—Section 243(e) (8 U.S.C. 1252(g)) is amended by adding at the end the following new paragraph:

“(6) VENUE.—The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.”;

(d) EXCLUSIVE JURISDICTION.—Section 242(g) (8 U.S.C. 1252(g)) is amended—

(1) by striking “Except”; and

(2) by adding at the end the following:

“(1) IN GENERAL.—Except; and

“(2) APPEALS.—Notwithstanding any other provision of law, the United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to review a district court’s removal order or a proceeding brought, to remove or exclude an alien from the United States, including a district court order granting or denying a petition for writ of habeas corpus.”;

(e) JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) EXCLUSIVE JURISDICTION.—Section 1295(a) of title 28, United States Code, is amended by adding at the end the following new paragraph:

“(15) An appeal to review a final administrative order or a district court decision arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States.”;

(f) CONFORMING AMENDMENTS.—Such section 1295(a) is further amended—

(1) in paragraph (15), by striking “and”, and

(2) in paragraph (14), by striking the period at the end and inserting a semicolon and “and”;

(g) AUTHORIZATION OF APPOINTMENTS.—There are authorized to be appropriated to the United States Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the court.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of this Act and shall apply to any final agency order or district court decision entered on or after the date of enactment of this Act.

SEC. 502. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) THAIR ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 80 the number of attorneys in the Federal Defenders Program who litigate immigration cases in the Federal courts.

(2) STAFF ATTORNEYS.—In each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional staff attorneys for the Federal Circuit.

(3) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 10 the number of positions for full-time staff attorneys in the Board of Immigration Appeals compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 10 the number of positions for personnel to support the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(4) AUTHORIZATION OF APPOINTMENTS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

Sec. 503. BOARD OF IMMIGRATION APPEALS REMOVAL ORDER AUTHORITY.

(a) IN GENERAL.—Section 101(a)(47) (8 U.S.C. 1101(a)(47)) is amended to read as follows:

“(47)(A) The term ‘order of removal’ means the order of the immigration judge, the Board of Immigration Appeals, or other administrative officer to whom the Attorney General or the Secretary of Homeland Security has delegated the responsibility for determining whether an alien is removable, concluding that the alien is removable, or ordering removal.

“(B) A term of deportation’ means the order of the special inquiry officer, immigration judge, the Board of Immigration Appeals, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable, or ordering deportation.

“(c) Review of the term ‘order of deportation’ means the order of the immigration judge, the Board of Immigration Appeals, or other such administrative officer to whom the Attorney General or the Secretary of Homeland Security has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable, or ordering deportation.

“(2) A determination by the Board of Immigration Appeals affirming such order;

“(ii) the entry by the Board of Immigration Appeals of such order;

“(iii) the expiration of the period in which any party is permitted to seek review of such order by the Board of Immigration Appeals;

“(iv) the entry by an immigration judge of such order, if appeal is waived by all parties; or

“(v) the entry by another administrative officer of such order, at the conclusion of a proceeding authorized by law other than under section 240.”;

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended—

(1) by redesignating paragraphs (3), (4), and (5) of section 236(c) (8 U.S.C. 1182(d)(12)(A)), by inserting “an order of” before “removal”; and
(in section 245(a)(2)(B) (8 U.S.C. 1255a(g)(2)(B)))

(A) in the heading, by inserting "removal", after "DEPORTATION";

and

(B) by striking the heading for section 221(i) (8 U.S.C. 1201(i)), and inserting "deportation or an order of removal.

SEC. 504. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) (8 U.S.C. 1201(i)) is amended by striking the last sentence and inserting "Notwithstanding any other provision of law (statutory or nonstatutory), including section 221(i) of title 26, United States Code, or any other habeas corpus provision, and sections 1361 and 1631 of such title, a revocation under this Act, made by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.

SEC. 505. REINSTATEMENT OF REMOVAL ORDERS.

(a) REINSTATEMENT.—

(1) IN GENERAL.—Section 241(a)(3) (8 U.S.C. 1221(a)(5)) is amended to read as follows:

"(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—

(A) IN GENERAL.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed, deported, or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

"(i) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

(ii) the alien is not eligible and may not apply for asylum under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

(iii) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

(B) NO OTHER PROCEEDINGS.—Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge.

(2) CONFORMING AMENDMENT.—Section 242(a)(12) (8 U.S.C. 1252(a)(12)) is amended by striking "section" and inserting "section 241(a)(3)".

(b) JUDICIAL REVIEW.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(h) JUDICIAL REVIEW OF REINSTATEMENT UNDER SECTION 241(a)(5).—

"(1) IN GENERAL.—Judicial review of a determination under section 241(a)(5) is available under subsection (a) of this section.

"(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 241 of title 26, United States Code, or any other habeas corpus provision, and sections 1361 and 1631 of such title, a court shall have jurisdiction to review any cause or claim, arising from or relating to any challenge to the original order.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect—

(i) at such time as the President determines is appropriate; and

(ii) if the President determines that it is in the best interest of the United States to do so, on or after the expiration of 180 days after the date of the enactment of this Act.

SEC. 506. WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) (8 U.S.C. 1221(b)(3)) is amended—

(1) in subparagraph (A), by adding at the end the following:

"(i) the alien's life or freedom would be threatened in that country, and

that race, religion, nationality, membership in a particular social group, or political opinion would be at least one central reason for such threat; and

(2) in subparagraph (C), by striking "in determining whether an alien has manifested that the alien's life or freedom would be threatened for a reason described in subparagraph (A) and inserting "for purposes of this paragraph.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

SEC. 507. CERTIFICATION OF REVOCABILITY.

(a) BRIEFS.—Section 242(b)(3)(C) (8 U.S.C. 1252(b)(3)(C)) is amended to read as follows:

"(C) BRIEFS.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available. The court may not extend this deadline except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this subparagraph, the court shall dismiss the appeal unless a manifest injustice would result.

"(ii) If no certificate of reviewability is issued under this Act, unless the court of appeals concludes that the determination of the circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review shall be the final decision for the circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review, shall be the final decision for the Federal Circuit Court of Appeals and may not be reconsidered, reviewed, or reversed by any court through any mechanism or procedure.

SEC. 508. DISCRETIONARY DECISIONS ON MOTIONS TO REOPEN OR RECONSIDER.

(a) EXERCISE OF DISCRETION.—Section 240(c) (8 U.S.C. 1229a(c)) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

"(B) JUDICIAL REVIEW.—The decision to grant or deny a motion to reconsider is committed to the Attorney General's discretion.

(2) in paragraph (7), by adding at the end the following new subparagraph:

"(C) BRIEFS.—The decision to grant or deny a motion to reopen is committed to the Attorney General's discretion.

(b) ELIGIBILITY FOR PROTECTION FROM REMOVAL TO ALTERNATIVE COUNTRY.—Section 240(c) (8 U.S.C. 1229a(c)), as amended by section (a), is further amended by adding at the end the following new clause:

"(v) SPECIAL RULE FOR ALTERNATIVE COUNTRIES OF REMOVAL.—The requirements of this paragraph may not apply to—

(I) the Secretary of Homeland Security is seeking to remove the alien to an alternative or additional country of removal under paragraph (1)(C), (2)(D), or (2)(E) of section 241(b) that was not considered during the alien's prior removal proceedings;

(III) the alien's motion to reopen is filed within 30 days after the date on which the Secretary of Homeland Security determines to remove the alien to an alternative country to which the alien has been removed or deported, and the alien is entitled by law to withholding of removal under section 241(b)(3) or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, with respect to that particular country.

(c) EFFECTIVE DATE.—This amendment made by this section applies to motions to reopen or reconsider which are filed on or after the date of the enactment of this Act in removal, deportation, or exclusion proceedings, whether a final administrative order is entered before, on, or after the date of the enactment of this Act.

SEC. 509. PROHIBITION OF ATTORNEY FEE AWARDS FOR FINAL ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 (8 U.S.C. 1252), as amended by section 505(b), is further amended by adding at the end the following new subsection:

"(i) PROHIBITION ON ATTORNEY FEE AWARDS.—Notwithstanding any other provision of law, a court may not award fees or other expenses to an alien based upon the alien's status as a prevailing party in any petition or other proceeding relating to removal issued under this Act, unless the court of appeals concludes that the determination of the Attorney General or the Secretary of Homeland Security that the alien was removed, deported, or excluded under this Act, regardless of the date that such proceedings were commenced, was not substantially justified.

(b) EFFECTIVE DATE.—The amendment made by this subsection applies to motions to reopen or reconsider which are filed on or after the date of the enactment of this Act, regardless of the date that such motions were commenced.

SEC. 510. BOARD OF IMMIGRATION APPEALS.

(a) REQUIREMENT TO HEAR CASES IN 3-MEMBER PANELS.—
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Border Security and Interior Enforcement Improvement Act of 2006”.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SECTION 2. Severability.

TITLE I—SOUTHWEST BORDER SECURITY

Sec. 101. Construction of fencing and security facilities in border area from Pacific Ocean to Gulf of Mexico.
Sec. 102. Border patrol agents.
Sec. 103. Increased availability of Department of Defense equipment to assist with surveillance of southern international land border of the United States.
Sec. 104. Ports of entry.

TITLE II—FEDERAL, ALTERNATIVE, STATE, AND LOCAL LAW ENFORCEMENT

Subtitle A—Additional Federal Resources

Sec. 201. Necessary assets for controlling United States borders.
Sec. 203. Additional worksite enforcement and fraud detection agents.
Sec. 204. Document fraud detection.
Sec. 205. Powers of immigration officers and employees.

Subtitle B—Maintaining Accurate Enforcement Data on Aliens

Sec. 211. Entry-exit system.
Sec. 212. Statutory and immigration law enforcement provision of information regarding aliens.
Sec. 213. Listing of immigration violators in the National Crime Information Center database.
Sec. 214. Determination of immigration status of individuals charged with Federal offenses.

Subtitle C—Detention of Aliens and Reimbursement of Costs

Sec. 221. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 222. Federal custody of illegal aliens apprehended by State or local law enforcement.
Sec. 223. Institutional Removal Program.

Subtitle D—State, Local, and Tribal Enforcement of Immigration Laws

Sec. 231. Congressional affirmation of immigration law enforcement authority by States and political subdivisions of States.
Sec. 232. Immigration law enforcement training of State and local law enforcement personnel.

Sec. 233. Immunity.

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance and Validity

Sec. 301. Curtailment of visas for aliens.

Subtitle B—Employment Eligibility Verification System

Sec. 401. Employment Eligibility Verification System.
Sec. 402. Employment eligibility verification process.
Sec. 403. Expansion of employment eligibility verification system to previously hired individuals and recruiting and referring.
Sec. 404. Extension of presumption to required construction of day laborer shelters.
Sec. 405. Basic pilot program.
Sec. 406. Protection for United States workers and individuals reporting immigration law violations.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

Sec. 411. Verification responsibilities of the Commissioner of Social Security.
Sec. 412. Notification by commissioner of failure to correct social security information.
Sec. 413. Restriction on access and use.
Sec. 414. Sharing of information with the commissioner of Internal Revenue Service.
Sec. 415. Sharing of information with the Secretary of Homeland Security.

Subtitle D—Sharing of Information

Sec. 421. Sharing of information with the Commissioner of Homeland Security and the Commissioner of Social Security.
Sec. 422. Employment Eligibility Verification System.

Subtitle E—Identification Document Integrity

Sec. 441. Consular identification documents.
Sec. 442. Machine-readable tamper-resistant documents.

Subtitle F—Effective Date; Authorization of Appropriations

Sec. 451. Effective date.
Sec. 452. Authorization of appropriations.

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

Sec. 401. Short title.
Sec. 402. Findings.

Subtitle B—Employment Eligibility Verification System

Sec. 411. Employment Eligibility Verification System.
Sec. 412. Employment eligibility verification process.
Sec. 413. Expansion of employment eligibility verification system to previously hired individuals and recruiting and referring.
Sec. 414. Extension of presumption to required construction of day laborer shelters.
Sec. 415. Basic pilot program.
Sec. 416. Protection for United States workers and individuals reporting immigration law violations.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

Sec. 421. Verification responsibilities of the Commissioner of Social Security.
Sec. 422. Notification by commissioner of failure to correct social security information.
Sec. 423. Restriction on access and use.
Sec. 424. Sharing of information with the commissioner of Internal Revenue Service.
Sec. 425. Sharing of information with the Secretary of Homeland Security.

Subtitle D—Sharing of Information

Sec. 431. Sharing of information with the Commissioner of Homeland Security and the Commissioner of Social Security.
Sec. 432. Employment Eligibility Verification System.

Subtitle E—Identification Document Integrity

Sec. 441. Consular identification documents.
Sec. 442. Machine-readable tamper-resistant documents.

Subtitle F—Effective Date; Authorization of Appropriations

Sec. 451. Effective date.
Sec. 452. Authorization of appropriations.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

Sec. 501. Alien smuggling and related offenses.
Sec. 502. Evusion of inspection or violation of order of removal, deportation, or exclusion.
Sec. 503. Improper entry by, or presence of, transient workers.
Sec. 504. Fees and Employer Compliance Fund.
Sec. 505. Reentry of removed alien.
Sec. 506. Civil and criminal penalties for document fraud, benefit fraud, and false claims of citizenship.
Sec. 501. Acquisition of equipment to assist with surveillance of southern international land border of the United States.

(a) Increased availability of equipment.—The Secretary of Defense and the Secretary of Homeland Security shall develop and implement a plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aeroset radars, and other surveillance equipment, to assist Department of Homeland Security surveillance activities conducted at the southern international land border of the United States.

(b) Report.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that contains

(1) a description of the current use of Department of Defense equipment to assist with Department of Homeland Security surveillance of the southern international land border of the United States;

(2) the plan developed under subsection (a) to increase the use of Department of Defense equipment to assist with such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by Department of Homeland Security under such plan during the 1-year period beginning after submission of the report.

Sec. 502. Additional immigration provisions.

(1) In general.—In addition to the positions authorized under section 102(b)(4) of the Illegal Immigration Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), there are authorized to be appropriated $3,000,000,000 to carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734).

(2) Authorization of appropriations.—There are authorized to be appropriated $3,000,000,000 to carry out section 5202 of the Illegal Immigration Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734).
the Department of Homeland Security who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available during each preceding fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(f) DEPARTMENT OF JUSTICE.—

(1) ASSISTANT ATTORNEY GENERAL FOR IMMIGRATION ENFORCEMENT.—

(A) ESTABLISHMENT.—There is established within the Department of Justice the position of Assistant Attorney General for Immigration Enforcement. The Assistant Attorney General for Immigration Enforcement shall coordinate and prioritize immigration litigation and enforcement in the Federal courts, including—

(i) removal and deportation;

(ii) employer sanctions; and

(iii) alien smuggling and human trafficking.

(B) ENFORCING AMENDMENT.—Section 506 of title 28, United States Code, is amended by striking “ten” and inserting “11.”

(2) LITIGATION ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys for Immigration Litigation Enforcement of the Department of Justice above the number of such positions for which funds were made available during the preceding fiscal year.

(3) ASSISTANT UNITED STATES ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of Assistant United States Attorneys to litigate immigration cases in the Federal courts above the number of such positions for which funds were made available during the preceding fiscal year.

(4) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges for Immigration Judges of the Department of Justice above the number of such positions for which funds were made available during the preceding fiscal year.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

SEC. 203. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000 the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, 1324A) above the number of such positions in which funds were made available during the preceding fiscal year.

(b) FRAUD DETECTION.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for Immigration Enforcement Agents dedicated to immigration fraud detection above the number of such positions in which funds were made available during the preceding fiscal year.
law enforcement agency of a State or of a political subdivision therein shall provide to the Department of Homeland Security the information listed in paragraph (2) for each alien that is under the jurisdiction of such agency and who cannot produce the valid certificate of alien registration or alien registration receipt card described in section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)).

(B) Time limitation.—Not later than 15 days after an alien described in subparagraph (A) is apprehended, information required to be provided under subparagraph (A) shall be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation, prescribe.

(2) INFORMATION REQUIRED.—The information listed in this subsection is as follows:

(A) The alien’s name.

(B) The alien’s address or place of residence.

(C) A physical description of the alien.

(D) The date, time, and location of the encounter with the alien.

(E) If applicable—

(i) the alien’s driver’s license number and the State of issuance of such license;

(ii) the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document;

(iii) the license number and description of any vehicle registered to, or operated by, the alien; and

(iv) a photo of the alien and a full set of the alien’s 10 rolled fingerprints, if available or readily obtainable.

(3) REMUNERATION.—The Secretary of Homeland Security shall reimburse such law enforcement agencies for the costs, per a schedule determined by the Secretary, incurred by such agencies in collecting and transmitting the information described in paragraph (2).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ILLEGAL IMMIGRATION REFORM AND IMMIGRATION RESPONSIBILITY ACT OF 1996.—

(A) TECHNICAL AMENDMENT.—Section 622 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1373(h)) is amended—

(i) in subsections (a), (b)(1), and (c), by striking “Immigration and Naturalization Service” each place it appears and inserting “Department of Homeland Security”;

(ii) in the heading by striking “IMMIGRATION AND NATURALIZATION SERVICE” and inserting “DEPARTMENT OF HOMELAND SECURITY”; and

(iii) in the heading by striking “immigration and naturalization service” and inserting “department of homeland security”.

(B) CONFORMING AMENDMENT.—Section 2 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1632) is amended by striking the item related to section 434 and inserting the following:

“Sec. 434. Communication between State and local government agencies and the Department of Homeland Security.”

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized—

(1) to establish, maintain, and operate detention and removal facilities in accordance with guidelines of the Executive Office for Immigration Review of the Department of Homeland Security;

(2) to acquire, collect, classify, and preserve all information provided by the Secretary of Homeland Security under paragraph (1) related to an alien who is a noncitizen and who has been issued a final order of removal, deportation, or exclusion, and who has been determined by the Secretary of Homeland Security to be unlawfully present in the United States.

SEC. 213. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary of Homeland Security has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by the Secretary, whose period for departure has expired under subsection (a)(2) or (b)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1252c) or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) detained by a Federal, State, or local law enforcement agency where a Federal Immigration officer has confirmed to be unlawfully present in the United States but, in the exercise of discretion, has been released from detention without transfer into the custody of a Federal immigration officer;

(D) who has remained in the United States beyond the alien’s authorized period of stay; and

(E) whose visa has been revoked.

(b) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should remove from the database any information provided by the Secretary of Homeland Security under paragraph (1) related to an alien who is a lawful permanent resident or remains legally present in the United States.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ILLEGAL IMMIGRATION REFORM AND IMMIGRATION RESPONSIBILITY ACT OF 1996.—

(A) A determination made under subsection (a)(2)(A) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1252b) is made—

(i) if the alien is determined not to be a removable alien;

(ii) if the alien is determined to be a removable alien, but the alien is not removable;

(iii) if the alien is removed;

(iv) if the alien has been deported;

(v) if the alien has been excluded; and

(vi) if the alien has been taken into custody by the Director of the National Guard.

(B) A determination made under subsection (a)(2)(A) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1252b) is made—

(i) if the alien is determined to be a removable alien, but the alien is not removable;

(ii) if the alien is removed; or

(iii) if the alien has been deported.

(2) TECHNICAL AMENDMENT.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1252b) is amended—

(A) by inserting “or (c)” after “(a)” in the heading;

(B) by inserting “and” after “who” in subsection (b)(1); and

(C) by inserting “or (c)” after “(a)” in subsection (b)(2).

(d) ANNUAL REPORT TO CONGRESS.—The Director of the National Guard shall submit to the Congress an annual report describing the alien violators program established under this section, that includes data on aliens subject to deportation and alien violators sanctioned who have been sanctioned for deportable violations.


(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security may, after consultation with the Attorney General, construct or acquire, in addition to existing federal detention and removal facilities, sufficient detention and removal facilities in the United States that have the capacity to detain a combined total of not less than 10,000 Immigration violators and in the United States that have the capacity to detain a combined total of not less than 10,000 Immigration violators and in the United States that have the capacity to detain a combined total of not less than 10,000 Immigration violators.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be in accordance with guidelines of the Federal Bureau of Prisons and shall be made—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and data on the type of crime in each case; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(c) REIMBURSEMENT.—A determination made under subsection (a)(1) shall be in accordance with guidelines of the Federal Bureau of Prisons and shall be made—

(1) with respect to detention facilities identified for closure under the Defense Base Closure Realignment Act of 1990 (22 U.S.C. 2401 et seq.), and

(2) in order to provide the capacity to accommodate the volume of criminal cases brought against aliens in the Federal courts.

Subtitle D—Detention of Aliens and Submission of Information


(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or acquire, in addition to existing federal detention and removal facilities, sufficient detention and removal facilities in the United States that have the capacity to detain a combined total of not less than 10,000 Immigration violators and in the United States that have the capacity to detain a combined total of not less than 10,000 Immigration violators.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be in accordance with guidelines of the Federal Bureau of Prisons and shall be made—

(1) with respect to detention facilities identified for closure under the Defense Base Closure Realignment Act of 1990 (22 U.S.C. 2401 et seq.), and

(2) in order to provide the capacity to accommodate the volume of criminal cases brought against aliens in the Federal courts.
to enable the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(b) INSTRUCTIONS TO DEPARTMENT.—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall consider the transfer of arrangements of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2967 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231g(1)) is amended by striking ‘‘may expend’’ and inserting ‘‘shall expend’’.

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

SEC. 222. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED FOR VIOLATION OF IMMIGRATION LAW.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

SEC. 240D. TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY.

‘‘(a) IN GENERAL.—If the head of a law enforcement entity of a State or, if appropriate, a political subdivision of the State exercising authority with respect to the apprehension or arrest of an alien, submits a request to the Secretary of Homeland Security for transfer of the alien into Federal custody, the Secretary of Homeland Security—

‘‘(1) shall—

‘‘(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an illegal alien; and

‘‘(B) if the individual is an illegal alien, either—

‘‘(i) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the alien is apprehended, take the alien into custody of the Federal Government and incarcerate the alien; or

‘‘(ii) request that the relevant State or local law enforcement agency temporarily detain the alien in order to support the legal or administrative action for transfer to Federal custody; and

‘‘(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.

‘‘(b) REMUNERATION.—

‘‘(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State or a political subdivision of a State for expenses, as verified by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of an illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1).

‘‘(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be—

‘‘(A) the product of—

‘‘(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by an executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

‘‘(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

‘‘(B) the cost of transporting the criminal or illegal alien between the State or political subdivision and the location of detention; and

‘‘(C) the cost of uncompensated emergency medical care provided to a detained illegal alien during the period between the time of apprehension or arrest and the time of transfer into Federal custody.

‘‘(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in a Federal facility pursuant to this subsection are held in facilities which provide an appropriate level of security, and that, where practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

‘‘(d) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of appropriate requests described in subsection (a) and the time of transfer into Federal custody.

‘‘(e) AUTHORITY FOR CONTRACTS.—

‘‘(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative arrangements with appropriate State and local law enforcement and detention agencies to implement this section.

‘‘(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative arrangement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or where appropriate, a political subdivision in which the agencies are located has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

‘‘(f) ILLEGAL ALIEN DEFINED.—In this section, the term ‘illegal alien’ means an alien who—

‘‘(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

‘‘(2) was admitted as a nonimmigrant and who, at the time the alien was taken into custody by the State or a political subdivision of the State, had failed to—

‘‘(A) maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

‘‘(B) comply with the conditions of any such status;

‘‘(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

‘‘(4) failed to depart the United States under a voluntary departure agreement or under a final order of exclusion.

‘‘(g) AUTHORIZATION FOR APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT—There are appropriated $585,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under title II of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 223. INSTITUTIONAL REMOVAL PROGRAM.

(a) INSTITUTIONAL REMOVAL PROGRAM.—
of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody Federal, State, or local law enforcement officers (including the transportation of such aliens across State lines to detention centers), for the purpose of enforcing the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This authority shall be exercised in accordance with the crime in the course of duty.

SEC. 233. IMMUNITY.

(a) PERSONAL IMMUNITY.—Notwithstanding any other provision of law, a law enforcement officer of a State, or of a political subdivision of a State, shall be immune in the course of enforcing the immigration laws of the United States from personal liability arising out of any enforcement of immigration law. The immunity provided by this subsection shall only apply to an officer of a State, or of a political subdivision of a State, who is acting within the scope of such officer’s official duties.

(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a law enforcement agency of a State, or of a political subdivision of a State, shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except in the context of a removal proceeding if such provision is the sole ground for removal under section 237(a)(1)(B).

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance and Validity

SEC. 301. CURTAILMENT OF VISAS FOR ALIENS FROM COUNTRIES DENYING OR DELAYING REPATRIATION OF NATIONALS.

(a) In General.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking “(a), (b), or (c)” and inserting “(a) or (b)”;

(5) in subsection (g), by striking “(a), (b), and (c)” and inserting “(a) and (b)”;

(b) Allocation of Diversity Immigrant Visas.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking “(a), (b), or (c)” and inserting “(a) or (b)”;

(3) in subsection (e), by striking paragraph (3) and redesignating paragraph (2) as paragraph (3);

(4) in subsection (f), by striking “(a), (b), or (c)” and inserting “(a) or (b)”;

(5) in subsection (g), by striking “(a), (b), and (c)” and inserting “(a) and (b)”;

(c) Effective Date.—The amendments made by this section shall take effect on October 26, 2006.

SEC. 304. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

“(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court shall not—

(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for temporary residence;

(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

(3) grant or order any other alien to the benefit of aliens otherwise related to such alien by the Attorney General, the Secretary, or any court,
until such background and security checks as the Secretary may in his discretion require have been completed to the satisfaction of the Secretary.

SEC. 305. NATURALIZATION AND GOOD MORAL CHARACTER.

(a) NATURALIZATION REFORM.—

(1) Barring terrorists from naturalization.—Section 310(c) of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended by adding at the end the following new subsection:

“(g) No person shall be naturalized who the Secretary of Homeland Security determines, in the Secretary’s discretion, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). Such determination may be based on any relevant information or evidence, including classified, sensitive, or national security information, and shall be binding upon, and unreviewable by, any court exercising jurisdiction under the immigration laws over any application for naturalization, regardless whether such jurisdiction to review a decision or action of the Secretary is de novo or otherwise.

(2) Concurrent naturalization and removal proceedings.—The last sentence of section 318 of such Act (8 U.S.C. 1429) is amended—

(A) by striking “shall be considered by the Attorney General” and inserting “shall be considered by the Secretary of Homeland Security or any court”; and

(B) by striking “pursuant to a warrant of arrest issued under the provisions of this or any other Act:” and inserting “or other proceeding to determine the applicants inadmissibility or deportability, or to determine whether the applicants lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced:”; and

(C) by striking “upon the Attorney General” and inserting “upon the Secretary of Homeland Security”.

(3) Pending denaturalization or removal proceedings.—Section 204(b) of such Act (8 U.S.C. 1182(j)(4)(B)) is amended by adding at the end “No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that to this section if there is any administrative decision under section 335 be binding upon, and unreviewable by, any court exercising jurisdiction under the immigration laws over any application for naturalization, regardless whether such jurisdiction to review a decision or action of the Secretary is de novo or otherwise.”

(4) Conditional permanent residents.—Section 216(e) of such Act (8 U.S.C. 1186a(e)) and section 216(e)(e) of such Act (8 U.S.C. 1186b(e)) are each amended by inserting before the period at the end of each section “, if the alien has had the conditional basis removed under this section”.;

(5) District court jurisdiction.—Section 336(b) of such Act (8 U.S.C. 1447(b)) is amended to read as follows:

“(b) If there is a failure to render a final administrative decision under section 336(b) before the end of the 180-day period after the date on which the Secretary of Homeland Security completes all examinations and interviews with respect to such application (as such terms are defined in regulations issued by the Secretary), the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary for the Secretary’s consideration on the application.”

(6) Conforming amendments.—Section 310(c) of such Act (8 U.S.C. 1421(c)) is amended—

(A) by inserting “, not later than 120 days after the date of the Secretary’s final determination” before “seek”; and

(B) by striking the second sentence and inserting: “The burden shall be upon the petitioner to show that the Secretary’s denial of the application was not supported by facially legitimate reasons. Except in a proceeding under section 340, notwithstanding any other provision of law, including section 2241 of title 28, United States Code, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made in such proceeding for the purpose of an application for naturalization, whether an alien is a person of good moral character, whether an alien is attached to the principles of the Constitution of the United States, or whether an alien is well disposed to the good order and happiness of the United States.”

(7) Effective date.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other matter under the immigration laws pending on, or filed after, such date.

(b) Intelligence reform and terrorism prevention act of 2004.—The amendments made by paragraph (3) shall take effect as if included in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638).

SEC. 306. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.

(a) In general.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following new section:

“SEC. 218A. PROHIBITION ON PROVIDING IMMIGRATION BENEFITS TO CERTAIN ALIENS.

“Nothing in this Act or any other provision of law shall permit the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any agency to grant any application, approve any petition under sections 244, 245, or any other application for naturalization, regardless whether such jurisdiction to review a decision or action of the Secretary is de novo or otherwise.”

(b) Inadmissibility on security and related grounds.—Section 212(a)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(I)) is amended by inserting “is able to demonstrate, by clear and convincing evidence, that such spouse or child” after “wife or”;

(c) Bar to good moral character.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(A) in the header, by striking “NAZI”;

(B) by inserting after clause (ii) the following new clause:

“(v) any alien described in subparagraphs (A)(ii), (B), and (F) of sections 212(a)(3) or subparagraphs (A)(i), (A)(iii), or (B) of section 237(a)(4);”.

(d) Bar to good moral character.—Section 219A of the Immigration and Nationality Act (8 U.S.C. 1186b(e)) is amended—

(A) in the header, by striking “NAZI”;

(B) by inserting after clause (ii) the following new clause:

“(iv) PARTICIPATION IN OTHER PERSECUTION.—Any alien who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion is inadmissible.”.

(2) Recommendations by consular officials.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(A)) is amended by striking “adding at the end” and inserting “inserting after paragraph (8) and before the underscored paragraph at the end”.

(4) Effective dates.

(A) In general.—The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other benefit or relief or any other case or matter under the immigration laws pending on, or filed after, such date.

(B) Intelligence reform and terrorism prevention act of 2004.—The amendments made by paragraph (3) shall take effect as if included in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638).

SEC. 207. REPEAL OF ADJUSTMENT OF STATUS OF CERTAIN ALIENS PHYSICALLY PRESENT IN UNITED STATES UNDER SECTION 245(i).

Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1225(i)) is repealed.

SEC. 208. DEFINITION OF CERTAIN TERMS AND REMOVAL FOR PERSECUTORS.

(a) General classes of aliens ineligible to receive visas and ineligible for admission.

(1) Persecution.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(A) in the header, by striking “NAZI”;

(B) by inserting after clause (ii) the following new clause:

“(v) PARTICIPATION IN OTHER PERSECUTION.—Any alien who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion is inadmissible.”.

(2) Recommendations by consular officials.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(A)) by striking “adding at the end” and inserting “inserting after paragraph (8) and before the underscored paragraph at the end”.

(4) Effective dates.

(A) In general.—The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other benefit or relief or any other case or matter under the immigration laws pending on, or filed after, such date.

(B) Intelligence reform and terrorism prevention act of 2004.—The amendments made by paragraph (3) shall take effect as if included in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638).
(i) in paragraph (b), by striking “or”; 
(ii) in paragraph (a), as added by section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741), as amended by section 305(b)(3) of this Act, by striking the period at the end and inserting a semicolon and “or”; and 
(iii) in subsection (f), by inserting “the Secretary of Homeland Security,” before “the Attorney General.”

(b) CLARIFICATION AND RELEASE OF INFORMATION.—Section 212(a)(3)(E) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), as amended by subsection (a), is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (G), by striking “and” at the end;

(B) in subparagraph (H), by striking the period at the end and inserting a semicolon and “and”;

(C) by adding at the end the following new subparagraph:

“(1) any other information the Secretary of Homeland Security determines is necessary.”; and

(2) in subsection (c)(2), by adding at the end “Approved institutions of higher education or other approved educational institutions shall release information regarding the verification or nonverification of the information maintained by the Commissioner of Social Security, as part of such information collection program or upon request.”

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

SEC. 401. SHORT TITLE.

This title may be cited as the “Employment Eligibility Verification Paperless System Act of 2006.”

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) The failure of Federal, State, and local governments to control and sanction the unauthorized employment and unlawful exploitation of illegal alien workers is a primary cause of illegal immigration.

(2) The use of modern technology not available in 1986, when the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) created the I–9 worker eligibility verification system, provides employers to rapidly and accurately verify the identity and employment authorization of their employees and independent contractors.

(3) The Administration in this section to the Secretary of Homeland Security as part of such information collection program or upon request.

(4) Limited data sharing between the Department of Homeland Security, the Internal Revenue Service, the Social Security Administration is essential to the integrity of these vital programs, which protect the employment and retirement security of all working Americans.

(5) The Federal judiciary must be open to private United States citizens, legal foreign workers, and law-abiding enterprises that seek judicial protection against injury to their wages and working conditions due to unlawful employment of illegal alien workers and the United States enterprises that administer the system, especially where lack of resources constrains enforcement of Federal immigration law by Federal immigration officials.

(6) Employment Eligibility Verification System.

(a) In General.—Section 274A(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by adding at the end the following:

“(iii) The National Security Agency shall establish and administer the National Security Agency Employment Eligibility Verification System, through which the National Security Agency—

“(i) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual’s identity and whether the individual is authorized to be employed; and

“(ii) maintains records of the inquiries that were made, of the verification provided or nonverification provided, and of the correspondence to inquirers as evidence of their compliance with their obligations under this section.

(b) INITIAL RESPONSIBILITIES.—The verification system shall provide verification or a tentative nonverification of an individual’s identity and employment eligibility within 3 working days of the initial inquiry of providing the verification or tentative nonverification, the verification system shall provide an appropriate code indicating such verification or such nonverification.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONVERIFICATION.—In cases of tentative nonverification, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide an appropriate code indicating such verification or nonverification.

(d) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

“(i) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

“(ii) to respond to all inquiries made by submitters and entities consistent with insulating and protecting the privacy and security of the underlying information; and

“(iii) to have reasonable safeguards against the system’s resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or authorized use of the system to verify eligibility;

“(IV) the use of the system prior to an offer of employment; or

“(V) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is reasonably required for most job applicants.

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the Employment Eligibility Verification System, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to perform the functions provided for in this section), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (b) and (c), compare the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate or (not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual was presented to social security account number that is not valid for employment.

The Commissioner shall not disclose or release social security information (other than the verification or nonverification) except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.
(F) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—(i) As part of the verification system, the Secretary of Homeland Security (in consultation with any designee selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (b) and (c), compares the name and alien identification or authorization number which are provided in an inquiry against such information maintained by the Secretary (or to validate or to validate) the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

(ii) When a single employer has submitted to the verification system pursuant to paragraph (a) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number, the Secretary of Homeland Security shall conduct an investigation, within the period specified under paragraphs (b) and (c), commencing with a designee to establish and administer the verification system, the designee shall notify the Secretary when a single employer has submitted to the verification system pursuant to paragraph (a) identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates fraudulent use of that number. The designee shall also provide the Secretary with all pertinent information, including the name and address of the employer or employers who submitted the relevant social security account number, the relevant social security account number submitted by the employer or employers, and the relevant name and date of birth of the employee submitted by the employer or employers.

(3) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes maximum use of the system and shall provide for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subparagraph (C).

(H) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than the enforcement and administration of the immigration laws, the Social Security Act, or any provision of Federal criminal law.

(I) FEDERAL TORT CLAIMS ACT.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this subparagraph.

(J) LIMITATION ON LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION.—No person or entity shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility verification mechanism established under this paragraph.

(b) REPEAL OF PROVISION RELATING TO EVALUATIONS AND CHANGES IN EMPLOYMENT VERIFICATION.—Section 274a(d) (8 U.S.C. 1324a(d)) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 2 years after the date of the enactment of this Act.

SEC. 412. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

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

(1) in subsection (a)(3), by inserting "(A)" after "DEFENSE.-", and by adding at the end of such subsection—

(ii) FAILURE TO SEEK AND OBTAIN VERIFICATION.—In the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply—

(I) FAILURE TO SEEK VERIFICATION.—

(i) In General.—If the person or entity has not made the mechanism established under subsection (b)(7), seeking verification of the identity and work eligibility of an alien by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring, the date specified in subsection (b)(3)(B) for previously hired individuals, or before the recruiting or referring commences, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

(ii) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism received three nonresponses and qualify for such defense.

(iii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in subsection (b)(3)(B) for previously hired individuals and has not made an inquiry, within the time period specified under subsection (b)(7), the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

(iv) Retention of Verification Form and Verification.—

(A) IN GENERAL.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity shall—

(i) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security and the Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual for the date the determination of verification of a previously hired individual and ending—

(I) in the case of the recruiting or referral of an individual, three years after the date of such hiring; or

(II) in the case of the hiring of an individual, the later of—

(aa) three years after the date of such hiring; or

(bb) one year after the date the individual’s employment is terminated; and

(bb) in the case of the verification of a previously hired individual, the later of—

(aa) three years after the date of the completion of verification; or

(bb) one year after the date the individual’s employment is terminated;

(ii) make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring or in the case of verifying a previously hired individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring; and

(iii) in subsection (b)(3)(B), or before the recruiting or referring commences; and
entities shall notify the Secretary of Home
If the person or entity does not terminate employment of the individual within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the system to seek verification of the identity and employment eligibility of the individual.

Nonverification Received.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. Nothing in this subsection and shall be maintained as a record of the individual until the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the system to seek verification of the identity and employment eligibility of the individual.

Final Nonverification Received.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the system to seek verification of the identity and employment eligibility of the individual.

TITLE VI
SEC. 414. EXTENSION OR REQUIRED CONSTRUCTION OF DAY LABOR SHELTERS
Par. 274A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(2)) is amended—
(a) by striking "imposing", and inserting a dash and "(A) imposing";
(b) by striking the period at the end and inserting "and"; and
(c) by adding at the end the following:
"(B) requiring as a condition of construction, continuing or expanding a business that a business entity—
(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or
(ii) take other steps that facilitate the employment of day laborers by others."
SEC. 415. BASIC PILOT PROGRAM
Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:
"(10) Pilot program to report immigration law violations—Notwithstanding any other provision of law, the rights protected by this subsection include the right of any individual to report a violation of immigration law to the Secretary of Homeland Security or a law enforcement agency."
"(ii) PROTECTION FOR UNITED STATES WORKERS AND INDIVIDUALS REPORTING IMMIGRATION LAW VIOLATIONS
"(1) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end the following:
"(a) DEFINITIONS.—In this section—
"(A) the term "day laborer" means an individual who provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or
"(B) the Secretary of Homeland Security may, for purposes of carrying out this section, enter into agreements with States or units of State government to provide for the enforcement of this section in such States or units of State government.
"(ii) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b);"
"(ii) by striking the period at the end and inserting "; and"; and
"(iii) on or before the date that is 2 years after the date of the enactment of the Employment Security Act of 2006."
S3064

CONGRESSIONAL RECORD — SENATE
April 5, 2006

SEC. 417. PENALTIES.
(a) CIVIL AND CRIMINAL PENALTIES.—Section 274A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(4)) is amended to read—

"(1) in the case of a first offense, be fined $10,000 for each unauthorized alien;

"(2) in the case of a second offense, be fined $50,000 for each unauthorized alien; and

"(iii) in the case of a third or subsequent offense, be fined in accordance with title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.

"(b) CONTINUING EMPLOYMENT OF UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(1) shall—

"(i) perish for 2 years, with respect to each unauthorized alien;

"(ii) in the case of a second offense, be fined $50,000 for each unauthorized alien; and

"(iii) in the case of a third or subsequent offense, be fined in accordance with title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.

"(c) FAILURE TO CORRECT SOCIAL SECURITY ACCOUNT.

The Commissioner of Social Security may waive the application of this section to—

"(1) establish the age, citizenship, immigration, social security, and tax laws, any provision of title 18, United States Code, or an otherwise authorized by Federal law.

"(ii) No person or entity may use the information in such Employment Eligibility Verification System for any purpose other than as permitted by Federal law.

"(iii) Whoever knowingly uses, discloses, publishes, or permits the unauthorized use of personal information in such Employment Eligibility Verification System in violation of clause (i) or (ii) shall be fined not more than $10,000 per occurrence and, if the violation of clause (i) or (ii) is a repeat offense of such a violation, shall be imprisoned for not more than 2 years.

"(iv) The Commissioner of Social Security shall estab-

lish a procedure to ensure that 70 percent of any fine imposed under this clause is awarded to the individual injured by such viola-

tion.

SEC. 422. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY.

Section 205(c)(2)(H) of the Social Security Act (42 U.S.C. 405(c)(2)(H)) is amended to read as follows:

"(H) The Commissioner of Social Security shall share with the Secretary of the Treas-

ury—

"(1) the information obtained by the Com-

missioner pursuant to the second sentence of subparagraph (B)(ii) and to subparagraph (C)(ii) for the purpose of administering those sections of the Internal Revenue Code of 1986 that grant tax benefits based on support or residence of children; and

"(2) information relating to the detection of false or income from self-employment of unauthorized aliens (as defined by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)), or the investigation of false statements or fraud in connection to the administration of immigration, social security, or tax laws of the United States.

Information disclosed under this subparagraph shall be solely for the use of the offi-
cers and employees to whom such information is disclosed in such response or inves-
tigation.

SEC. 423. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY.

(a) AMENDMENT TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), as amended by section 423, is amended by adding at the end the following new subparagraph:

"(J) Upon the issuance of a social security account number under subparagraph (B) to an individual, the Commissioner of Social Security shall transmit to the Secretary of Homeland Security such information received by the Commissioner in the individ-

ual’s application for such number or such card as the Secretary of Homeland Security shall provide, to facilitate the administration of the immigration laws of the United States.

"(b) AMENDMENT TO TITLE 18 OF THE UNITED STATES CODE.—Title 18, United States Code, is amended by adding a new chapter 18A, entitled "Social Security Administration Reform in the Social Security Administration," beginning as follows:

"Chapter 18A—Social Security Administration Reform in the Social Security Administration

Subtitle A—Work Eligibility Verification Reform in the Social Security Administration

SEC. 421. VERIFICATION RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.

The Commissioner of Social Security is au-

thorized to make and enforce rules with respect to carrying out the Commissioner’s responsibilities in this title or the amendments made by this title, however in no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

SEC. 422. NOTIFICATION BY COMMISSIONER OF FAILURE TO CORRECT SOCIAL SECURITY INFORMATION.

The Commissioner of Social Security shall provide, upon any request of the Commis-

Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Secretary of Homeland Security, Secretary of Labor and the Attorney General are authorized to require any individual to provide the individual’s own social security account number for purposes of inclusion in any record of the individual maintained by any of any such Secretary or the Attorney General, or for inclusion of the individual’s social security number for purposes of law (including section 6103 of title 26, United States Code), the Secretary of Homeland Security, Secretary of Labor and the Attorney General are authorized to require any individual to provide the individual’s own social security account number for purposes of inclusion in any record of the individual maintained by any of any such Secretary or the Attorney General, or for inclusion of the individual’s social security number for purposes of law (including section 6103 of title 26, United States Code). The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations reported by the Secretary.

SEC. 411. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY AND THE COMMISSIONER OF SOCIAL SECURITY.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 6011(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(g) The Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where a social security account number was not matched by the name in the Social Security Administration record. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

(b) A MENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(1) FORMS AND PROCEDURES.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(i) preparation for any judicial or administrative civil or criminal enforcement proceeding against an alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the adjudication of any application for a change in immigration status or other benefit by such alien, or

(ii) preparation for a civil or criminal enforcement proceeding against a citizen or national of the United States under section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, or 1324c), or

(iii) any investigation which may result in the proceedings enumerated in clauses (i) and (ii) above.

"(B) LIMITATION ON USE AND RETENTION OF TAX RETURN INFORMATION.—

(i) Information disclosed under this paragraph by a financial institution for the use of the officers and employees to whom such information is disclosed in such response or investigation shall be retained by such financial institution in accordance with such procedures as the Commissioner or the Secretary may prescribe.

(ii) Should the proceeding for which such information has been disclosed not commence within 3 years after the date on which it has been disclosed by the Commissioner or the Secretary, such information shall be returned to the Commissioner in its entirety, and shall not be retained in any form by the requestor, unless the taxpayer is notified in writing as to the action taken in relation to the request.

(b) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end the following new subsection:

"(1) No-Match Notice.—

(i) No-Match Notice.—In this subsection, the term ‘no-match notice’ means a written notice from the Commissioner of Social Security to an employer reporting payroll records that an employer name or corresponding social security account number fail to match records maintained by the Commissioner.

(ii) Requirements of a no-match notice.—

(A) Requirement to provide.—Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner shall provide the Secretary of Homeland Security with information relating to employers who have received a no-match notices and, upon request, with such additional information as the Secretary certifies is necessary to administer or enforce the immigration laws.

(B) Form of information.—The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

(C) Use of information.—A no-match notice received by the Secretary from the Commissioner may be used as evidence in any civil or criminal proceeding.

(D) OTHER AUTHORITIES.—

(1) AUTHORITY TO USE.—The Secretary, in consultation with the Commissioner, is authorized to establish by regulation requirements for verifying the identity and work authorization of an employee who is the subject of a no-match notice.

(2) PENALTY.—The Secretary is authorized to establish by regulation penalties for failure to comply with this subsection.

SEC. 412. CONCLUSION OF OPEN INVIGILATION CASES.

SEC. 413.ELIMINATION IDENTIFICATION DOCUMENTS.

(a) ACCEPTANCE OF FOREIGN IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), for purposes of personal identification, no agency, commission, entity, or agent of the executive or legislative branches of the Federal Government may accept, acknowledge, recognize, or rely on any identification document issued by the government of a foreign country, unless otherwise mandated by Federal law.

(2) AGENT DEFINED.—In this section, the term ‘agent’ shall include the following:

(A) A Federal contractor or grantee.

(B) An institution or entity exempted from Federal income taxation under the Internal Revenue Code of 1986.

(c) REQUIREMENT TO ASK FOR IDENTIFICATION DOCUMENTS.—A Federal financial institution required to ask for identification under section 5318(i) of title 31, United States Code.

(b) EXCEPTION.—

(A) IN GENERAL.—An individual who is not a citizen or national of the United States may present for purposes of personal identification an official identification document issued by the government of a foreign country or other foreign identification document recognized pursuant to a treaty entered into by the United States, if—

(i) such individual simultaneously presents valid verifiable documentation of lawful presence in the United States issued by the appropriate agency of the Federal Government;

(ii) reporting a violation of law or seeking government assistance in an emergency;

(iii) the document presented is a passport issued to a citizen or national of a country that participates in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by the government of such country; or

(iv) such use is expressly permitted another provision of Federal law.

(b) NONAPPLiCATION.—The provisions of paragraph (1) shall not apply to—

(i) inspections of alien applicants for admission to the United States; or

(ii) foreign identification documents issued by a foreign country or other foreign identification document recognized pursuant to a treaty entered into by the United States; or
(ii) verification of personal identification of persons outside the United States.

(4) LISTING OF ACCEPTABLE DOCUMENTS.—The Secretary of Homeland Security shall issue a list of individuals and updated public notices, compiled in consultation with the Secretary of State, and including sample facsimiles, of all acceptable Federal documents that satisfy the requirements of subparagraph (3)(A).

(b) ESTABLISHMENT OF PERSONAL IDENTITY.—Section 274A(c) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (5), by striking “or” at the end;

(2) in paragraph (6), by striking the period at the end and inserting a comma and “or”; and

(3) by inserting after paragraph (6) the following new paragraph:

“(7) to use to establish personal identity, before any agent of the Federal Government, or before any agency of the Federal Government or of a State or any political subdivision therein, a travel or identification document issued by a foreign government that is not accepted by the Secretary of Homeland Security to establish personal identity for purposes of admission to the United States at a port of entry, except—

“(A) in the case of a person who is not a citizen of the United States—

“(i) the person simultaneously presents valid verifiable documentation of lawful presence in the United States issued by an agency of an foreign Government;

“(ii) the person is reporting a violation of law or seeking government assistance in an emergency; or

“(iii) such use is expressly permitted by Federal law.”.

SEC. 442. MACHINE-READABLE TAMPER-RESISTANT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—Section 383 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) in the heading, by striking “ENTRY AND EXIT DOCUMENTS” and inserting “TRAVEL, ENTRY, AND EVIDENCE OF STATUS DOCUMENTS”;

(2) in subsection (b)(1)—

(A) by striking “Not later than October 26, 2004, the Attorney General” and inserting “The Secretary of Homeland Security;” and

(B) by striking “visas and” each place it appears and inserting “visas, evidence of status, and;” and

(3) by striking subsection (d) and inserting the following:

“(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of immigrant, non-immigrant, parole, asylum, or refugee status, shall be machine-readable, tamper-resistant, and include an electronic identifier to allow the Secretary of Homeland Security to electronically verify the identity and status of the alien.

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursements to international and domestic standards organizations.

“(2) FEE.—During any fiscal year for which appropriations sufficient to issue documents described in subsection (d) are not made pursuant to law, the Secretary of Homeland Security shall issue or revised list to implement this section, and this section shall be sufficient to cover the direct cost of issuance of such document from the alien to whom the document will be issued.

“(3) The fee described in paragraph (2) may not be levied against nationals of a foreign country if the Secretary of Homeland has determined that the total estimated population of such country who are unlawfully present in the United States does not exceed 3,000 aliens.

Subtitle F—Effective Date; Authorization of Appropriations

SEC. 451. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, the provisions of this title shall take effect not later than 45 days after the date of the enactment of this Act.

SEC. 452. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

SEC. 501. ALIEN SMUGGLING AND RELATED OFFENSES.

(a) IN GENERAL.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended to read as follows:

“SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

“(a) CRIMINAL OFFENSES AND PENALTIES.—

“(1) PROHIBITED ACTIVITIES.—Whoever—

“(A) assists, encourages, directs, or induces a person to come to or enter the United States, or to attempt to come to or enter the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be present in the United States;

“(B) assists, encourages, directs, or induces a person to come to or enter the United States at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such person has official permission or lawful authority to be in the United States, knowing or in reckless disregard of the fact that such person is an alien;

“(C) assists, encourages, directs, or induces a person to reside in or remain in the United States, except that such person has official permission or lawful authority to remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or remain in the United States;

“(D) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, where the transportation or movement will aid or further in any manner the person’s illegal entry into or illegal presence in the United States;

“(E) harbors, conceals, or shields from detection a person in the United States knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States;

“(F) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the actor has knowledge or reason to believe that such person is an alien who lacks lawful authority to enter the United States without official permission or lawful authority; or

“(G) conspires or attempts to commit any of the preceding offenses, and shall be punished as provided in paragraph (2), regardless of any official action which may later be taken with respect to such alien.

“(2) CRIMINAL PENALTIES.—A person who violates the provisions of paragraph (1) shall—

“(A) except as provided in subparagraphs (D) through (H), in the case where the offense was not committed for commercial advantage, profit, or private financial gain, be imprisoned for not more than 20 years, or fined under title 18, United States Code, or both; and

“(B) except as provided in subparagraphs (C) through (H), in the case where the offense was committed for commercial advantage, profit, or private financial gain, be imprisoned for not more than 30 years or fined under 20 years, or fined under title 18, United States Code, or both; and

“(C) in the case where the offense was committed for commercial advantage, profit, or private financial gain and involved 2 or more aliens other than the offender, be imprisoned for not more than 5 years or fined under title 18, United States Code, or both;

“(D) in the case where the offense furthered or assisted the commission of any other offense against the United States or any State, which offense is punishable by imprisonment for more than 1 year, be imprisoned for not more than 5 years or fined under title 18, United States Code, or both;

“(E) in the case where any participant in the offense created a substantial risk of death or serious bodily injury to another person, including—

“(i) transporting a person in an engine compartment, storage compartment, or other confined space; or

“(ii) transporting a person at an excessive speed or in excess of the rated capacity of the means of transportation; or

“(iii) transporting or harboring a person in a crowded, dangerous, or inhumane manner, be imprisoned not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

“(F) in the case where the offense caused serious bodily injury (as defined in section 1655 of title 18, United States Code, including deprivation of liberty), or resulted in the death of any person, be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both;

“(G) in the case where the offense involved an alien who the offender knew or had reason to believe was an alien—

“(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

“(ii) intending to engage in such terrorist activity, be imprisoned for not less than 10 nor more than 30 years, or fined under title 18, United States Code, or both; and

“(H) in the case where the offense caused or resulted in the death of any person, be punished by death or imprisoned for not less than 10 years, or any term of years, or for life, or fined under title 18, United States Code, or both;

“(I) extraterritorial Federal jurisdiction—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

“(B) EMPLOYMENT OF UNAUTHORIZED ALIENS—

“(1) IN GENERAL.—Any person who, during any 12-month period, knowingly hires for
employment at least 10 individuals with actual knowledge that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for more than 5 years, or both.

(2) ALIEN DESCRIBED.—A alien described in this paragraph is an alien who—

(A) is an unauthorized alien (as defined in section 1101(a)(3)),

(B) has been brought into the United States in violation of subsection (a).

(3) Seizure and forfeiture. — Any property, real or personal, that has been used to commit or facilitate the commission of a violation of this section, and any property traceable to such property or proceeds, shall be subject to forfeiture.

(4) Applicable procedures. — Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

(d) Authority to arrest. — No officer or personal shall have authority to make any arrests for a violation of any provision of this section except officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.

(e) Admissibility of evidence. —

(1) Prima facie evidence in determinations of violations. — Notwithstanding any provision of the Federal Rules of Evidence, in determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the violation lacks lawful authority to come to, enter, reside, remain, or be in the United States or that such alien had come to, entered, resided, remained or been present in the United States in violation of law:

(A) Any order, finding, or determination concerning the alien's status or lack thereof made by a federal judge or administrative adjudicator (including an immigration officer or an immigration officer) during any judicial or administrative proceeding authorized under the immigration laws or regulations prescribed therefor;

(B) An official record of the Department of Homeland Security, Department of Justice, or the Department of State concerning the alien's status or lack thereof.

(C) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack thereof.

(2) Videotaped testimony. — Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination at the deposition and the deposition otherwise complies with the Federal Rules of Evidence.

(f) Definitions. — For purposes of this section:

(1) The term "lawful authority" means permission, authorization, or license issued by the United States or otherwise obtained in violation of law, or does it include authority that has been sought but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside, remain, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

(2) The term "unlawful transit" means travel, movement, or temporary presence that violates the laws of any country in which the alien is present, or any country from which or to which the alien is traveling or moving.

(3) The term "criminal activity" means—

(A) a violation of any provision of the Federal Rules of Evidence, or

(B) a conviction in any criminal proceeding authorized by the immigration laws or regulations prescribed therefor, or

(C) imprisonment for any term of years or for life, or on account of the performance of official duties shall be fined under title 18, United States Code, imprisoned not less than 5 years, or both.

SEC. 502. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) Prohibition. — An alien shall be punished as described in subsection (b) if such person—

(1) attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint;

(2) intentionally violates an arrival, reporting, entry, or clearance requirement of—

(A) the Agriculture and Food Act of 1981 (Public Law 98-99; 96 Stat. 1213); (B) the Agriculture and Food Act of 1981 (Public Law 98-99; 96 Stat. 1213); (c) the Animal and Plant Health Inspection Service Act of 1981 (7 U.S.C. 114f).

(b) Applicable procedures. — Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title.

(c) Prima facie evidence. — For the purpose of evading any provision of the immigration laws or regulations prescribed thereunder, or

(D) the Act of August 20, 1890 (7 U.S.C. 164(a));

(E) the Act of December 31, 1941 (7 U.S.C. 164(b));


(b) Failure to obey border enforcement officers. — Whoever willfully disregards or disobeys the lawful authority or command of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.

SEC. 503. IMPROPER ENTRY BY, OR PRESENCE OF, ALIENS.

(a) In general. — Section 252 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in the section heading, by inserting "ENFORCEMENT"

(2) by striking "or" before (3); (D) by inserting "a or a"

(c) Applicable procedures. — (2) the following: "Any or (" and inserting "except as provided in subsection (b), any alien"

(3) by striking "or" before (3);

(4) by striking "or" before (3); (c) by inserting "of a marriage the following: "or (4) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder, and

(D) by striking "6 months and inserting "one year";

(3) by amending subsection (c) to read as follows:

(c) Whoever—

(B) arranges, supports, or facilitates two or more marriages designed or intended to evade any provision of the immigration laws; or

(D) knowingly misrepresents the existence or circumstances of a marriage—

-manager, an immigration officer, an immigration judge, or a member of the Board of Immigration Appeals.

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

(2) Whoever—

(A) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

(B) knowingly misrepresents the existence or circumstances of a marriage—

(2) Whoever—

(3) Applicable procedures. — (B) an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals).

shall be fined under title 18, United States Code, or imprisoned not more than 2 years or more than 20 years, or both.

(3) An offense under this subsection—

(1) and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

shall be fined under title 18, United States Code, imprisoned not less than 2 years nor more than 20 years, or both.

(2) Whoever—

(A) knowing for any term of years or for life, or both, that may be sentenced to death; or

(2) Whoever—

(3) and the Immigration and Nationality Act (8 U.S.C. 1325) is amended by inserting at the end a new 431, 435, 436, or 495 of the Tariff Act of 1930 (18 U.S.C. 1431, 1433, 1434, and 1450);

(4) in subsection (d)—

(1) imprisonment for not more than 10 years, or both;

(2)(A) imprisonment for not more than 5 years, or both;

(1) fined under this title;

(2)Appointed for not more than 5 years, or both;

(2) Appointed for not more than 5 years, or both;

(2) Appointed for not more than 5 years, or both;

(2) Appointed for not more than 5 years, or both;

(2) knowing for any term of years or for life, or both, that may be sentenced to death; or

(2) Appointed for not more than 5 years, or both;

(2) knowing for any term of years or for life, or both, that may be sentenced to death; or

(2) Appointed for not more than 5 years, or both;

(2) knowing for any term of years or for life, or both, that may be sentenced to death; or

(2) Appointed for not more than 5 years, or both;

(2) knowing for any term of years or for life, or both, that may be sentenced to death; or

(2) Appointed for not more than 5 years, or both;

(2) knowing for any term of years or for life, or both, that may be sentenced to death; or
(A) by striking ‘‘5 years’’ and inserting ‘‘10 years’’;

(b) by adding at the end the following: ‘‘An offense under this subsection continues until the fraud is discovered by Immigration and Naturalization Service agents or officers when the fraud is discovered by the Attorney General under section 281(a).’’;

(c) by striking ‘‘the end the following new subsection: ‘‘(e) Any alien described in paragraph (2)’’ and inserting ‘‘(e) Any alien described in paragraph (2) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

‘‘(f) who violates this section to conviction for a felony for which the alien received a sentence of 50 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

‘‘(g) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 30 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

‘‘(h) An alien described in this paragraph who—

‘‘(A) enters or attempts to enter the United States at any time or place other than a designated port of entry; or

‘‘(B) eludes examination or inspection by immigration officers; or

‘‘(C) attempts to enter or obtain entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact; or

‘‘(D) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder.

‘‘(3) The prior convictions in subparagraph (A), (B), or (C) of paragraph (1) are elements of those crimes and the penalties in those subparagraphs shall apply only in cases in which the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is a qualifying crime, and the criminal trial for a violation of this section shall not be bifurcated.

‘‘(4) An offense under subsection (a) or paragraph (1) of this subsection continues until the alien is discovered within the United States by immigration officers.

‘‘(f) For purposes of this section, the term ‘attempts to enter’ refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.’’;

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the authority of any State or political subdivision therein to enforce criminal trespass laws against aliens whose presence in the United States is alleged to be in violation of the Act.

SEC. 504. FUND AND EMPLOYER COMPLIANCE FUND.

(a) EQUAL ACCESS TO JUSTICE FEES.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by striking ‘‘imprisoned for a term of not less than 5 years and not more than 10 years,’’ and inserting ‘‘imprisoned for a term of not less than 10 years and not more than 20 years,’’ and

(b) FUND AND EMPLOYER COMPLIANCE FUND.—Section 286A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) by striking ‘‘$250 and not more than $5,000’’ and inserting ‘‘$250 and not more than $2,000’’; and

(2) by adding at the end the following new subsection:

‘‘(w) FEES AND COSTS.—The provisions of section 212A, title 28, United States Code, shall apply to any action arising under or related to the immigration laws, including any action under—

SEC. 505. BENEFIT FRAUD, AND FALSE CLAIMS OF CITIZENSHIP.

(a) CIVIL PENALTIES FOR DOCUMENT FRAUD.—Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)(3)) is amended—

(1) in subparagraph (A), by striking ‘‘$250 and not more than $2,000’’ and inserting ‘‘$500 and not more than $4,000’’; and

(2) in subparagraph (B), by striking ‘‘$2,000 and not more than $5,000’’ and inserting ‘‘$4,000 and not more than $10,000’’;

(b) FRAUD AND FALSE STATEMENTS.—Section 101(a)(15)(A) of title 8, United States Code, is amended—

(1) in section 101(a)(15)(A) by striking ‘‘not more than 5 years’’ and inserting ‘‘not more than 10 years’’;

(2) in section 102(b)(1) by striking ‘‘5 years’’ and inserting ‘‘6 years’’;

(3) in section 102(b)(2) by striking ‘‘20 years’’ and inserting ‘‘25 years’’;

(4) in section 102(b)(3) by striking ‘‘10 years’’ and inserting ‘‘15 years’’;

(5) in subsection (b) by inserting ‘‘1 year’’ and inserting ‘‘2 years’’.

(c) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (b)(6) by striking ‘‘not more than 15 years’’ and inserting ‘‘not more than 25 years’’;
(b) by inserting ‘‘and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisonment for life,’’ after ‘‘section 2331 of this title’’;

(c) by striking ‘‘20 years’’ and inserting ‘‘imprisoned not more than 40 years’’;

(d) by striking ‘‘10 years’’ and inserting ‘‘imprisoned not more than 20 years’’; and

(2) in subsection (b), by striking ‘‘5 years’’ and inserting ‘‘15 years’’.

SEC. 1131. Enhanced penalties for certain crimes committed by illegal aliens.

§ 1131. Enhanced penalties for certain crimes committed by illegal aliens.

(a) Any alien unlawfully present in the United States, who commits, conspires or attempts to commit, a crime of violence or a drug trafficking crime (as such terms are defined in section 924 of this title), shall be punished as provided for any other crime.

(b) If an alien violates subsection (a) who was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end

(3) RECORD.—In making a designation under this subsection, the Attorney General shall publish the designation.

(4) PERIOD OF DESIGNATION.—

(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

(B) REVIEW OF DESIGNATION UPON PETITION.—

(i) IN GENERAL.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clause (ii) if the Attorney General determines that a gang organization files a petition for revocation within the petition period described in clause (ii).

(ii) PETITION PERIOD.—For purposes of clause (i)—

(1) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

(2) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

(iii) PROCEDURES.—Any criminal street gang that submits a petition for revocation under this subparagraph shall provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

(iv) DETERMINATION.—

(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

(II) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

(iii) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

(6) OTHER REVIEW OF DESIGNATION.—

(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B) of section 231A of this title, and the Attorney General determines that the designation of the criminal street gang in question is no longer necessary for the procedures set forth in clause (ii) if the Attorney General determines that the gang is a criminal street gang under the procedures set forth in clause (ii) if the Attorney General determines that the gang is a criminal street gang under the procedures set forth in reference to aiding or assisting certain aliens to enter the United States, or section 278 (relating to the unauthorized control or possession of weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1029 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section 1962 of such title (relating to criminal conduct in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 2512 through 2515 of such title (relating to money laundering,""
"(A) in General.—The Attorney General may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (b) and (c) of paragraph (4) if the Attorney General finds that—

(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or

(ii) the national security of the United States warrants a revocation.

"(B) Reconsideration.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

"(6) Effect of Revocation.—The revocation of a designation under paragraph (5) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

"(7) Use of Designation in Hearing.—If a designation under this subsection has become effective under paragraph (2)(B), an alien in a removal proceeding shall not be permitted to raise as a question concerning the validity of the issuance of such designation as a defense or an objection at any hearing.

"(b) Judicial Review of Designation.—

"(1) in General.—Not later than 60 days after publication of the designation in the Federal Register, a group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

"(2) Basis of Review.—Review under this subsection shall be based solely upon the administrative record.

"(3) Scope of Review.—The court shall hold unlawful and set aside a designation the court finds to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

(D) lacking substantial support in the administrative record taken as a whole; or

(E) not in accord with the procedures required by law.

"(4) Judicial Review Invoked.—The pendency of an action for judicial review of a designation, as affected under this subsection, shall not affect the application of this section, unless the court issues a final order setting aside the designation.

"(c) Relevant Committee Defined.—As used in this section, the term ‘relevant committee’ means the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(2) Clerical Amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1225(c)); (13), is amended by inserting after the item relating to section 219 the following:

Sec. 219A. Designation of criminal street gangs.

Sec. 508. Mandatory Detention of Suspected Criminal Street Gang Members.

(a) in General.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1225(c)(1)(D)) is amended—

(1) by inserting ‘‘or 212(a)(2)(J)’’ after ‘‘212(a)(2)(B)’’;

(2) by inserting ‘‘237(a)(2)(F)’ before ‘‘237(a)(4)(B)’’;

(b) Annual Report.—Not later than March 1, 2007, and annually thereafter, the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the number of aliens detained under the amendments made by subsection (a).

Sec. 509. Ineligibility for Asylum and Permanent Residence.

(a) Inapplicability of Restriction on Removal to Certain Countries.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1221(b)(3)(B) is amended, in the matter preceding clause (1), by inserting ‘‘who is described in section 212(a)(2)(J) or section 237(a)(2)(F) or who is’’ after ‘‘to an alien.’’

(b) Ineligibility for Asylum.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A) is amended—

(1) in clause (v), by striking ‘‘or’’ at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (vii) the following:

‘‘(vi) the alien is described in section 212(a)(2)(J) or section 237(a)(2)(F) relating to participation in criminal street gang’’;

(c) Denial of Review of Determination of Ineligibility for Temporary Protected Status.—Section 244(c)(2) of such Act (8 U.S.C. 1254a(c)(2) is amended by adding at the end the following:

‘‘(C) Limitation on Judicial Review.—There shall be no judicial review of any finding under subparagraph (B) that an alien is described in section 208(a)(2)(H).’’

Sec. 510. Penalties for Misusing Social Security Numbers or Filing False Information.

(a) Misuse of Social Security Numbers.—Section 208(a)(2)(A) of the Social Security Act (42 U.S.C. 608(a) is amended—

(1) in paragraph (7), by adding after subparagraph (C) the following:

‘‘(D) with intent to deceive, deceives, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of his duty);’’;

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (v) the following:

‘‘(v) the alien is described in section 212(a)(2)(J) or section 237(a)(2)(F) relating to participation in criminal street gang’’;

(b) Voiding of Voluntary Departure Under the Act.—Section 208(a)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A) is amended—

(1) in clause (v), by striking ‘‘or’’ at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (vii) the following:

‘‘(c) Denial of Review of Determination of Ineligibility for Temporary Protected Status.—Section 244(c)(2) of such Act (8 U.S.C. 1254a(c)(2) is amended by adding at the end the following:

‘‘(C) Limitation on Judicial Review.—There shall be no judicial review of any finding under subparagraph (B) that an alien is described in section 208(a)(2)(H).’’

(c) Denial of Review of Determination of Ineligibility for Temporary Protected Status.—Section 244(c)(2) of such Act (8 U.S.C. 1254a(c)(2) is amended by adding at the end the following:

‘‘(C) Limitation on Judicial Review.—There shall be no judicial review of any finding under subparagraph (B) that an alien is described in section 208(a)(2)(H).’’

(f) Mutual Agreement.—Section 208(a)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A) is amended—

(1) by inserting ‘‘or 212(a)(2)(J)’’ after ‘‘212(a)(2)(B)’’;

(2) by inserting ‘‘237(a)(2)(F)’ before ‘‘237(a)(4)(B)’’.

Sec. 520. Voluntary Departure Reform.

(a) Encouraging Aliens to Depart Voluntarily.—

(1) Authority.—Subsection (a) of section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1) is amended—

(A) by amending paragraph (1) to read as follows:

‘‘(1) in Lieu of Removal Proceedings.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien’s own expense under this subsection, in lieu of being subject to proceedings under section 240, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4).’’;

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

‘‘(2) Prior to the Conclusion of Removal Proceedings.—After removal proceedings under section 240 are initiated, the Attorney General may permit an alien voluntarily to depart the United States at the alien’s own expense under this subsection, prior to the conclusion of such proceedings before an immigration judge, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4).’’

(e) Encouraging Aliens to Depart Voluntarily.—Section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1) is amended—

(A) in subsection (a)(3), as redesignated by paragraph (1)(C)—

(1) by amending subparagraph (A) to read as follows:

‘‘(A) in Lieu of Removal.—Subject to subparagraph (C), permission to depart voluntarily under paragraph (1) shall not be valid for a period exceeding 90 days. The Secretary of Homeland Security may require an alien permitted to depart voluntarily under paragraph (1) to post a voluntary departure bond, or a bond increased to an amount equal to the cost to the United States of the alien’s social security account number or a number that purports to be a social security account number;

(‘‘(B) in Lieu of Removal.—Subject to subparagraph (C), permission to depart voluntarily under paragraph (1) shall not be valid for a period exceeding 90 days. The Secretary of Homeland Security may require an alien permitted to depart voluntarily under paragraph (1) to post a voluntary departure bond, or a bond increased to an amount equal to the cost to the United States of the alien’s social security account number, willfully acts or fails to act so as to cause a violation of clause (vi) or (vii) or (viii) of section 237(a)(2)(C).’’;

(2) Effective Dates.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act, as added by paragraph (1), shall apply with respect to each violation occurring after the date of the enactment of this Act. Paragraphs (10), (11), and (12) of section 208(a) of such Act, as added by paragraph (1)(C), shall apply with respect to each violation occurring on or after the effective date of this Act.

(b) Report on Enforcement Efforts Concerning Employers Filing False Information Returns.—The Commissioner of Internal Revenue and the Commissioner of Social Security shall submit to Congress an annual report taken as a whole; or

(c)clarification of Ineligibility for Misrepresentation.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii) is amended by striking ‘‘citizen’’ and inserting ‘‘national’’.

Subtitle B—Detention, Removal, and Departure.
“(ii) in subparagraph (B), by striking ‘‘subparagraphs (C) and (D)(ii)’’ and inserting ‘‘subparagraphs (D) and (E)(ii)’’; (iii) in subparagraphs (C) and (D), by striking ‘‘(i) and inserting ‘‘(ii)’’; (iv) in subparagraphs (C), (D), and (E), respectively, by striking ‘‘subparagraph (C)’’ each place it appears; (v) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and (vi) by inserting after subparagraph (A) the following new subparagraph: ‘‘(B) PRIOR TO THE CONCLUSION OF REMOVAL PROCEEDINGS.—In connection with the alien’s agreement to depart voluntarily under paragraph (2) shall not be valid for a period exceeding 60 days, and may be granted only upon the finding that the alien has established that the alien has the means to depart the United States and intends to do so. An alien permitted to depart voluntarily under this paragraph (2) must post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive posting of a voluntary departure bond in individual cases upon a finding that the alien has presented credible evidence that the posting of a bond will be a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee the alien’s departure.’’; and (B) in subsection (b)(2), by striking ‘‘60 days’’ and inserting ‘‘45 days’’.

(3) VOLUNTARY DEPARTURE AGREEMENTS.—Subsection (c) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), as amended by subsection (a), is further amended by adding at the end the following new paragraph: ‘‘(4) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary of Homeland Security in writing before or during the exercise of the Secretary’s discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review relating to the alien’s obligation to depart, or the alien’s failure to depart, or the alien’s violation of the conditions for voluntary departure under this section, the period of inadmissibility under subparagraph (B), or the period allowed for voluntary departure under this section shall inform the alien that the alien is 180 days after the date of the enactment of this Act and shall apply with respect to all orders of removal issued under this subsection before the period allowed for voluntary departure under this section shall be entitled to a final order of removal which took effect upon the alien’s failure to depart, or the alien’s violation of the conditions for voluntary departure, during the period described in paragraph (1).’’

(4) INELIGIBILITY.—(A) Subsection (e) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended by adding at the end the following new subsection: ‘‘(7) INELIGIBILITY FOR BENEFITS.—An alien— (A) who is deportable under section 237(a)(1); (B) who is charged in a criminal proceeding in a State or local court for which conviction would subject the alien to deportation under paragraphs (2) through (6) of section 237(a); and (C) who has accepted a plea bargain in such proceeding which stipulates that the alien, after consultation with counsel in such proceeding, (i) voluntarily waives eligibility for relief from removal; (ii) consents to transportation, under custody of a law enforcement officer of the State or local jurisdiction to which the alien is deported, to the foreign state to which the alien will depart from the United States; (iii) possesses or will promptly obtain travel documents issued by a foreign state of which the alien is a national or legal resident; and (iv) possesses the means to purchase transportation from the foreign state to which the alien will depart from the United States.

(2) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the date of the enactment of this Act.

(3) EFFECTIVE DATES.—(1) IN GENERAL.—Section 522 of the Act (8 U.S.C. 1229c) is amended by adding at the end the following new subsection: ‘‘(1) IN GENERAL.—Subject to paragraph (3), the alien shall be entitled to a final order of removal which took effect upon the alien’s departure for any further motion, appeal, or petition for review which is entered on or after such date.’’

SEC. 522. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.

(a) IN GENERAL.—
SEC. 523. EXPEDITED REMOVAL.

(a) In General.—Section 238(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(f)(1)) is amended—

(1) by striking the section heading and in

serting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—"

(3) by inserting in subsection (b), by striking "CRIMINAL ALIENS;"—

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) In GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (5), determine that the alien is a danger to national security or public safety, or is a threat to the community, and shall issue an order of removal pursuant to the procedures set forth in this subsection and section 240.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien, whether or not admitted into the United States, was convicted of any crime offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).

(3) in the subsection (c) that relates to pre

sumption of deportability, by striking "convinced of an aggravated felony" and inserting "convicted of an aggravated felony;"

(4) in the subsection (d) that relates to judicial removal as subsection (d); and

(5) in section (d)(6) as so redesignated, by striking "who is deportable under this Act."

(b) APPLICATION TO CERTAIN ALIENS.—

(1) In GENERAL.—Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subsection (a), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new clause:

"(III) EXCEPTION.—Notwithstanding sub

clauses (I) and (II), the Secretary of Homeland Security shall remove an alien if the alien has not been convicted of any crime described in subparagraph (B) of section 231(f)(1) and is unlikely to reenter the United States and shall place the alien under a period of removal pursuant to law to another United States,Release the alien on a bond—

(A) who is present in the United States and arrived in any manner at or between a port of entry; or

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

(ii) who is present in the United States and arrived in any manner at or between a port of entry.

(c) EFFECTIVE DATE.—The amendments made by this section shall only apply with respect to paragraph (6) of subsection (a)(1) to read as follows:

"If, at that time, the alien is not in the custody of the Secretary (under the authority of this Act or any other law), the Secretary shall take the alien into custody for removal, and the removal period shall begin until the alien is taken into such custody. If the Secretary takes the custody of the alien, the removal period pursuant to law to another Federal agency or a State or local govern

ment agency in connection with the official duties of such agency, the period of removal shall be tolled, and shall begin anew on the date of the alien’s return to the custody of the Secretary.”;

by amending clause (ii) of subsection (a)(1)(B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect;”;

by amending subparagraph (C) of subsection (a)(1) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall extend beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the Secretary’s efforts to establish the alien’s identity and carry out the removal. The period of detention may otherwise be extended in accordance with the procedures and time frames established in subsection (b).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 524. RESTATEMENT OF PRIOR REMOVAL ORDERS.

Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

"(A) REMOVAL.—The Secretary of Home

land Security shall remove an alien who is an alien who is subject to an administratively final order of removal, the Secretary in the exercise of discretion may detain the alien during the pendancy of such stay of re

moval;”;

by redesigning paragraph (7) of subsection (a) as paragraph (10) and inserting after paragraph (6) of such subsection the following new paragraphs:

"(7) BARREL.—If an alien detained pursuant to paragraph (6) is an applicant for admis

sion, the Secretary, in the Secretary’s dis-

cretion, may parole the alien under section 212(d)(5) of this Act and may provide, not

withstanding section 212(d)(5) of that Act, that the alien shall not be returned to custody unless either the alien violates the terms of the alien’s parole or the alien’s removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered ad

mission eligible.

(8) APPLICATION OF ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The rules set forth in subsection (b) with respect to an alien who was lawfully admitted the most recent time the alien entered the United States or has otherwise effected entry into the United States;”;

"(8) APPLICATION OF ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The rules set forth in subsection (b) with respect to an alien who was lawfully admitted the most recent time the alien entered the United States or has otherwise effected entry into the United States;”;

"(9) JUDICIAL REVIEW.—With regard to the place of confinement, judicial review of
any action or decision pursuant to paragraphs (6), (7), or (8) or subsection (j) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right;"; and (b) by striking at the end the following new subsection: "(1) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN APPLICATION.—

(1) APPLICATION.—The rules set forth in this subsection apply in the case of an alien described in subsection (a)(8).

(2) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—

(A) IN GENERAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether the aliens should be detained or released on conditions for aliens who—

(i) have made all reasonable efforts to comply with their removal orders; and

(ii) may include any information or assistance provided by the Secretary of State or other Federal agency and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

(A) INITIAL 90-DAY PERIOD.—The Secretary of Homeland Security in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

(B) EXTENSION.—

(1) IN GENERAL.—The Secretary may renew a certification under paragraph (4)(B) every six months without any limitations other than those specified in this section, may continue to detain an alien beyond the 90-day period authorized in subparagraph (A).

(2) RENEWAL.—The Secretary may renew a certification under paragraph (4)(B) every six months without any limitations other than those specified in this section, may continue to detain the alien under such paragraph.

(3) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraphs (3) and (4). The determination—

(A) shall include consideration of any evidence submitted by the alien and the history of the alien's efforts to comply with the order of removal; and

(B) may include any information or assistance provided by the Secretary of State or other Federal agency and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

(4) CONDITIONS FOR EXTENSION.—The conditions for continuation of detention are any of the following:

(A) The Secretary determines that there is a significant likelihood that the alien—

(i) will be removed in the reasonably foreseeable future; or

(ii) would be removed in the reasonably foreseeable future if the alien had been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application for any formal immigration or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal.

(B) The Secretary certifies in writing any of the following:

(i) In consultation with the Secretary of Health and Human Services, the alien has a highly contagious disease that poses a threat to public safety.

(ii) After receipt of a written recommendation from the Secretary of the Interior, the release of the alien is likely to have serious adverse foreign policy consequences for the United States.

(iii) Based on information available to the Secretary including available information from the intelligence community, and without regard to the grounds upon which the alien was ordered removed, there is reason to believe that the release of the alien would threaten the national security of the United States.

(iv) The release of the alien will threaten the safety of the United States or any person, the conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

(I) the alien has been convicted of one or more aggravated felonies described in section 1101(a)(23)(A) or of one or more crimes identified by the Secretary by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such crimes, for an aggregate term of imprisonment of at least five years; or

(II) the alien has committed one or more crimes of violence and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future.

(v) The release of the alien will threaten the safety of the United States or any person, the conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of one or more crimes of violence and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future.

(5) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary in the exercise of discretion may impose conditions on release as provided in subsection (a)(3).

(6) RELEASE.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may grant any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to cooperate in the removal process, including but not limited to, upon reconsideration, the Secretary determines that the alien can be detained under paragraph (1). Paragraphs (6) through (8) of subsection (a) shall apply to any alien returned to custody pursuant to this paragraph, as if the removal period terminated on the day of the detention.

(7) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry into the United States but has neither been lawfully admitted nor paroled into the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings against the alien, the Secretary in the exercise of discretion may decide not to apply subsection (a)(8) and this subsection and may detain the alien without any limitations except those imposed by regulation.

(8) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 527. ALTERNATIVES TO DETENTION.

The Secretary of Homeland Security shall implement and pilot programs in States with the largest estimated populations of deportable aliens to study the effectiveness of alternatives to detention, including electronic monitoring and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders.

SEC. 528. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

SA 3422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed 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 the matter proposed to be inserted and insert the following:

(2)(A) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(i)(i)(B) upon the filing of a petition for such a visa by the alien's employer.

(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(i)(i)(B) may not apply for adjustment of status under this section unless the alien—

(A) is physically present in the United States; and

(B) the alien establishes that the alien—

(i) meets the requirements of section 312; or

(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States; and

(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.
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“(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien’s inability to fulfill the requirements for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

“(5) The Secretary of Homeland Security shall, in 1-year increments, the stay of an alien in immigration status described in section 101(a)(15)(H)(ii)(c) be extended by filing an application for adjustment of status under this section in accordance with any other provision of law.”

SA 3423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3386 submitted by Mr. KYL and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and instead insert the following:

TITLE II—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking “100” and inserting “1000”.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(b) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended as read to mean as follows:

“SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

“(a) ANNUAL LIMITS.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year) as follows:

“(1) 2,600 in fiscal year 2006;

“(2) 2,400 in fiscal year 2007;

“(3) 2,400 in fiscal year 2008;

“(4) 2,400 in fiscal year 2009;

“(5) 2,400 in fiscal year 2010; and

“(6) 2,400 in fiscal year 2011.

“(b) CONSTRUCTION.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic;

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector;

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

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

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) an assessment of the appropriate technologies employed on the international land and maritime borders of the United States.

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international land and maritime border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) conduct a review of all ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER CROSSING AND VEHICLE BARRIERS.
(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) Identification of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against persons attempting to gain entry by secure and illegal transit, including intelligence capabilities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with them to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the Departments in implementing such Strategy.

(13) A schedule of the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of:

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States.

(2) Appropriate private sector entities, non-governmental organizations, and affected communities that have expertise in areas related to border security.


(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any updates of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the obligation to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON CANADIAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of:

(1) Security clearances and document integrity.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(i) passports; and

(ii) visas; and

(iii) permanent resident cards.

(b) Requirements and compliance standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports; and

(ii) visas; and

(iii) permanent resident cards.

(C) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing.

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals may be affected by efforts, activities, and programs aimed at securing international land and maritime borders, including—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze these trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout, to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States to develop a visitor visa processing protocol related to visitor visa processing, including—

(i) application process;

(ii) interview policy; and

(iii) general screening procedures;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration and visa violations;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security technology perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers; and

(F) in sharing information on lost and stolen passports on a real-time basis among immigration and law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.
SEC. 114. IMPROVING THE SECURITY OF MEXICO’S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program to:

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(4) to improve the use of satellite images and information from the Secretary of Homeland Security to combat smuggling.

(b) LAW ENFORCEMENT COOPERATION.—The program made in enhancing law enforcement cooperation among Canada, Mexico, and the United States between ports of entry shall include:

(1) to develop and implement cultural and professional training for law enforcement officials of the United States, Mexico, and Canada;

(2) to improve the coordination and sharing of information between the United States and Mexico to combat illegal drug trafficking and crime.

SEC. 115. COMBATING HUMAN SMuggling.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a plan to:

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(4) to encourage Guatemala and Belize to:

(A) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(B) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(C) to establish a program to:

(a) to improve the use of satellite images and information from the Secretary of Homeland Security to combat smuggling.

(b) LAW ENFORCEMENT COOPERATION.—The program made in enhancing law enforcement cooperation among Canada, Mexico, and the United States between ports of entry shall include:

(1) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(2) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(3) to encourage Guatemala and Belize to:

(A) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(B) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(C) to establish a program to:

(a) to improve the use of satellite images and information from the Secretary of Homeland Security to combat smuggling.

(b) LAW ENFORCEMENT COOPERATION.—The program made in enhancing law enforcement cooperation among Canada, Mexico, and the United States between ports of entry shall include:

(1) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(2) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(3) to encourage Guatemala and Belize to:

(A) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(B) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(C) to establish a program to:

(a) to improve the use of satellite images and information from the Secretary of Homeland Security to combat smuggling.

(b) LAW ENFORCEMENT COOPERATION.—The program made in enhancing law enforcement cooperation among Canada, Mexico, and the United States between ports of entry shall include:

(1) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(2) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(3) to encourage Guatemala and Belize to:

(A) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(B) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(C) to establish a program to:

(a) to improve the use of satellite images and information from the Secretary of Homeland Security to combat smuggling.

(b) LAW ENFORCEMENT COOPERATION.—The program made in enhancing law enforcement cooperation among Canada, Mexico, and the United States between ports of entry shall include:

(1) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(2) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(3) to encourage Guatemala and Belize to:

(A) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(B) to provide technical assistance to Guatemala and Belize to share relevant information to facilitate the identification of persons not authorized to enter the United States; and

(C) to establish a program to:

(a) to improve the use of satellite images and information from the Secretary of Homeland Security to combat smuggling.
(b) by striking “visas” and both places it appears and inserting “visas, evidence of status, and”; (d) by redesignating subsection (d) as subsection (c) and (e) by inserting after subsection (c) the following: (d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be regarded as establishing the status of an alien as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.

SEC. 127. CANCELLATION OF VISAS. Section 222(g) (8 U.S.C. 1202(g)) is amended— (1) in paragraph (1)— (A) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and (B) by inserting “and any other non-immigrant visa issued by the United States that is in the possession of the alien” after “such visa” and (2) in paragraph (2)(A), by striking “other than the visa described in paragraph (1)” issued in a consular office located in the country of the alien’s nationality and inserting “other than a visa described in paragraph (1)” issued in a consular office located in the country of the alien’s nationality or foreign residence.

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM. (a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185b) is amended— (1) by redesignating subsection (c) as subsection (g); (2) by moving subsection (g), as redesignated by paragraph (1), to the end; and (3) by inserting after subsection (b) the following: (c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235 (8 U.S.C. 1225) is amended— (1) by adding at the end the following: (a) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from— (A) any applicant for admission or alien seeking to transit through the United States; or (B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 232 (8 U.S.C. 1222) is amended by adding at the end the following: (d) An immigration officer is authorized to collect biometric data from an alien crewman on arrival at a sea port of entry to land temporarily in the United States.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended— (1) in subsection (a)(7), by adding at the end the following: (C) WITHHOLDERS OF BIOMETRIC DATA. Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 232(d) is inadmissible; and (2) in subsection (d), by inserting after paragraph (1) the following: (2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility of an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.

SEC. 129. BORDER STUDY. (a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include— (1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas; (2) an assessment of the feasibility of constructing such a system; (3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on the global climate change, ozone depletion, biodiversity loss, and transboundary pollution; (4) an assessment of the necessity for ports of entry along such a system; (5) an assessment of the impact such a system would have on international trade, commerce, and tourism; (6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights; (7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance; (8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and (9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and workforce enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States.
(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(11) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(12) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(13) an assessment of the effect such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(c) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Inspector General of the Department shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) building that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—

Not later than 60 days after the initiation of each contract action with a company whose headquarters or central administrative offices are in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—

Not later than 90 days after receiving information that a company has agreed to manage a contract to manage the operations of a United States port by a foreign entity, the Committee on the Judiciary of the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year;

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN POINTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at or between points of entry onto the international land and maritime border of the United States shall be detained until removed or a final decision granting admission or removal is made.

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for a review of an order of deportation.

(2) TREATMENT OF CERTAIN ALIENS.—The Secretary may parole an alien into the United States pursuant to such section; or

(3) is paroled into the United States by the Secretary.

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

“(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoints.

“(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

“(1) fined under this title;

“(2)(A) imprisoned for not more than 3 years or (B) fined under this title;

“(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury, as defined in section 1360(g) of this title; or

“(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

“(3) both fined and imprisoned under this subsection.

“(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

“(d) UNDER THE FUM, CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

“(e) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

“554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.”

(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

“(d) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or command of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties in the course of this title or is imprisoned for not more than 5 years, or both.”.
Subtitle D—Border Tunnel Prevention Act
SEC. 141. SHORT TITLE.
This subtitle may be cited as the “Border Tunnel Prevention Act”.

SEC. 142. CONSTRUCTION OF BORDER TUNNEL AND PASSAGE.
(a) In GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 132(a), is further amended by adding at the end the following:

"§ 555. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows orrecklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully import or export goods (in violation of section 982(a)(6) of title 18, United States Code, as amended by section 132(a)), contraband, controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization shall be fined under this title and imprisoned for twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.

(b) CRIMINAL FORFEITURE.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 132(b), is further amended by adding at the end the following:

"Sec. 555. Border tunnels and passages.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "555," before "1425.

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.
(a) In GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with the table of the offenses described in section 554 of title 18, United States Code, as added by section 132, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other crimes; and

(B) the circumstances for which the sentencing guidelines currently provide application-sentencing enhancements;

(4) provide consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately reflect the sentencing factors set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—INTERIOR ENFORCEMENT
SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO CERTAIN ALIENS.
(a) ASYLUM.—Section 208(b)(2)(A)(iv) (8 U.S.C. 1158(b)(2)(A)(iv)) is amended by striking "(or "(vi)" and inserting "(vi), (VII), (VIII), or (IX)."

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking the clause under and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(c) VOLUNTARY DEPARTURE.—Section 240(b)(1)(C) (8 U.S.C. 1229b(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(ii) or (4) of section 237(a)".

(d) RESTRICTION ON REMOVAL.—Section 211(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(iv)(IV) if the Secretary of Homeland Security determines that there are no reasonable grounds for regarding the alien as a danger to the security of the United States); and"

(4) in the undesignated paragraph, by striking the period at the end and inserting "; or";

(5) in the undesignated paragraph, by striking the period at the end and inserting "; or";

(6) in the undesignated paragraph, by striking the period at the end and inserting "; or";

(7) by striking the period at the end and inserting "or in the case of an alien who is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(iv)(IV) if the Secretary of Homeland Security determines that there are no reasonable grounds for regarding the alien as a danger to the security of the United States)."

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien’s application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

'(1) is described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procuring, other immoral persons, subversives, persons of the narcotics laws, or smugglers of aliens);

'(2) entered the United States before January 1, 1972;

'(3) has resided in the United States continuously since such entry;

'(4) is a person of good moral character;

'(5) is not inadmissible under chapter 23 of title 8, United States Code; and

'(6) is not described in section 237(a)(4)(B)."

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, exclusion, removal, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.
(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1225(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) by referring the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal;"

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

'(1) make all reasonable efforts to comply with the removal order;

'(2) fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including failing to make timely application in good faith for relief or other determination necessary to the alien’s departure, or conspiring or acting to prevent the alien’s removal;"

and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall begin on the date on which the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.

"(E) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien’s application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

'(1) is described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procuring, other immoral persons, subversives, persons of the narcotics laws, or smugglers of aliens);

'(2) entered the United States before January 1, 1972;

'(3) has resided in the United States continuously since such entry;

'(4) is a person of good moral character;

'(5) is not inadmissible under chapter 23 of title 8, United States Code; and

'(6) is not described in section 237(a)(4)(B)."

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, exclusion, removal, or removal occurring or existing on or after the date of the enactment of this Act.

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unless either the alien violates the conditions of the alien’s parole or the alien’s removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be detained.

“8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

(B) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(i) has effected an entry into the United States;

(ii) has made all reasonable efforts to comply with the alien’s removal order;

(iii) has cooperated fully with the Secretary’s efforts to establish the alien’s identity and to carry out the removal order, including—

(A) making application by any means in good faith for travel or other documents necessary for the alien’s departure; and

(B) has not conspired or acted to prevent removal;

(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

(i) shall consider any evidence submitted by the alien;

(ii) may consider any other evidence, including—

(A) any information or assistance provided by the Department of State or other Federal agency; and

(B) any other information available to the Secretary pertaining to the ability to remove the alien.

(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

(ii) certifies in writing—

(A) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

(B) after receipt of a written recommendation from the Secretary classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed, that there is reason to believe that the release of the alien would threaten the national security of the United States;

(C) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the safety of the community or any person; and

(bb) the alien—

(CA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

(CB) has committed a crime of violence (as defined in section 16 of title 18, United States Code); is a drug trafficker, including a person who is a principal to a contempt of court; fails to comply with the conditions of release; or

(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regarding the conditions of release), that there is reason to believe that the release of the alien would threaten the safety of the community or any person; and

(bb) the alien—

(CA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

(CB) has committed a crime of violence (as defined in section 16 of title 18, United States Code); is a drug trafficker, including a person who is a principal to a contempt of court; fails to comply with the conditions of release; or

(V) that—

(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process prescribed pursuant to paragraph (3).

(G) RENEWAL AND DELETION OF CERTIFICATION.—

(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

(ii) DELETION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

(iii) HEARING.—The Secretary may request that the Attorney General, or a designated employee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

(H) RELEASE ON CONDITIONS.—If it is determined that the alien should be released from detention, the Secretary may, in the Secretary’s discretion, impose conditions on release in accordance with the regulations prescribed pursuant to subparagraph (I).

(I) REDETERMINATION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order if the alien has previously been released from custody if—

(i) the alien fails to comply with the conditions of release; or

(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien subject to a final removal order under subparagraph (I) as if the removal period terminated on the day of the redetermination.

(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary’s efforts, if the alien—

(i) has entered the United States; and

(ii) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not been released.

(aa) has committed or refused to make all reasonable efforts to comply with a removal order;

(bb) has failed or refused to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien’s departure; or

(cc) has committed or acted to prevent removal;

(ii) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established by Federal Regulations, when detaining aliens who have not entered an effect the entry. The Secretary may decide to apply the review procedures outlined in this paragraph.

(M) JUDICIAL REVIEW.—With regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(1) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(A) a final act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 328 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) of subparagraphs (A), (B), and (C), respectively, as (i), (ii), and (iii) respectively;

(B) by inserting “1 before “if, after a hearing”;

(C) in subparagraphs (B) and (C), as redesignated, by striking “paragraph (1)” and inserting “paragraph (A)”; and

(D) by adding after subparagraph (C), as redesignated, the following:

“2 Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

(A) is an alien; and

(B) has no lawful immigration status in the United States;

(ii) the subject of a final order of removal; or

(C) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or sections 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1255, 1321, 1325, 1326, 1327, and 1328).”;

(2) in subsection (g)(3)—
(A) in subparagraph (A), by striking “and” at the end; and
(B) by adding at the end the following:
"(C) the person’s immigration status; and"

SEC. 203. AGGRAVATED FELONY.
(a) DEFINITION OF AGGRAVATED FELONY.—
Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—
(1) by striking “The term ‘aggravated felony’ includes—” and inserting “Notwithstanding any other provision of law (except for the provision providing for an effective date for section 365 of the Comprehensive Reform Act of 1986), an aggravated felony applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—”;
(2) in subparagraph (A), by striking “murder, rape, or sexual abuse of a minor;” and inserting “murder, rape, or sexual abuse of a minor; or”;
(3) in subparagraph (B), by striking “or” and inserting “or”;
(4) in subparagraph (C), by striking “the majority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;”;
(5) in subparagraph (D), by striking “paraphrase (1)(A) or (2) of;”;
(6) in subparagraph (O), by striking “section 275(a) or 276 committed by an alien who was present on the basis of a conviction for a conviction described in another subparagraph of this paragraph” and inserting “section 275 or 276 for which the term of imprisonment is at least 1 year”;
(7) in subparagraph (U), by striking “an attempt or conspiracy to commit an offense described in this paragraph and inserting “aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense”;
and
(8) by striking the undesignated matter following subparagraph (U).
(b) EFFECTIVE DATE AND APPLICATION.—
(1) IN GENERAL.—Section 212(e) (8 U.S.C. 1186a(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.
(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.
(c) CONDITIONAL PERMANENT RESIDENT STATUS.—
(1) IN GENERAL.—Section 245(c) (8 U.S.C. 1225b(c)) is amended—
(A) by redesignating subparagraph (F) as subparagraph (G), and inserting the following:
"(G) if the alien is, or has been, a member of a criminal gang, an activity of the criminal gang, or has been found to be furthered, aided, or supported by the illegal activity of the criminal gang;"
and
(B) by adding after subparagraph (G) the following:
"(H) if the alien has committed an offense described in section 521(a)(1), 521(a)(16), 521(a)(21), 521(a)(22), or 521(a)(23), or has been found to be furthered, aided, or supported by the illegal activity of the criminal gang;"

SEC. 294. TERRORIST BARS.
(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—
(1) by inserting after paragraph (1) the following:
"(2) an alien described in section 212(a)(3) or 212(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;"
and
(2) in paragraph (8), by striking “as defined in subsection (a)(43)” and inserting the following: “; regardless of whether the crime was described in paragraph (a)(3) or subsection (a)(43) at the time of the conviction, unless
"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and
(B) the Secretary of Homeland Security or the Attorney General determines that the application for naturalization is made in good faith and the applicant has good moral character within the meaning of subsection (a); and"

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under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (i), in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50;"

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking "or", and " at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"

(iii) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been made, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code);"

(d) DENYING VISAS TO NATIONALS OF COUNTRIES.—

(1) PROHIBITED ACTIVITIES.—Except as provided in paragraphs (2), (3), and (4) of section 277(a), and (b) by adding subsection (d) to read as follows:

"(d) DENYING VISAS TO NATIONALS OF COUNTRIES.—

(1) General.—In section 274(a)(3)(A), the Secretary of Homeland Security, after a determination is made that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of the United States or the agents or officers of such denization or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provisions of the Convict Release Act, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year;

"(2) CIVILIAN AND RELIGIOUS ACTIVITIES.—

(a) Criminal and Civil Penalties.—

There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

(b) Employment of Unauthorized Aliens.—

Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, and imprisoned for not more than 5 years, or both;

(2) Denying Visas to Nationals of Countries.—An alien who—

(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry, shall be fined under such title, imprisoned for not more than 1 year, or both;

(B) transports, harbors, conceals, or shields from detection a person outside the United States knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

(C) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(D) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry, shall be fined under such title, imprisoned for not more than 1 year, or both;

(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(F) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry, shall be fined under such title, imprisoned for not more than 1 year, or both;

(G) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry, shall be fined under such title, imprisoned for not more than 1 year, or both;

(H) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(I) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(J) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(K) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(L) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(M) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(N) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(O) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(P) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(Q) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(R) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(S) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(T) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(U) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(V) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(W) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(X) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(Y) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

(Z) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;
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in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been in, the United States in violation of law shall include—

(A) any order, finding, or determination concerning the alien's status or lack of status made by the department or agency having primary jurisdiction to make such finding or determination; or

(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status.

(c) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

(d) Authority to Arrest.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

(2) other officers responsible for the enforcement of the immigration laws of the United States or the immigration laws of other countries who, individually or as a member of a class; and

(e) Admissibility of Videotaped Witness Testimony.—Notwithstanding any provision of the Federal Rules of Evidence, the video or audiovisual recording of a witness' deposition taken pursuant to subparagraph (c) of section 275 of the Immigration and Nationality Act (8 U.S.C. 1326) shall be admissible in evidence if—

(1) the witness was available for cross examination and was so testified to, by the party, if any, opposing admission of the testimony; and

(2) the deposition or otherwise complies with the Federal Rules of Evidence.

(f) Outreach Program.—

(1) In General.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

(B) establish the American Local and Interior Needs (ALIN) Program, in cooperation with the department or agency having primary jurisdiction to make such finding or determination.

(2) Field Offices.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

(g) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for the fiscal years 2007 through 2011 to carry out this subsection.

(h) Definitions.—In this section:

(1) Crossed the Border into the United States.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from retribution.

(2) Lawful Authority.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or an immigration agreement. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have crossed the border to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

(3) Proceeds.—The term 'proceeds' includes any property or interest in property obtainable through a transaction or act or omission in violation of this section.

(4) Unlawful Transit.—The term 'unlawful transit' means travel, movement, or temporary presence across the laws of any country in which the alien is present or any country from which the alien is traveling or moving.

(5) Clerical Amendment.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

"Sec. 274. Alien smuggling and related offenses.''

(d) Prohibiting Carrying or Using a Firearm During and in Relation to an Alien Smuggling Crime.—Section 2247(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting 'alien smuggling crime,' after 'any crime of violence';

(B) in subparagraph (A), by inserting 'after such crime of violence';

(C) in subparagraph (B)(i), by inserting 'alien smuggling crime,' after 'crime of violence'; and

(D) by striking at the end of the following:

'(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324a, 1327, and 1328).''.

SEC. 206. ILLEGAL ENTRY.

(a) In General.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"Sec. 275. ILLEGAL ENTRY.

(a) In General.—

(1) Criminal Offenses.—An alien shall be subject to criminal penalties set forth in paragraph (2) if the alien—

(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

(B) knowingly eludes examination or inspection by an immigration officer (including field officers of the Department of Homeland Security), or a customs or agriculture inspection agent at a port of entry; or

(C) knowingly enters or crosses the border to the United States of a person of whom he knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment concerning the applicant's identity, background, or entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

(2) Civil Penalties.—Any alien who violates any provision under paragraph (1)—

(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 2 years, or both;

(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 5 years, or both;

(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both.

(3) Prior Violations.—Any alien who has been convicted of a felony or attempts to enter, attempt to enter, or enter the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, or attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

(4) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry.''.

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"Sec. 276. REENTRY OF REMOVED ALIEN.

(a) Reentry After Removal.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, or enter the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(b) Reentry of Criminal Offenders.—Notwithstanding the penalty provided in paragraph (a), if an alien described in that subsection—

(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under such title 18, United States Code, imprisoned not more than 10 years, or both;

(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 10 years, the alien shall be fined under such title 18, United States Code, imprisoned not more than 20 years, or both;

(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 20 years, the alien shall be fined under such title 18, United States Code, imprisoned not more than 20 years, or both.
“(4) convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or
“(5) before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism), the alien shall be fined under such title, imprisoned not more than 20 years, or both.

(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, or is found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(1) proven in the indictment or information; and
“(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

(e) DEFENSES.—It shall be an affirmative defense to a violation of this section that—

“(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or
“(2) with respect to an alien previously denied admission and removed, the alien—

“(A) was not required to obtain such advance permission under the Immigration and Nationality Act or any prior Act; and
“(B) had complied with all other laws and regulations governing the alien’s admission into the United States.

(f) LIMITATION ON COLLATORAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

“(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order; and
“(2) the removal proceedings at which the order was subjectively depriving the alien of the opportunity for judicial review; and
“(3) the entry of the order was fundamentally unfair.

(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 231(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be fined for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien’s reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under any other provision of law.

(h) LIMITATION.—It is not aiding and abetting a criminal violation to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

“(1) Definitions.—In this section:

“(1) crosses the border.—The term ‘crosses the border’ applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

“(2) felony.—Term ‘felony’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the laws of the United States, any State, or a foreign government.

“(3) misdemeanor.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

“(4) removal.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

“(5) state.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES. (a) PASSPORT, VISA, AND IMMIGRATION FRAUD.

“(1) in general.—Chapter 75 of title 18, United States Code, is amended to read as follows:

“CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

“Sec. 1541. Trafficking in passports.

“1542. False statement in an application for a passport.

“1543. Forgery and unlawful production of a passport.

“1544. Misuse of a passport.

“1545. Schemes to defraud aliens.

“1546. Immigration and visa fraud.

“1547. Marriage fraud.

“1548. Attempts and conspiracies.

“1549. Alternative penalties for certain offenses.

“1550. Seizure and forfeiture.

“1551. Additional jurisdiction.

“1552. Arrest and service of process.

“1553. Seizure and service of process.

“1554. Definitions.

“1555. Authorized law enforcement activities.

“1556. Exemption for refugees and asylees.

“1541. Trafficking in passports.

“(a) multiple passports.—Any person who, during any 3-year period, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more passports;

“(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

“(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation, shall be fined under this title, imprisoned not more than 20 years, or both.

“(b) passport materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or distributes a passport (including any supporting documentation), knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

“1542. False statement in an application for a passport

“Any person who knowingly—

“(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

“(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

“(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

“(4) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

“1543. Forgery and unlawful production of a passport

“(a) forgery.—Any person who—

“(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

“(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) unlawful production.—Any person who knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

“(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

“(3) transfers or furnishes a passport to a person for whom such person is not the person for whom the passport was issued or designed, shall be fined under this title, imprisoned not more than 15 years, or both.

“(c) Misuse of a passport

“(a) in general.—Any person who—

“(1) knowingly uses any passport issued or designed for the use of another;

“(2) knowingly uses or causes a passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

“(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States, shall be fined under this title, imprisoned not more than 10 years, or both.

“(4) Schemes to defraud aliens

“(a) in general.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority, or

“(b) to defraud the United States, a State, or a political subdivision of a State, shall be fined under this title, imprisoned not more than 15 years, or both.

“1545. Schemes to defraud aliens

“(a) in general.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority, or
or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

’(1) to defraud any person, or

’(2) to obtain or use any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

’(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an alien, naturalized citizen, or who falsely represents himself to be an alien, naturalized citizen, or who to any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

§ 1546. Immigration and visa fraud

’(a) IN GENERAL.—Any person who knowingly—

’(1) uses any immigration document issued or designed for the use of another; or

’(2) forges, counterfeits, alters, or falsely makes any immigration document;

’(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation; or

’(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

’(5) adopts or uses any false or fictitious name to evade or to attempt to evade the immigration laws; or

’(6) transfers or furnishes an immigration document knowing it to be forged, counterfeited, altered, stolen, falsely made, produced or issued without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 20 years, or both.

’(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

’(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

’(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

’(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, produced or issued without lawful authority; or

’(4) complete, mails, prepares, presents, signs, or submits 10 or more immigration documents, knowing the documents to contain any materially false statement or representation.

shall be fined under this title, imprisoned not more than 20 years, or both.

’(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, makes or distributes, or uses, transfers, receives, buys, sells, or distributes a false or counterfeit immigration document, or any document purporting to be such a document, or any matter, right, or benefit arising under or authorized by Federal immigration laws;

shall be fined under this title, imprisoned not more than 20 years, or both.

’(d) DURATION OF OFFENSE.—

’(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent statement or representation was made;

’(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent statement or representation was discovered by an immigration officer or other law enforcement officer.

§ 1548. Attempts and conspiracies

’(a) Any person who conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

§ 1549. Alternative penalties for certain offenses

’(a) TERRORISM.—Any person who violates any section of this chapter—

’(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

’(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

’(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

’(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year;

’(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year.

shall be fined under this title, imprisoned not more than 20 years, or both.

§ 1550. Seizure and forfeiture

’(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

’(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

§ 1551. Additional jurisdiction

’(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be fined or imprisoned as provided under this chapter.

’(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be fined or imprisoned as provided under this chapter if—

’(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws; or

’(2) the offense is in or affects foreign commerce;

’(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of immigration laws; or

’(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

’(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))); or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(29) of such Act); or

’(6) the offender is a stateless person whose habitual residence is in the United States.

§ 1552. Additional venue

’(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

’(1) any district in which the false statement or representation was made;

’(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

’(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

’(b) SAYINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

§ 1553. Definitions

’As used in this chapter:

’(1) the term ‘falsely make’ means to prepare, complete an immigration document, or any other evidentiary document, arising under or authorized by Federal immigration laws, with knowledge or in reckless disregard of the fact that the document—

’(A) contains a statement or representation that is false;

’(B) has no basis in fact or law; or

’(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted;

’(2) the term ‘false statement or representation’ includes a personation or an omission;

’(3) the term ‘falsely make’ includes any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government;

’(4) the term ‘immigration document’—

’(A) means—

’(i) any passport or visa;

’(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

’(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document;

’(5) the term ‘immigration laws’ includes—
“(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

(B) the laws relating to the issuance and use of passports; and

(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

(6) The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

(7) A person does not exercise ‘lawful authority’ when the person abuses or improperly exercises lawful authority the person otherwise holds.

(8) The term ‘passport’ means a travel document designed to attest to the identity and nationality of the bearer that is issued

under the authority of the Secretary of State, a foreign government, or an international organization.

(9) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

(10) The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

§ 1554. Authorized law enforcement activities.

‘Nothing in this chapter shall prohibit any law enforcement investigative, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

§ 1555. Exception for refugees, asylees, and other eligible persons.

‘(a) In General.—If a person believed to have violated section 1542, 1544, 1546, or 1548 of this chapter is arrested and is a refugee or asylee, or other vulnerable persons

(1) and (2).

(2) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(3) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(4) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(5) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(6) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(7) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(8) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(9) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(10) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(11) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(12) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(13) if the Federal immigration official determines that the alien entered the United States after the completion of their sentence.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of enactment of this Act with respect to conduct occurring on or after that date.

§ 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.


(1) in subclause (I), by striking ‘or’ at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting ‘;’;

and (3) by inserting after subclause (II) the following:

‘(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of Title 18, United States Code.’;

(b) Removal. — Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

‘(III) of a violation of any provision of chapter 75 of title 18, United States Code.’;

(c) Effective Date. — The amendments made by subsections (a) and (b) shall apply to removal proceedings pending on or after the date of enactment of this Act with respect to conduct occurring on or after that date.

§ 210. INCARCERATION OF CRIMINAL ALIENS.

(a) Institutional Removal Program. — The Attorney General shall continue to operate the Institutional Removal Program referred to in this section as the ‘Program’ and shall develop and implement another program to—

(1) identify removable criminal aliens in Federal and State correctional facilities;

(2) ensure that such aliens are not released into the community;

and (3) remove such aliens from the United States after the completion of their sentences.

(b) Expansion. — The Secretary may extend the scope of the Program to all States.

(c) Authorization for Detention After Completion of State or Local Prison Sentence.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an alien illegal for a period not to exceed 14 days after the completion of the alien’s State or local prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a warrant to voluntarily depart under paragraph (1) to a credible evidence that such a bond is unnecessary to guarantee timely departure.’;

(3) in subparagraph (C), as redesignated, by inserting ‘subparagraphs (D) and (E)’ after ‘subparagraphs (C) and (D)’;

and (4) in subparagraph (I), as redesignated, by inserting ‘subparagraph (G)’ after ‘subparagraph (F)’;

(5) by redesigning subparagraphs (C), (D), (E), respectively;

and (6) by adding after paragraph (1) the following:

‘(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(ii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.’;

(ii) by redesigning subparagraphs (B), (C), (D) as paragraphs (E), (D), (B), respectively;

and (iii) by adding after subparagraph (A) the following:

‘(b) Authorization for Detention After Completion of State or Local Prison Sentence. — Law enforcement officers of a State or political subdivision of a State may—

(1) hold an alien illegal for a period not to exceed 14 days after the completion of the alien’s State or local prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a warrant to voluntarily depart under paragraph (1) to a credible evidence that such a bond is unnecessary to guarantee timely departure.’;

(3) in subparagraph (C), as redesignated, by inserting ‘subparagraphs (D) and (E)’ after ‘subparagraphs (C) and (D)’;

and (4) in subparagraph (I), as redesignated, by inserting ‘subparagraphs (G)’ after ‘subparagraph (F)’;

(5) by redesigning subparagraphs (C), (D), (E), respectively;

and (6) by adding after paragraph (1) the following:

‘(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(ii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.’;

(ii) by redesigning subparagraphs (B), (C), (D) as paragraphs (E), (D), (B), respectively;

and (iii) by adding after subparagraph (A) the following:

‘(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(ii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.’;

(iii) by adding after subparagraph (A) the following:

‘(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(ii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.’;

(ii) by redesigning subparagraphs (B), (C), (D) as paragraphs (E), (D), (B), respectively;

and (iii) by adding after subparagraph (A) the following:

‘(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(ii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.’;

(ii) by redesigning subparagraphs (B), (C), (D) as paragraphs (E), (D), (B), respectively;

and (iii) by adding after subparagraph (A) the following:

‘(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(ii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.’;

(ii) by redesigning subparagraphs (B), (C), (D) as paragraphs (E), (D), (B), respectively.;
that term appears and inserting "subpara-
graph (C); and"

"(F) in paragraph (4), by striking "para-
graph (1)" and inserting "paragraphs (1) and (2)";"

"(2) in subsection (b)(2), by striking "a pe-
riod exceeding 60 days" and inserting "any pe-
riod in excess of 45 days";"

"(b) by amending subsection (c) to read as
follows:

"(c) CONDITIONS ON VOLUNTARY DEPAR-
TURE.";

"(1) VOLUNTARY DEPARTURE AGREEMENT.—
Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, ap-
lication, petition, or petition for review re-
lating to removal or relief or protection from removal.

"(2) CONCESSIONS BY THE SECRETARY.—In
connection with the alien’s agreement to de-
part voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmis-
sibility under subparagraph (A) or (B)(1) of section 235(a).

"(3) ADVISALS.—Agreements relating to
voluntary departure granted during removal proceed-
gings, or removal or adjustment of status, shall be pre-
ented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary
departure agreement before accepting such agree-
ment.

"(4) FAILURE TO COMPLY WITH AGREEMENT.—

"(A) IN GENERAL.—If an alien agrees to vol-
untary departure under this section and fails to depart from the United States

"(5) VOLUNTARY DEPARTURE PERIOD NOT AF-

"(c) C ONDITIONS ON VOLUNTARY DEPAR-
TURE—A voluntary departure agreement to a reduc-
tion in the period of inadmissibility shall specify

"(2) RULEMAKING.—The Secretary may pro-
mulgate regulations to limit eligibility or impose additional conditions for voluntary
departure under subsection (a)(1) for any class of
aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for vol-
tary departure under subsections (a)(2) or (b) of this section for any class or classes of
aliens."

"(6) in subsection (f), by adding at the end the
following:

"(b) RULEMAKING.—The Secretary shall pro-
mulgate regulations to provide for the im-
mediate removal of any alien for failure to depart under section 235(b)(3) of the Immi-
gration and Nationality Act (8 U.S.C. 1225(b)); and"

"(3) in subsection (y)—

"(2) EFFECTIVE DATES.—The amendments
made by this section shall take effect on the date of the enactment of this Act with re-
psect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 212. DEFERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) IN GENERAL.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

"(1) in clause (i), by striking "seeks admis-
sion within 5 years of the date of such re-

"(2) in clause (ii), by striking "seeks admis-
sion not later than 5 years after the date of
the alien’s removal (or within 20 years of"

"(b) BAR ON DISCRETIONARY RELIEF.—Sec-
tion 240B (9 U.S.C. 324d) is amended—

"(1) in subsection (a), by striking "Commis-
sioner" and inserting "Secretary of Home-
lend Security"; and"

"(2) by adding at the end the following:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Unless a timely motion
to reopen is granted under section 240(c)(6), an

"(2) SAVINGS PROVISION.—Nothing in para-

"(3) in subsection (y)—

"(a) IN GENERAL.—If an alien is permitted to vol-
untary departure under section 240B(d) of the Immi-
gration and Nationality Act (8 U.S.C. 1229c) and

"(b) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immi-

"(b) in paragraph (B), by striking "(y)" and

"(c) EFFECTIVE DATES.—The amendments
made by this section shall take effect on the date of the enactment of this Act with re-
psect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

"(1) in subsection (d)(5)—

"(A) in subparagraph (A), by striking "or" at
the end;"

"(B) in subparagraph (B), by striking "(y)" and

"(c) EFFECTIVE DATES.—The amendments
made by this section shall take effect on the date of the enactment of this Act with re-
psect to aliens who are subject to a final order of removal entered on or after such date.

""IN A NONIMMIGRANT CLASSIFICATION"; and"

""SEeks admission not later than 5 years after

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"(B) the term ‘nonimmigrant classification’ includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(C) in paragraph (2), by striking “has been lawfully admitted to the United States under a nonimmigrant visa” and inserting “is a nonimmigrant classification”; and

(D) in paragraph (5)(A), by striking “Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)” and inserting “Any alien who has been admitted under a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)”:"

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) In General.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses

"(A) Any person shall be prosecuted, tried, or punished for a violation of any section of chapters 96 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, or immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, or 244, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.

(b) Clerical Amendment.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

(a) In General.—Section 221 of title 22, United States Code, is amended to read as follows:

"(a) Construction.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Department of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition for a grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(ii), (B), or (F) of section 221(b)(3) or subparagraph (A)(1), (A)(ii), or (B) of section 237(a)(4); or

"(2) any alien with respect to whom a criminal investigation, case, or law enforcement checks (with respect to an alien described in subsection (2) or (3) of section (a)(i)) any such application, petition, status, or benefit on such basis.

"(b) Definition: Withholding.—An official described in subsection (a) may delay or withhold (with respect to an alien described in subsection (a)(1)) or withholding pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2012 to carry out section 321.

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGALLY PRESENCE ALIENS APPREHENDED BY STATE AND LOCAL LAWENFORCEMENT OFFICERS.

(a) In General.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2012 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands assigned to them by Act of Congress (as defined in section 101(a)(15) of the United States Code) to reduce illegal immigration at the border with the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

"(1) law enforcement activities;

"(2) health care services;

"(3) environmental restoration; and

"(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

"(1) describes the level of access of Border Patrol agents on tribal lands;

"(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

"(3) contains a strategy for improving such access through cooperation with tribal authorities; and

"(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—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.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

"(1) the effectiveness of alternatives to detention including the use of ankle bracelets and other electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

"(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

"(3) other alternatives to detention, including—

"(A) release on an order of recognizance;
SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) In General.—Section 287(g) (8 U.S.C. 1373(g)) is amended—

(1) in paragraph (2), by striking the amendments made by paragraphs (1) and (2) of section 606 of the Victims of Trafficking and Violence Protection Act of 2005 (22 U.S.C. 7106).

(b) Effective Date.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006." and before June 1, 2006.''

SEC. 227. EXPEDITED REMOVAL.

(a) In General.—Section 238 (8 U.S.C. 1229) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES";

(3) in subsection (b), by striking the subsection heading and inserting "REMOVAL OF CRIMINAL ALIEN";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:
“(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in subparagraph (2), determine the deportability of such alien and issue an order of removal. In subparagaphs (A)(i) and (K) of section 235(b)(1)(B), as amended, the term ‘‘inadmissible’’ means that the alien is inadmissible to the United States for permanent residence; and

“(B) convicted of any criminal offense described in subparagraph (A)(iii), (C), (D), or (E) of section 207(a)(1)(B) to the procedures set forth in this subsection or section 260.

“(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

“(A) is lawfully admitted to the United States for permanent residence; and

“(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), (D), or (E) of section 207(a)(1)(B) to the procedures set forth in this subsection or section 260.

“(3) IN GENERAL.—The Secretary of Homeland Security shall apply clauses (i) and (ii) of subparagraph (B) of section 235(b)(1)(F) to the procedures set forth in this subsection or section 240.

“(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

“(A) in subclause (i), by striking ‘‘Attorney General’’ and inserting ‘‘Secretary of Homeland Security’’; and

“(B) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

“(C) by striking ‘‘, who is deportable under this Act.’’

“(2) APPLICATION TO CERTAIN ALIENS.—

“(1) IN GENERAL.—Section 235(b)(1)(A)(i)(II) (8 U.S.C. 1225(b)(1)(A)(i)(II)) is amended—

“(A) in subclause (I), by striking ‘‘inadmissible to the United States’’ and inserting ‘‘is inadmissible to the United States’’; and

“(B) by adding at the end the following new subclause:

“(II) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who has been apprehended within 100 miles of an international land border of the United States and within 48 hours of entry.’’.

“(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

“(A) by striking ‘‘and who arrives by air’’ and inserting ‘‘and who arrives by aircraft’’; and

“(B) by adding at the end the following:

“(i) who arrives by aircraft at a port of entry; or

“(ii) who is present in the United States and arrived in any manner at or between a port of entry.’’.

“(3) LIMIT ON INJUNCTIVE RELIEF.—Section 224(a)(2)(A) of the INA (8 U.S.C. 1161(a)(2)(A)) is amended by striking ‘‘or otherwise’’ after ‘‘inadmissible to the United States’’.

“(4) TRANSFER.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1101(a)(1)) is amended—

“(1) in subparagraph (A)(i), by striking ‘‘Any alien’’ and inserting ‘‘except as provided in clause (vii), any’’;

“(2) in subparagraph (A), by inserting after clause (vi) the following:

“(vii) clause (i) shall not apply to a citizen of the United States or a national of a country contiguous to the United States who is lawfully admitted to the United States for permanent residence; and

“(2) EXCEPTIONS.—Section 204(a)(1)(D) (8 U.S.C. 1101(a)(1)(D)) is amended by inserting ‘‘, who is deportable under this Act’’ after ‘‘any alien who is deportable under this Act’’.

“(2) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

“(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

“(A) the product of—

“(i) the average daily cost of incarceration of a prisoner in the relevant State as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

“(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

“(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

“(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transport of the request described in subsection (c) and the time of transfer into Federal custody.

“(5) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

“(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

“(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

“(6) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall provide a regular, circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

“(7) AUTHORITY FOR CONTRACTS.—

“(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement agencies and determinations thereof to implement this section.

“(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State and local law enforcement agency under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

“(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after subsection (c) the following:

“(c) LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

“(a) AUTHORITY.—Notwithstanding any provision of law, law enforcement personnel of a State or political subdivision of a State have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws, including the course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State, or political subdivision to assist in the enforcement of the immigration laws of the United States.

“(c) TRANSFER.—If the head of a law enforcement entity exercise authority with respect to the apprehension or arrest of an alien submits a request described in subsection (a) to the Secretary of Homeland Security, the Secretary may transfer custody of the alien to the Federal government.

“SEC. 230. LAUNDERING OF MONETARY INSTRUMENT.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

“(1) by inserting ‘‘section 1596 (relating to trafficking with respect to prostitution, slavery, involuntary servitude, or forced labor),’’ after ‘‘section 1327 (relating to destruction of human life)’’;
property within the special maritime and territorial jurisdiction),”; and

(2) by inserting “section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

SECTION 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act, the United States Attorney for the district in which the defendant is charged to be held or detained for an offense under section 1324a(f) of title 8, United States Code, shall notify the court in writing of the determination and the current status of the defendant under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and subsection (g)(1) of this section, and the legal status of the defendant; and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the annual report filed with Congress under section 274 of such Act (8 U.S.C. 1324);
that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

(A) IN GENERAL.—Subject to subparagraph (B), an employer has established that an employer has complied in good faith with the requirements of subsections (c) and (d) and has established an affirmative defense that the employer has verified the identity and eligibility of employment in the United States.

(B) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer provide such attestation so that the employer may establish an affirmative defense under subparagraph (A) with respect to such hiring, recruiting, or referral.

("(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate pursuant to subsection (q), an employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d),

"(C) RETENTION OF DOCUMENTS.—An employer hiring, recruiting, or referring an individual must retain a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2) may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the making of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, recruiting, or referring an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B) of this paragraph; or

"(II) a document described in subparagraph (C) of this paragraph.

"(B) DOCUMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(1) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of circumstances, the employer reasonably would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(4) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant such as the employer who established the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to use any document or class of documents described in subparagraph (B), (C), or (D) that establishes employment eligibility verification requirements contained in this section.

"(5) DOCTOR PROGRAM TO COME INTO COMPLIANCE.—The Secretary shall establish a program to come into compliance with the employment eligibility verification requirements contained in this section.

"(6) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—The Secretary shall publish notice of any finding that a document or class of documents described in subparagraph (B), (C), or (D) is not used in establishing employment eligibility for (as the case may be) employment, referred to a fee, an individual for employment (as the case may be) or is being fraudulently to an unacceptable degree, the Secretary is authorized to prohibit the use of such document or class of documents for purposes of this subsection.

"(7) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (1) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(1) The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is eligible for employment in the United States,

"(2) The individual shall make an attestation required by paragraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) PENALTY.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any person designated by the Attorney General, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department, or the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Labor, for a period of not more than 7 years after the date of the hiring or giving of notice of hiring.

"(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(1) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain, for the applicable period, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer.
and the individual and the date of receipt of such documents.

“(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purpose of complying with the requirements of this subsection, except as otherwise permitted under law.

“(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any nonmatch notice from the Commissioner of Social Security regarding the individual’s name and the social security account number and the steps taken to resolve each issue described in the nonmatch notice.

“(C) PARTIAL RETENTION OF DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual’s identity or eligibility for employment in the United States.

“(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

“(5) PENALTIES.—An employer that fails to comply with the requirements of this subsection shall be subject to the penalties described in subsection (e).

“(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, issuance, use, or establishment of a national identification card.

“(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

“(2) MANAGEMENT OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone call, or through the System, with respect to the individual’s identity and eligibility for employment in the United States;

“(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

“(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

“(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual’s identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such notice; or

“(ii) if the System is unable to confirm the individual’s identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

“(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

“(1) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date the Secretary sends such notice, the employer shall provide the information requested by the employer, including the appropriate codes for such notice.

“(2) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (1).

“(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

“(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

“(ii) to respond to each inquiry made by an employer;

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

“(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

“(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(1) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided; and

“(2) a determination of whether such social security account number was issued to the named individual;

“(3) a determination of whether such social security account number is valid for employment in the United States; and

“(4) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(1) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided; and

“(2) a determination of whether such number was issued to the named individual;

“(3) a determination of whether the individual is authorized to be employed in the United States; and

“(4) any other related information that the Secretary may require.

“(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(H) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(1) CRITICAL EMPLOYERS.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, or on, or after the date of enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary determines, in the Secretary’s sole and unreviewable discretion, that such employer or class of employer is—

“(i) part of the critical infrastructure of the United States; or

“(ii) directly related to the national security or homeland security of the United States.

“(2) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(3) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(4) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(5) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(6) PUBLICATION. In the Federal Register, the Secretary shall publish in the Federal Register the requirements for participation in the System as described in paragraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

“(7) LIMITATION IN CONTRACT.—Nothing in this section shall be construed to authorize, directly or indirectly, issuance, use, or establishment of a national identification card.
“(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary finds that to do so is in the best interest of the national economy or is necessary to address the results of the System.

“(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

“(A) the employer shall be treated as a violator of subsection (a)(1)(B) of this section with respect to such individual; and

“(B) the appropriate information to contest such notice may not be applied to a prosecution under subsection (f).”

“(7) SYSTEM REQUIREMENTS.—

“(A) In general.—An employer that participates in the System, with respect to the hiring, recruiting, or referring for a fee, any individual for employment in the United States, shall—

“(i) obtain from the individual and record on the System an appropriate code provided by the Secretary;

“(ii) the individual’s social security account number; and

“(B) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

“(C) provide such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

“(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual’s identity and employment eligibility in the United States—

“(I) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, recruiting or referring for a fee, of the individual (as the case may be); or

“(II) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

“(C) CONSEQUENCES OF NONCONFIRMATION.—

“(I) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (1)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

“(II) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation notice is provided by the System regarding an individual, the employer shall record such notice on the form designated by the Secretary. Nothing in this clause shall apply to the attendance person or any other individual for employment in the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such contempt.

“(III) CONSEQUENCES OF FAILURE TO PARTICIPATE.—

“(A) IN GENERAL.—An employer that participates in the System shall terminate the employment, recruitment, or referral of the individual if such employer has violated subsections (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f).

“(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(i), the Secretary may request that the Attorney General cause the issuance of a contempt order.

“(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“(D) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual.

“(ii) NONCONFIRMATION AND VERIFICATION.—If a final confirmation or nonconfirmation notice is issued for the individual, the employer shall record on the form specified by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

“(D) CONSEQUENCES OF NONCONFIRMATION.—

“(I) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such notice shall remain in effect until a final confirmation notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

“(II) IN GENERAL.—An employer that participates in the System upon initial inquiry shall—

“(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

“(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

“(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate to investigate.

“(2) AUTHORITY IN INVESTIGATIONS.—

“(A) IN GENERAL.—In conducting investigations and hearings under this subsection, if the Secretary determines that the System is providing an immigration ad-
and waiver of payment acceptable to the Secretary.

(8) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in an appropriate district court of the United States. If the Secretary has reason to believe that the validity and appropriateness of the final determination shall not be subject to review.

(1) CRIMINAL PENALTIES AND INFRACTIONS FOR PATTERN OR PRACTICE VIOLATIONS.

(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (1)(B) shall be fined not more than $20,000 for each violation.

(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reason to believe that an employer engages in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in an appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

(3) PROHIBITION OF INDEMNITY BONDS.—

(i) PROHIBITION.—It is unlawful for an employer, in the proceeding, or referring of the individual.

(2) CIVIL PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary may impose additional penalties for violations, including cease and desist orders, and specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment shall be considered a cause for suspension under the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action shall not be judicially reviewable.

(4) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or convicted of a crime under this section, the employer shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Secretary's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action shall not be judicially reviewable.

(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) EMPLOYERS WITH NO PRODUCTION OR DELIVERY.—

(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or convicted of a crime under this section, the employer shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or convicted of a crime under this section, the employer shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Secretary's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action shall not be judicially reviewable.
"1 Employer.—The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"2 No-match notice.—The term ‘no-match notice’ means written notice from the Commissioner of Internal Revenue to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number match record maintained by the Commissioner.

"3 Secretary.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

"4 Unauthorized alien.—The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

(A) an alien lawfully admitted for permanent residence; or

(B) authorized to be so employed by this Act or by the Secretary.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(i)(I) (8 U.S.C. 1182(a)(6)(C)(i)(I)), is amended by striking "citizen or national of a country" and inserting "citizen, national, or lawful permanent resident of a country."
with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of admission as a nonimmigrant under section 101(a)(15)(W), the alien waives any right:

"(1) to administrative or judicial review or appeal of an immigration officer’s determination as to the alien’s admissibility; or

"(2) to judicial action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the alien has been in the United States for a period of 1 year.

"Such waiver may not be granted—

"(A) paragraphs (5), (6)(A), (7), and (9)(B) or (C) of section 212(a) may be waived for conduct that occurred on a date prior to the effective date of this Act; and

"(B) the Secretary of Homeland Security may waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), (K), (L), or (O) of section 212(a)(2) (relating to criminal activity); or

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraphs (A), (C), or (D) of section 212(a)(10) (relating to polygamists, child abductors and illegal voters);

"(C) for conduct that occurred prior to the date of enactment of this Act, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an alien for humanitarian or compassionate purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a)."

(2) Waiver Fee—An alien who is granted a waiver under subparagraph (1) shall pay a $500 fee upon approval of the alien’s visa application.

(3) Renewal of Authorized Admission and Subsequent Admissions.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(W) shall establish that the alien is not inadmissible under section 212(a).

(d) Background Checks and Interview.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking admission under section 101(a)(15)(W) until all appropriate background checks have been completed. The Secretary of State shall ensure that an employee of the Department of State conducts a personal interview of an applicant for admission under section 101(a)(15)(W).

"(e) Ineligible to Change Nonimmigrant Classification.—An alien admitted under section 101(a)(15)(W) is ineligible to change status under section 248.

1) Duration.—

"(1) General.—The period of authorized admission as a nonimmigrant under section 101(a)(15)(W) shall be 2 years, and may not be extended. An alien is ineligible to reenter as an alien admitted under this section if the alien has resided continuously in the alien’s home country for a period of 1 year. The total period of admission as a nonimmigrant under section 101(a)(15)(W) may not exceed 6 years.

"(2) Seasonal Workers.—An alien who stays longer than 6 months a year as a nonimmigrant described in section 101(a)(15)(W), is not subject to the time limitations under subparagraph (1).

"(3) Commuters.—An alien who resides outside the United States, but who commutes to the United States for work as a nonimmigrant described in section 101(a)(15)(W), is not subject to the time limitations under subparagraph (1).

"(4) Deferred Mandatory Departure.—An alien granted Deferred Mandatory Departure status, who remains in the United States under such status for—

"(A) a period of 2 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 5 years;

"(B) a period of 3 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 4 years;

"(C) a period of 4 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 3 years; or

"(D) a period of 5 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 2 years; or

"(E) a period of 6 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) unless the alien—

"(i) maintains a residence in a foreign country which the alien has no intention of abandoning; and

"(ii) is present in such foreign country for at least 7 consecutive days during each year that the alien is a temporary worker.

"(f) Biometric Documentation.—Evidence of status under section 101(a)(15)(W) shall be machine-readable, tamper-resistant, and incorporate integrated-circuit technology. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Federal Bureau of Investigation, the Forensic Science Laboratory, and shall serve as vice chairman of the Task Force; and

"(g) Intent to Return Home.—In addition to other requirements in this section, an alien is not eligible for nonimmigrant status under section 101(a)(15)(W) unless the alien—

"(1) maintains a residence in a foreign country which the alien has no intention of abandoning; and

"(2) is present in such foreign country for at least 7 consecutive days during each year that the alien is a temporary worker.

"(h) Penalties for Failure to Depart.—An alien who fails to depart the United States prior to 10 days after the date that the alien’s authorized period of admission as a temporary worker ends is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(i) Penalty for Illegal Entry or Overstay.—An alien who, after the effective date of enactment of this Act, enters the United States without inspection, or violates term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission, shall be ineligible for nonimmigrant status under section 101(a)(15)(W) or Deferred Mandatory Departure status under section 218B for a period of 10 years.

"(k) Establishment of Temporary Worker Task Force.—

"(1) In General.—There is established a task force to be known as the Temporary Worker Task Force (referred to in this section as the ‘‘Task Force’’).

"(2) Purposes.—The purposes of the Task Force are—

"(A) to study the impact of the admission of aliens under section 101(a)(15)(W) on the wages, working conditions, and employment of United States workers; and

"(B) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens, which may be admitted in any fiscal year under section 101(a)(15)(W).

"(l) Membership.—The Task Force shall be composed of 16 members, of whom—

"(A) 4 shall be appointed by the President and shall serve as chairman of the Task Force;

"(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chair of the Task Force;

"(C) 2 shall be appointed by the majority leader of the Senate;

"(D) 2 shall be appointed by the minority leader of the Senate;

"(E) 2 shall be appointed by the Speaker of the House of Representatives; and

"(F) 2 shall be appointed by the minority leader of the House of Representatives.

"(m) Qualifications.—

"(A) In General.—Members of the Task Force shall be—

"(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

"(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

"(n) Political Affiliation.—Not more than 5 members of the Task Force may be members of the same political party.

"(o) Nongovernmental Appointees.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

"(p) Deadline for Appointment.—All members of the Task Force shall be appointed no later than 30 days after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

"(q) Vacancies.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

"(r) Meetings.—

"(A) Initial Meeting.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

"(B) Subsequent Meetings.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

"(s) Quorum.—Six members of the Task Force shall constitute a quorum.

"(t) Report.—Not later than 18 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that includes—

"(A) findings with respect to the duties of the Task Force;

"(B) recommendations for imposing a numerical limit under section 101(a)(15)(W); and

"(C) determination—Not later than 6 months after the submission of the report.
the Secretary of Labor may impose a numerical limitation on the number of aliens that may be admitted under section 101(a)(15)(W). Any numerical limit shall not become effective until 6 months after the Secretary of Labor submits a report to Congress regarding the imposition of a numerical limit.

(1) Family Members.—

(A) In General.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted to the United States—

(i) as a nonimmigrant under section 101(a)(15)(B) for a period of not more than 30 days, as extended unless the Secretary of Homeland Security, in his sole and unreviewable discretion, determines that exceptional circumstances exist; or

(ii) under any other provision of this Act, if such family member is otherwise eligible for such admission.

(B) Application Fee.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking to be admitted as a nonimmigrant under section 101(a)(15)(B) shall, in addition to any other fee authorized by law, pay an additional fee of $100.

(2) Effect on Period of Authorized Admission.—Time spent outside the United States under paragraph (1) shall not count toward the period of authorized admission in the United States.

(3) Duration.—

(A) In General.—The nonimmigrant alien under section 101(a)(15)(W) may be admitted for a period of 30 days, as extended unless the Secretary of Homeland Security, in his sole and unreviewable discretion, determines that exceptional circumstances exist; or

(B) Continued Employment.—An alien employed in the United States who fails to be employed for 30 days is ineligible for hire until the alien departs the United States and reenters as a nonimmigrant under section 101(a)(15)(W).

(4) Denial of Discretionary Relief.—The determination of whether an alien is eligible for a grant of nonimmigrant status under section 101(a)(15)(W) is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review any determination of the Secretary under this subparagraph.

(5) Any judgment regarding the granting of relief under this section; or

(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

(3) Review.—

(A) Limitations on Relief.—Without regard to the imposition of a notification or claim and without regard to the identity of the party or parties bringing the action, no court may—

(i) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

(ii) an order or notice denying an alien a grant of nonimmigrant status under section 101(a)(15)(W) of any other benefit arising from such status; or

(iii) an order of removal, exclusion, or deportation entered against an alien if such order is entered after the termination of the alien’s period of authorized admission as a nonimmigrant under section 101(a)(15)(W); or

(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

(2) Challenges to Validity.—

(A) In General.—Any right or benefit not otherwise waived or limited pursuant to this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.

(3) Prohibition on Change in Nonimmigrant Classification.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking “or (S)” and inserting “(S), or (W)”.

SEC. 413. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this title, shall be construed to create any substantive or procedural right that is not benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are appropriated to appropriate $500,000 for the salaries, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this subtitle.

Subtitle C—Mandatory Departure and Reentry in Legal Status

SEC. 421. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) In General.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

(b) Requirements.—

(i) Presence.—An alien must establish that the alien was physically present in the United States at the time of the introduction of the Comprehensive Enforcement and Immigration Reform Act of 2005 in Congress and has been continuously in the United States since that date, and was not legally present in the United States under any other provision of law at the date of such Act.

(ii) Employment.—An alien must establish that the alien was employed in the United States prior to the date of introduction of the Comprehensive Enforcement and Immigration Reform Act of 2005, and has been employed in the United States since that date.

(iii) Admissibility.—

(A) In General.—The alien must establish that he

(B) Grounds Not Applicable.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

(C) Waiver.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(D) Ineligible.—An alien is ineligible for Deferred Mandatory Departure status if the alien

(E) bar the alien from seeking a final order or removal under section 240;

(F) be inadmissible to the United States during the period of a voluntary departure order under section 236;

(G) has been issued a Notice to Appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are those described in section 237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

(H) is a resident of a country for which the Secretary of State has made a determination that the government of such country has repeatedly provided support for acts of international terrorism under section 9(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(I) fails to comply with any request for information by the Secretary of Homeland Security.

(J) Medical Examination.—The alien may be required, at the alien’s expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

(K) Termination.—The Secretary of Homeland Security may terminate an alien’s Deferred Mandatory Departure status—

(1) if the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

(2) if the alien commits an act that makes the alien removable from the United States.

(3) Application Content and Waiver.—

(A) Application Form.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

(B) Content.—In addition to any other information that the Secretary determines is required to determine an alien’s eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien’s physical and health status, criminal history, gang membership, immigration history, involvement with groups or individuals that have
engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax status.

"(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial appeal of an immigration officer’s determination as to the alien’s eligibility, or to contest any removal action, other than on the basis of an application for asylum or withholding of removal provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

"(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury that the laws of the States that the alien has entered, and any evidence submitted with the application are true and correct, and that the applicant authorizes the release of information contained in the application and any attached evidence for law enforcement purposes.

"(e) IMPLEMENTATION AND APPLICATION TIME LIMITATIONS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall ensure the application process is secure and incorporates anti-fraud measures. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication or any other technology to ensure the authenticity of the application and any attached evidence for law enforcement purposes.

"(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

"(3) Terms of Status.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

"(4) PROCEDURAL.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

"(d) SECURITY AND LAW ENFORCEMENT BACKGROUNDS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

"(e) ACKNOWLEDGMENT.—An alien who applies for Deferred Mandatory Departure status shall submit a signed affidavit to the Secretary of Homeland Security—

"(1) an acknowledgment made in writing and under oath that the alien—

"(A) is an alien not permanently residing in the United States and subject to removal or deportation, as appropriate, under this Act; and

"(B) understands the terms of the terms of Deferred Mandatory Departure;

"(2) any Social Security account number or card in the possession of the alien or relied upon by the alien; and

"(3) any false or fraudulent documents in the alien’s possession.

"(f) MANDATORY DEPARTURE.—

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary’s sole and unreviewable discretion, grant an alien Deferred Mandatory Departure status for a period of time not to exceed 5 years.

"(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure status must depart prior to the expiration of such status. The Secretary may, in the Secretary’s sole and unreviewable discretion, extend the period of Deferred Mandatory Departure status for a period of time not to exceed 6 months.

"(3) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs prior to the expiration of such status shall not be subject to section 212(a)(9)(B) and, if otherwise eligible, may immediately seek asylum in the United States.

"(4) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Deferred Mandatory Departure status shall not depart the United States prior to the expiration of such status or a fee shall be imposed for the alien’s failure to depart.

"(5) PENALTIES FOR DELAYED DEPARTURE.—

"(A) No fine if the alien departs within the first year after the grant of Deferred Mandatory Departure.

"(B) Any fine of $2,000 if the alien does not depart within the second year after the grant of Deferred Mandatory Departure.

"(C) Any fine of $3,000 if the alien does not depart within the third year following the grant of Deferred Mandatory Departure.

"(D) Any fine of $4,000 if the alien does not depart within the fourth year following the grant of Deferred Mandatory Departure.

"(E) Any fine of $5,000 if the alien does not depart during the fifth year following the grant of Deferred Mandatory Departure.

"(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the documents issued by the Secretary of Homeland Security. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the documents. The documents may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(a)(1)(B).

"(h) TERMS OF STATUS.—

"(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with the registration requirements under section 231.

"(2) TRAVEL.—

"(A) An alien granted Deferred Mandatory Departure status shall not depart the United States or enter any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure status may—

"(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) must establish at the time of application for admission that the alien is admissible under section 212.

"(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure status under this section—

"(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 101(a)(15); and

"(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(30)) or any political subdivision thereof which furnishes assistance.

"(1) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—An alien granted Deferred Mandatory Departure status is prohibited from applying for any status other than that of permanent resident under section 245 or, unless otherwise eligible under section 245A, for an adjustment of status to that of a permanent resident under section 245.

"(1) APPLICATION FEE.—

"(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an application fee of $1,000.

"(2) USE OF FEE.—The fees collected under paragraphs (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(K) FAMILY MEMBERS.—

"(1) FAMILY MEMBERS.—

"(A) IN GENERAL.—The spouse or child of an alien granted Deferred Mandatory Departure status shall be subject to the same conditions as the principal alien, but is not authorized to work in the United States.

"(B) APPLICATION FEE.—

"(A) The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(B) TERMS OF STATUS.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall be eligible for the same terms as provided under clause (1) only if the alien is granted Deferred Mandatory Departure status.

"(1) EMPLOYMENT.—

"(1) IN GENERAL.—An alien may be employed by any United States employer authorized by law to hire aliens under section 218C.

"(2) CONTINUOUS EMPLOYMENT.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary’s sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien’s departure from the United States.

"(1) FAMILY SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system under which the Social Security Administration issues to an eligible alien a Social Security number and production of a Social Security card at the time the
Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

(1) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE—

(1) CRIMINAL PENALTY.—

(A) Violation.—It shall be unlawful for any person—

(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsely, misleadingly, concealingly, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing that the same is false, fictitious, or fraudulent statement or entry; or

(ii) to create or supply a false writing or document for use in making such an application.

(B) Penalty.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—Any alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.

(c) Authorization to Hire Aliens described in Section 218B.—

(1) Application.—An employer must apply, through the program described in subsection (a) of this section, to obtain authorization to hire aliens described in section 218A or 218B.

(2) Penalties.—An employer who employs an alien described in section 218A or 218B without authority to do so shall be subject to the same penalties and provisions as an employer who violates section 274a(a)(1) or (a)(2). An employer shall be subject to penalties prescribed by the Secretary of Homeland Security by regulation, which may include monetary penalties and debarment from eligibility to hire aliens described in section 218A or 218B.

(3) Eligibility.—An employer must establish that it is a legitimate company and must attest that it will comply with the terms of the program established under subsection (a).

(4) Number of Aliens Authorized.—An employer may request authorization to multiple aliens described in section 218B.

(5) Electronic Form.—The program established under subsection (a) shall permit employers to submit applications under this subsection in an electronic form.

(6) Notification Upon Termination of Employment.—An employer, through the program established under subsection (a), may terminate the authority of Homeland Security not more than 3 business days after the date of the termination of the alien's employment. The employer is not authorized to fill the position with another alien described in section 218A or 218B until the employer notifies the Secretary of Homeland Security that the alien is no longer employed by that employer.

(7) Protection of United States Workers.—An employer may not be authorized to hire an alien described in section 218A or 218B until the employer submits an attestation stating the following:

(1) The employer has posted the position in a national, electronic job registry maintained by the Secretary of Labor, for not less than 30 days.

(2) The employer has operated the position to any eligible United States worker who applied and was equally or better qualified for the job for which a temporary worker is sought and who will be available at the time and place of need. An employer shall maintain records for not less than 1 year demonstrating that why United States workers who applied were not hired.

(3) The employer shall comply with the terms of the program established under subsection (a), including the terms of any temporary worker monitoring program established by the Secretary.

(4) The employer shall not hire more aliens than the number authorized by the Secretary of Homeland Security has authorized it to hire.

(5) The worker shall be paid at least the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable prevailing rate for the occupation in which the alien is employed. All wages will be paid in a timely manner and all payroll records will be maintained accurately.

(6) The employment of a temporary worker is subject to advertised working conditions of other similarly employed United States workers.
SEC. 441. GRANTS TO SUPPORT PUBLIC EDUCATION AND TRAINING.

(a) General Provisions.—The purpose of this subtitle is to assist qualified non-profit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding this Act and the amendments made by this Act.

(b) Purposes for Which Grants May Be Used.—The grants under this part shall be used to fund public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by non-profit community organizations in providing services related to this Act, and to educate, train and support non-profit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act.

(c) Prohibition of Use for Non-Eligible Purposes.—The Secretary shall prohibit the use of any funds made available under this part to fund any program, project, or activity (other than an educational program or activity) if the use of such funds would be contrary to public interest.

SEC. 451. INVESTMENT ACCOUNTS.

(a) Temporary Worker Investment Account.—The term ‘temporary worker investment account’ means an account for a temporary worker investment fund.

(b) Temporary Worker Investment Fund.—The term ‘temporary worker investment fund’ means an investment fund established by the Secretary of Homeland Security and operated by such Secretary for the purpose of accumulating funds.

(c) Temporary Worker Investment.—The term ‘temporary worker investment’ means an investment in the temporary worker investment fund of the United States as determined under section 253.

SEC. 253. (a) In General.—There is created on the books of the Treasury of the United States a trust fund to be known as the ‘Temporary Worker Investment Fund’ and shall consist of the assets transferred under section 201(o) to each temporary worker investment account established under section 252.

The Secretary shall conduct audits, including random audits, of employers who employ aliens described under section 218A or 218B of the Immigration and Nationality Act, as added by section 412 and 421, respectively.

The Secretary of Homeland Security shall establish penalties, which may include debarment from eligibility for hire also described under section 218A, as added by section 412 of this Act, 218B, as added by section 421 of this Act, for employers who fail to comply with section 218C of the Immigration and Nationality Act as added by section 431 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section.

Subtitle E—Protection Against Immigration Fraud

SEC. 431. INVESTMENT ACCOUNTS.

(a) In General.—The Secretary of the Social Security Act (42 U.S.C. 601) is amended by adding at the end the following:

'(1) The term ‘temporary worker employer’ means the employer of a temporary worker on the date such worker departs the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.''

(b) Temporary Worker Investment Accounts.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by inserting before section 201 the following:

"PART A—SOCIAL SECURITY;"

(2) by adding at the end the following:

"PART II—TEMPORARY WORKER INVESTMENT ACCOUNTS"

"DEFINITIONS"

"SEC. 251. For purposes of this part:

'(1) COVERED EMPLOYER.—The term ‘covered employer’ means, for any calendar year, any person on whom an excise tax is imposed under section 6015 of the Internal Revenue Code of 1986 with respect to a temporary worker investment account established under section 252.'

'(2) TEMPORARY WORKER INVESTMENT ACCOUNT.—The term ‘temporary worker investment account’ means an account for a temporary worker investment fund established by the Secretary through the Temporary Worker Investment Fund.'

'(3) TEMPORARY WORKER.—The term ‘temporary worker’ means an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.'

"SEC. 252. (a) In General.—A temporary worker investment account shall be established by the Secretary in the Temporary Worker Investment Fund for each individual not later than 10 business days after the covered employer submits a Form I-9 (Employer’s I-9 Employment Eligibility Verification Form) or Form I-76 (Alien Registration Card) to the Federal Labor Relations Assistant for Immigration Services Office.'

"(b) Temporary Worker Investment Account Established for Temporary Worker.—The temporary worker investment account established for a temporary worker is the sole property of the worker.

"SEC. 432. LABOR INVESTIGATIONS.

(a) In General.—The Immigration and Naturalization Service (28 U.S.C. 1511) is amended by adding after the heading the following:

"SEC. 253. (a) In General.—There is created on the books of the Treasury of the United States a trust fund to be known as the ‘Temporary Worker Investment Fund’ and shall consist of the assets transferred under section 201(o) to each temporary worker investment account established under section 252 and the income earned under subsection (e) and credited to such account.

"(b) NOTICE OF CONTRIBUTIONS.—The full amount of a temporary worker’s investment account transfers shall be shown on such worker’s W-2 tax statement, as provided in section 6051(a)(14) of the Internal Revenue Code of 1986.

"(c) INVESTMENT EARNINGS REPORT.—(1) In General.—At least annually, the Temporary Worker Investment Fund shall provide to each worker with a temporary worker investment account managed by the Fund a temporary worker investment status report. Such report may be transmitted electronically an amendment of the temporary worker under the terms and conditions established by the Secretary.

"(d) CONTENTS OF REPORT.—The temporary worker investment status report, with respect to a temporary worker investment account, shall provide the following information:

'(1) The total amounts transferred under section 201(o) in the last quarter, the last year, and since the account was established.

'(2) The amount and rate of income earned under subsection (e) for each period described in subparagraph (A).

'(3) Maximum Administrative Fee.—The Temporary Worker Investment Fund shall charge each temporary worker in the Fund a single, uniform annual administrative fee equal to 0.02 percent of the amount of the assets invested in the worker’s account.

'(4) INVESTMENT DUTIES OF SECRETARY.—The Secretary shall establish policies for the investment and management of temporary worker investment accounts, including policies that shall provide for prudent Federal Government investment instruments suitable for accumulating funds.

"TEMPORARY WORKER INVESTMENT ACCOUNT DISTRIBUTIONS

"SEC. 254. (a) Date of Distribution.—Except as provided in paragraphs (b) and (c), a distribution of the balance in a temporary worker investment account may only be made on or after the date such worker departs the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.

'(b) TEMPORARY WORKER INVESTMENT ACCOUNT.—The term ‘temporary worker investment account’ means an account for a temporary worker investment fund established by the Secretary through the Temporary Worker Investment Fund.

'(c) TEMPORARY WORKER INVESTMENT FUND.—The term ‘Temporary Worker Investment Fund’ means the fund established under section 253.

"SEC. 255. (a) In General.—A temporary worker investment account established by the Secretary in the Temporary Worker Investment Fund for each individual not later than 10 business days after the covered employer submits a Form I-9 (Employer’s I-9 Employment Eligibility Verification Form) or Form I-76 (Alien Registration Card) to the Federal Labor Relations Assistant for Immigration Services Office.

'(b) Temporary Worker Investment Account Established for Temporary Worker.—The temporary worker investment account established for a temporary worker is the sole property of the worker.
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(B) by striking the period at the end of paragraph (13) and inserting "‘; and’; and"
(C) by inserting after paragraph (13) the following:

(14) should be in the case of a temporary worker (as defined in section 251(1) of the Social Security Act), of the amount shown pursuant to paragraph (6), the total amount transferred to the temporary worker investment account under section 201(c) of such Act.

(2) CONFORMING AMENDMENTS.—Section 6051 of the Internal Revenue Code of 1986 is amended—
(A) in subsection (a)(6), by inserting "and paid as tax under section 3111" after "section 3110"; and
(B) in subsection (c), by inserting "and paid as tax under section 3111" after "section 3110"

Subtitle G—Backlog Reduction

SEC. 461. EMPLOYMENT BASED IMMIGRANTS.

(a) EMPLOYMENT BASED IMMIGRANT LIMIT.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT BASED ISSUANCE.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

(1) 140,000;

(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

(3) the difference between—

(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

(B) the visas described in subparagraph (A) that were issued after fiscal year 2005; and

(4) the number of visas previously made available under section 208(e)."

(b) DIVERSITY VISAS TERMINATION.—The allocation of immigrant visas to aliens under section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)), and the admission of such aliens to the United States as immigrants, is terminated. This provision shall be in effect on October 1st of the fiscal year following enactment of this Act.

(c) IMMIGRATION TASK FORCE—

(1) INITIAL ORGANIZATION.—There is established a task force to be known as the Immigration Task Force (referred to in this section as the "Task Force").

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the impact of the delay between the date on which an application for immigration is submitted and the date on which a determination on such application is made;

(B) to study the impact of immigration of workers to the United States on family unity; and

(C) to provide to Congress any recommendations of the Task Force regarding increasing the number immigrant visas issued by the United States for family members and on the basis of employment.

(3) MEMBERSHIP.—The Task Force shall be composed of the members of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall consist of—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of this Act.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(9) REPORT.—Not later than 18 months after the date of enactment of this Act, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

(A) findings with respect to the duties of the Task Force; and

(B) recommendations for modifying the numerical limits on the number immigrant visas issued by the United States for family members of individuals in the United States and on the basis of employment.

SEC. 462. COUNTRY LIMITS.

Section 202(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(1)) is amended—

(1) in paragraph (2)—

(A) by striking ‘‘(4), and (5)’’ and inserting ‘‘and (4)’’;

(B) by striking ‘‘7 percent (in the case of a single foreign state) or 2 percent’’ and inserting ‘‘10 percent (in the case of a single foreign state) or 5 percent’’; and

(C) by striking paragraph (5).

SEC. 463. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR EMPLOYMENT BASED IMMIGRANTS.—Section 203(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)) is amended—

(1) in paragraph (1), by striking ‘‘28.6 percent’’ and inserting ‘‘36 percent’’;

(2) in paragraph (2)(A), by striking ‘‘28.6 percent’’ and inserting ‘‘10 percent’’;

(3) in paragraph (3)(A)—

(A) by striking ‘‘75 percent’’ and inserting ‘‘35 percent’’; and

(B) by striking clause (ii); and

(4) by striking paragraph (4);

(5) by redesigning paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking ‘‘7.1 percent’’ and inserting ‘‘4 percent’’;

(7) by inserting after paragraph (4), as redesignated, the following:

(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 36 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States; and

(8) by striking paragraph (6).

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1115(a)(27)(M)) is amended by striking ‘‘subject to the numerical limitations of section 202(b)(4),’’.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS’ VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

Subtitle H—Temporary Agricultural Workers

SEC. 471. SENSE OF THE SENATE ON TEMPORARY AGRICULTURAL WORKERS.

It is the sense of the Senate that consideration of any comprehensive immigration reform during the 109th Congress will include agricultural workers.

Subtitle I—Effect of Other Provisions

SEC. 481. EFFECT OF OTHER PROVISIONS.

Notwithstanding any other provision of this Act, the provisions of, and the amendments made by, titles V and VI of this Act are null and void.

SA 3424. Mr. FRIST proposed an amendment to the bill S. 2451, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Comprehensive Immigration Reform Act of 2006”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico’s southern border.
Sec. 115. Combating human smuggling.
Sec. 116. Deaths at United States-Mexico border.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border patrol training capacity review.
Sec. 124. US-VISIT System.
Sec. 125. Document fraud detection.
Sec. 126. Immigration integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit system.
Sec. 129. Border study.
Sec. 130. Secure border initiative financial accountability.
Sec. 131. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 132. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.

Subtitle D—Border Tunnel Prevention Act
Sec. 141. Short title.
Sec. 142. Construction of border tunnel or passage.
Sec. 143. Directive to the United States Senate Select Intelligence Committee.

Subtitle E—Border Law Enforcement Relief Act
Sec. 151. Short title.
Sec. 152. Findings.
Sec. 153. Border relief grant program.
Sec. 154. Enforcement of Federal immigration law.

TITLE II—INTERIOR ENFORCEMENT
Sec. 201. Removal and denial of benefits to terrorists.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, visa, and immigration fraud offenses.
Sec. 209. Insufficiency and removal for passport and immigration fraud offenses.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Construction.
Sec. 218. State criminal alien assistance program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 221. Alternatives to detention.
Sec. 222. Conforming amendment.
Sec. 223. Reporting requirements.
Sec. 224. State and local enforcement of Federal immigration laws.
Sec. 225. Removal of drunk drivers.
Sec. 226. Medical services in underserved areas.
Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders.
Sec. 229. Law enforcement authority of State and political subdivisions and transfer to Federal custody.

Sec. 230. Laundering of monetary instruments.
Sec. 231. Listing of immigration violators in the National Crime Information Center.
Sec. 232. Cooperative enforcement programs.
Sec. 233. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 234. Determination of immigration status of individuals charged with Federal offenses.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS
Sec. 301. Unlawful employment of aliens.
Sec. 302. Employment verification fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM
Subtitle A—Temporary Guest Workers
Sec. 401. Immigration impact study.
Sec. 402. Immigration impact study report.
Sec. 403. Nonimmigrant temporary worker.
Sec. 404. Employer responsibilities.
Sec. 405. Immigration and Naturalization Service.
Sec. 406. Rulemaking; effective date.
Sec. 407. Establishment of United States temporary guest worker task force.
Sec. 408. Temporary guest worker visa program.
Sec. 409. Requirements for participating countries.
Sec. 410. S visas.
Sec. 411. L visa limitations.
Sec. 412. Authorization of appropriations.

Subtitle B—Immigration Injunction Reform
Sec. 421. Short title.
Sec. 422. Appropriate remedies for immigration legislation.
Sec. 423. Effective date.

TITLE V—BACKLOG REDUCTION
Sec. 501. Elimination of existing backlogs.
Sec. 503. Allocation of immigrant visas.
Sec. 504. Relief for extraordinary children.
Sec. 505. Shortage occupations.
Sec. 506. Relief for widows and orphans.
Sec. 507. Student public service.
Sec. 508. Visas for individuals with advanced degrees.

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS
Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry
Sec. 601. Access to earned adjustment and mandatory departure and reentry.
Sec. 602. Adjustment to legal status.
Sec. 603. Employment opportunities.
Sec. 604. Benefits and security.
Sec. 605. Short title.
Sec. 606. Definitions.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS
Sec. 613. Agricultural workers.
Sec. 614. Correction of Social Security records.

CHAPTER 2—REFORM OF H-2A WORKER PROGRAM
Sec. 615. Amendment to the Immigration and Nationality Act.

CHAPTER 3—MISCELLANEOUS PROVISIONS
Sec. 616. Determination and use of user fees.
Sec. 617. Regulatory actions.
Sec. 618. Report to Congress.
Sec. 619. Effective date.

Subtitle C—DREAM Act
Sec. 621. Short title.
Sec. 622. Definitions.
Sec. 623. Restoration of State option to determine residency for purposes of higher education benefits.
Sec. 624. Cancellation of removal and adjustment of status of certain long-term residents who entered the United States as children.
Sec. 625. Conditional permanent resident status.
Sec. 626. Repeal of benefits.
Sec. 627. Exclusion jurisdiction.
Sec. 628. Penalties for false statements in application.
Sec. 629. Confidentiality of information.
Sec. 630. Expedited processing of applications; prohibition on fees.
Sec. 631. Higher Education assistance.
Sec. 632. GAO report.

Subtitle D—Grant Programs to Assist Nonimmigrant Workers
Sec. 641. Grants to support public education and community training.
Sec. 642. Funding for the Office of Citizen and Immigration Services.
Sec. 643. Civics integration grant program.
Sec. 644. Strengthening American citizenship.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.
Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.
In this Act:
(1) DEPARTMENT.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.
(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 4. SEVERABILITY.
If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE I—BORDER ENFORCEMENT
Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.
(a) ADDITIONAL PERSONNEL.—
(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—
(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5306 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A) during each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase...
subsection of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(5) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop the National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) An assessment of the threat posed by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(2) A description of the measures to be taken to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.
(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.
(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security in developing.
(6) An assessment of staffing needs for all border security functions, taking into account accountability measures, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.
(7) A prioritized list of research and development opportunities to enhance the security of the international land and maritime borders of the United States.
(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.
(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.
(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing and implementing new enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.
(14) A CONCLUSION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—
(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and
(2) appropriate private sector entities, non-governmental organizations, and affected communities that have expertise in areas related to border security.
(e) SUBMISSION TO CONGRESS.—
(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.
(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.
(f) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.
SEC. 110. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.
(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on improving the exchange of information on the security of North America.
(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:
(1) SECURITY CLEARANCES AND DOCUMENT AUTHENTICATION.—Technical and biometric standards for the issuance, authentication, validation, and repudiation of travel documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards;
(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, to develop consular field offices to detect fraud, and to extend the use of modern technologies to prevent and detect fraud.
(2) IMMIGRATION AND VISA MANAGEMENT.—
(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2004, and
(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.
(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and foreign government programs and activities that work toward the development of a national database built upon identified best practices for biometrics associated with visa and travel documents.
(2) TERRORIST WATCH LISTS.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter the United States; and
(D) providing technical assistance for the development and implementation of international standards for the issuance, authentication, validation, and repudiation of travel documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards;
(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, to develop consular field offices to detect fraud, and to extend the use of modern technologies to prevent and detect fraud.
(2) IMMIGRATION AND VISA MANAGEMENT.—
(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2004, and
(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.
(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and foreign government programs and activities that work toward the development of a national database built upon identified best practices for biometrics associated with visa and travel documents.
(2) TERRORIST WATCH LISTS.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter the United States; and
(D) providing technical assistance for the development and implementation of international standards for the issuance, authentication, validation, and repudiation of travel documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards;
(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, to develop consular field offices to detect fraud, and to extend the use of modern technologies to prevent and detect fraud.
(2) IMMIGRATION AND VISA MANAGEMENT.—
(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2004, and
(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.
(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and foreign government programs and activities that work toward the development of a national database built upon identified best practices for biometrics associated with visa and travel documents.
(2) TERRORIST WATCH LISTS.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter the United States; and
(D) providing technical assistance for the development and implementation of international standards for the issuance, authentication, validation, and repudiation of travel documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards;
(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, to develop consular field offices to detect fraud, and to extend the use of modern technologies to prevent and detect fraud.
(2) IMMIGRATION AND VISA MANAGEMENT.—
(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2004, and
(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.
(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and foreign government programs and activities that work toward the development of a national database built upon identified best practices for biometrics associated with visa and travel documents.
(2) TERRORIST WATCH LISTS.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter the United States; and
(D) providing technical assistance for the development and implementation of international standards for the issuance, authentication, validation, and repudiation of travel documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards;
(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, to develop consular field offices to detect fraud, and to extend the use of modern technologies to prevent and detect fraud.
(2) IMMIGRATION AND VISA MANAGEMENT.—
(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2004, and
(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.
(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and foreign government programs and activities that work toward the development of a national database built upon identified best practices for biometrics associated with visa and travel documents.
(2) TERRORIST WATCH LISTS.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter the United States; and
(D) providing technical assistance for the development and implementation of international standards for the issuance, authentication, validation, and repudiation of travel documents, including—
(i) passports;
(ii) visas; and
(iii) permanent resident cards;
(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance, training, and development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, and the sharing of information and data between law enforcement officers that permit personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO’S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security and in consultation with the appropriate officials of the United States to meet such needs;

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identifi-

cation System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, shall adopt all implemented under each alien required to provide fingerprints during the alien’s initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

(a) GENERAL.—The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to facilitate lawful and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and any other Federal, State, local, or tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(c) A comparative analysis based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs of the Department and any other Federal, State, local, and tribal law enforcement agencies.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a); and

(2) deploying and deploying at such ports of entry the exit component of the US-VISIT system; and
(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) AUTHORIZATION.—The Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory. 

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) EXPANDED AUTHORITY.—Section 303 of the Secure Border Initiative Act of 2002 (8 U.S.C. 1372) is amended—

(1) by redesignating subsection (c) as subsection (g); and

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(b) in the heading, by striking “ENTRY” and inserting “ENTRY AND EXIT DOCUMENTS” and inserting “TRAVEL AND EXIT DOCUMENTS AND EVIDENCE OF STATUS”;

(c) in subsection (b)(1)—

(1) by striking “Not later than October 26, 2004, and inserting “Not later than October 26, 2007, and in inserting “theHDR. and “theHDR. , and

(2) by striking “visas and” both places it appears and inserting “visas, evidence of status, and”;

(d) by redesignating subsection (d) as subsection (e); and

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

“(4) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary having a value of more than $20,000, to an alien, may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.”

SEC. 127. CANCELLATION OF VISAS.

Section 221(g) (8 U.S.C. 1221(g)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(B) by striking “theHDR. and in inserting “theHDR. , and

(2) in paragraph (2)(A), by striking “other than the visa described in paragraph (1) iss a consulate office located in the country of theHDR. nationality or foreign residence.”;

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) EXPANDED AUTHORIZATION.—Section 303 of the Secure Border Initiative Act of 2002 (8 U.S.C. 1372) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

“(c) The Secretary of Homeland Security is authorized to require aliens departing the United States; or

“(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).”;

(b) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 232 (8 U.S.C. 1221) is amended by adding at the end the following:

“(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States;”

(c) GROUND OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1821) is amended—

(1) in subsection (a)(7), by adding at the end the following:

“(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible.”;

(2) in subsection (d), by inserting after paragraph (1) the following:

“(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.”

(d) IMPLEMENTATION.—Section 7208 of the 9/ 11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

“(3) IN FULL IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this subsection, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register;”;

(2) in subsection (l)—

(A) by striking “There are authorized” and inserting the following:

“(I) IN GENERAL.—There are authorized”;

(2) by adding at the end the following:

“(B) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.”;

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Department of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(9) an assessment of the impact of such a system on the quality of border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(10) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(11) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(12) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in this section.
SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) In General.—Not later than October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a finding of release has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting an appropriate background and security check on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(d) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary’s sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

(e) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary’s sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).
While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, assistance along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, and the destruction of private property, and other border-related crimes.

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, distant depots with patrol large areas of land. Counties along the Southwest United States-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.

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. 153. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address criminal activity occurring in the region.

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency’s proximity to the United States border;

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) shall be used to—

(1) to hire additional personnel;

(2) to upgrade and maintain law enforcement technology;

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

(4) to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(A) to obtain equipment;

(B) to hire additional personnel;

(C) to upgrade and maintain law enforcement technology;

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

(E) 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 manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—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.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as a High Impact Area.

(3) CANCELLATION OF REMOVAL.—The term "Cancellation of Removal" means any of the provisions of this section.

(4) DIVISION OF AUTHORIZED FUNDS.—The amounts authorized under paragraphs (1) through (4) of this section shall be divided equally among the United States-Mexico Border Counties Coalition, and the States and local public funds obligated for the purposes provided under this title.

SEC. 154. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this subtitle shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.
SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking “Attorney General” the first place it appears and inserting “Secretary of Homeland Security”;

(B) by striking “Attorney General” the first place it appears and inserting “Secretary”;

(C) by adding at the end the following:

“(C) ALIENS WHO HAVE EFFECTED AN ENTRY AND REMOVED FROM THE UNITED STATES PRIOR TO JANUARY 1, 1972.

“(1) not in the custody of the Secretary under section 237(a)(4)(B); and

“(2) entered the United States before January 1, 1972;”.

(b) EXCISED.

(c) REMOVAL OF ALIENS ORDERED REMOVED.

(A) DETERMINATION OF REMOVAL.—The Secretary, without any limitations other than those specified in this section, may parole the alien under section 212(d)(5) and may provide that the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and the time during which the alien is in the exercise of discretion, may detain the alien during the pendency of such stay of removal.”;

(B) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

“(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

“(ii) certifies in writing—

“(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

“(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

“(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regarding the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

“(IV) that—

“(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

“(bb) the alien—

“(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

“(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personal behavior associated with that condition or disorder, is likely to engage in acts of violence in the future.”;

“(C) APPLICATION.—The amendments made by this section shall—

“(i) take effect on the date of the enactment of this Act; and

“(ii) apply to any action or condition constituting or contributing to inadmissibility, inadmissibility, or removability occurring or existing on or after the date of the enactment of this Act.

SEC. 203. ADDITIONAL RULES FOR REMOVAL.

(A) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) of paragraph (1) of section 241A (8 U.S.C. 1231A) if—

“(i) the Secretary certifies in writing—

“(I) in consultation with the Secretary of State, the Attorney General, and the Attorney General of the State in which the alien is located, that the alien is a public safety threat due to a State or local government agency in connection with the official duties of such agency,

“(II) any other information available to the Secretary pertaining to the ability to remove the alien;

“(II) the alien is in the exercise of discretion, may detain the alien during the pendency of such stay of removal.”;

“(B) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

“(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

“(ii) certifies in writing—

“(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

“(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

“(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regarding the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

“(IV) that—

“(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

“(bb) the alien—

“(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

“(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personal behavior associated with that condition or disorder, is likely to engage in acts of violence in the future.”;

“(C) APPLICATION.—The amendments made by this section shall—

“(i) take effect on the date of the enactment of this Act; and

“(ii) apply to any action or condition constituting or contributing to inadmissibility, inadmissibility, or removability occurring or existing on or after the date of the enactment of this Act.

SEC. 204. ADDITIONAL RULES FOR DETENTION OR REMOVAL OF ALIENS.

(A) DETERMINATION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY CooperATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this subsection.

(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

“(i) has made all reasonable efforts to comply with the alien’s removal order;

“(ii) has cooperated fully with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien’s departure, and conspiring or acting to prevent the alien’s removal.”;

(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention of the removal period if the alien fails or refuses to—

“(i) make all reasonable efforts to comply with the removal order; or

“(ii) fully cooperate with the Secretary’s efforts to carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien’s departure, and conspiring or acting to prevent the alien’s removal.”;

(D) FULLY CooperATE WITH REMOVAL.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not include any time the alien is in the custody of such agency. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and the time during which the alien is in the exercise of discretion, may detain the alien during the pendency of such stay of removal.”;

(E) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

“(i) shall consider any evidence submitted by the alien;

“(ii) may consider any other evidence, including—

“(I) any information or assistance provided by the Department of State or other Federal agency; and

“(II) any other information available to the Secretary pertaining to the ability to remove the alien.
does not renew such certification, the Sec- 
(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—
(1) A shall take effect on the date of the en-
(2) B shall be inserted before "the alien is to be de-
(3) If it is determined that an alien should be released from de-
(4) The amendments made by subparagraph (I) as if the removal period terminated on the day of the redetention.
(5) The amendments made by subparagraphs (A), (B), and (C), re-
(6) The amendments made by paragraph (9), by striking "a finding that for
(7) The amendments made by paragraph (3)—
(8) In subparagraph (g)(3), by striking "regardless of whether the crime
(9) A discretionary finding for other
(10) In subparagraph (A), by striking "mur-
(11) The amendments made by this Act.
(12) The provisions of this Act make by paragraph (1)—
(13) The amendments made by subparagraph (C), as re-
(14) The amendments made by paragraph (1)—
(15) The amendments made by paragraph (1)—
(16) As otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the release criteria outlined in this paragraph.
(17) Judicial Review.—With regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available ex-clusively in a habeas corpus proceeding in-stituted in the United States District Court for the District of Columbia and only if the alien is an alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.
(18) Effective Date.—The amendments made by this Act shall take effect on the day of the redetention.
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(1) by inserting ‘‘, not later than 120 days
after the Secretary of Homeland Security’s
final determination,’’ after ‘‘may’’; and
(2) by adding at the end the following: ‘‘Except that in any proceeding, other than a
proceeding under section 340, the court shall
review for substantial evidence the administrative record and findings of the Secretary
of Homeland Security regarding whether an
alien is a person of good moral character, understands and is attached to the principles of
the Constitution of the United States, or is
well disposed to the good order and happiness of the United States. The petitioner
shall have the burden of showing that the
Secretary’s denial of the application was
contrary to law.’’.
(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended
by adding at the end the following:
‘‘(g) PERSONS ENDANGERING THE NATIONAL
SECURITY.—A person may not be naturalized
if the Secretary of Homeland Security determines, based upon any relevant information
or evidence, including classified, sensitive,
or national security information, that the
person was once an alien described in section
212(a)(3) or 237(a)(4).’’.
(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C.
1429) is amended by striking ‘‘the Attorney
General if’’ and all that follows and inserting: ‘‘the Secretary of Homeland Security or
any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant’s inadmissibility or deportability, or to determine
whether the applicant’s lawful permanent
resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or
canceling the removal of an alien under this
Act shall not be deemed binding in any way
upon the Secretary of Homeland Security
with respect to the question of whether such
person has established eligibility for naturalization in accordance with this title.’’.
(g) DISTRICT COURT JURISDICTION.—Section
336(b) (8 U.S.C. 1447(b)) is amended to read as
follows:
‘‘(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render
a final administrative decision under section
335 before the end of the 180-day period beginning on the date on which the Secretary
of Homeland Security completes all examinations and interviews required under such
section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter.
The Secretary shall notify the applicant
when such examinations and interviews have
been completed. Such district court shall
only have jurisdiction to review the basis for
delay and remand the matter, with appropriate instructions, to the Secretary for the
Secretary’s determination on the application.’’.
(h) EFFECTIVE DATE.—The amendments
made by this section—
(1) shall take effect on the date of the enactment of this Act; and
(2) shall apply to any act that occurred on
or after such date of enactment.
SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.
(a) CRIMINAL STREET GANGS.—
(1) INADMISSIBILITY.—Section 212(a)(2) (8

U.S.C. 1182(a)(2)) is amended—
(A) by redesignating subparagraph (F) as
subparagraph (J); and
(B) by inserting after subparagraph (E) the
following:
OF
CRIMINAL
STREET
‘‘(F)
MEMBERS
GANGS.—Unless the Secretary of Homeland
Security or the Attorney General waives the

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application of this subparagraph, any alien
who a consular officer, the Attorney General, or the Secretary of Homeland Security
knows or has reason to believe—
‘‘(i) is, or has been, a member of a criminal
street gang (as defined in section 521(a) of
title 18, United States Code); or
‘‘(ii) has participated in the activities of a
criminal street gang, knowing or having reason to know that such activities promoted,
furthered, aided, or supported the illegal activity of the criminal gang,
is inadmissible.’’.
(2) DEPORTABILITY.—Section 237(a)(2) (8
U.S.C. 1227(a)(2)) is amended by adding at the
end the following:
OF
CRIMINAL
STREET
‘‘(F)
MEMBERS
GANGS.—Unless the Secretary of Homeland
Security or the Attorney General waives the
application of this subparagraph, any alien
who the Secretary of Homeland Security or
the Attorney General knows or has reason to
believe—
‘‘(i) is, or at any time after admission has
been, a member of a criminal street gang (as
defined in section 521(a) of title 18, United
States Code); or
‘‘(ii) has participated in the activities of a
criminal street gang, knowing or having reason to know that such activities promoted,
furthered, aided, or supported the illegal activity of the criminal gang,
is deportable.’’.
(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—
(A) by striking ‘‘Attorney General’’ each
place it appears and inserting ‘‘Secretary of
Homeland Security’’;
(B) in subsection (b)(3)—
(i) in subparagraph (B), by striking the last
sentence and inserting the following: ‘‘Notwithstanding any other provision of this section, the Secretary of Homeland Security
may, for any reason (including national security), terminate or modify any designation
under this section. Such termination or
modification is effective upon publication in
the Federal Register, or after such time as
the Secretary may designate in the Federal
Register.’’;
(ii) in subparagraph (C), by striking ‘‘a period of 12 or 18 months’’ and inserting ‘‘any
other period not to exceed 18 months’’;
(C) in subsection (c)—
(i) in paragraph (1)(B), by striking ‘‘The
amount of any such fee shall not exceed
$50.’’;
(ii) in paragraph (2)(B)—
(I) in clause (i), by striking ‘‘, or’’ at the
end;
(II) in clause (ii), by striking the period at
the end and inserting ‘‘; or’’; and
(III) by adding at the end the following:
‘‘(iii) the alien is, or at any time after admission has been, a member of a criminal
street gang (as defined in section 521(a) of
title 18, United States Code).’’; and
(D) in subsection (d)—
(i) by striking paragraph (3); and
(ii) in paragraph (4), by adding at the end
the following: ‘‘The Secretary of Homeland
Security may detain an alien provided temporary protected status under this section
whenever appropriate under any other provision of law.’’.
(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—
(1) in subsection (a)(1)—
(A) in the matter preceding subparagraph
(A), by inserting ‘‘212(a) or’’ after ‘‘section’’;
and
(B) in the matter following subparagraph
(D)—
(i) by striking ‘‘or imprisoned not more
than four years’’ and inserting ‘‘and imprisoned for not less than 6 months or more than
5 years’’; and
(ii) by striking ‘‘, or both’’;

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(2) in subsection (b), by striking ‘‘not more
than $1000 or imprisoned for not more than
one year, or both’’ and inserting ‘‘under title
18, United States Code, and imprisoned for
not less than 6 months or more than 5 years
(or for not more than 10 years if the alien is
a member of any of the classes described in
paragraphs (1)(E), (2), (3), and (4) of section
237(a)).’’; and
(3) by amending subsection (d) to read as
follows:
‘‘(d) DENYING VISAS TO NATIONALS OF COUNTRY
DENYING OR DELAYING ACCEPTING
ALIEN.—The Secretary of Homeland Security, after making a determination that the
government of a foreign country has denied
or unreasonably delayed accepting an alien
who is a citizen, subject, national, or resident of that country after the alien has been
ordered removed, and after consultation with
the Secretary of State, may instruct the
Secretary of State to deny a visa to any citizen, subject, national, or resident of that
country until the country accepts the alien
that was ordered removed.’’.
(c) ALIEN SMUGGLING AND RELATED OFFENSES.—
(1) IN GENERAL.—Section 274 (8 U.S.C. 1324),
is amended to read as follows:
‘‘SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

‘‘(a) CRIMINAL OFFENSES AND PENALTIES.—
‘‘(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the
person—
‘‘(A) facilitates, encourages, directs, or induces a person to come to or enter the
United States, or to cross the border to the
United States, knowing or in reckless disregard of the fact that such person is an
alien who lacks lawful authority to come to,
enter, or cross the border to the United
States;
‘‘(B) facilitates, encourages, directs, or induces a person to come to or enter the
United States, or to cross the border to the
United States, at a place other than a designated port of entry or place other than as
designated by the Secretary of Homeland Security, knowing or in reckless disregard of
the fact that such person is an alien and regardless of whether such alien has official
permission or lawful authority to be in the
United States;
‘‘(C) transports, moves, harbors, conceals,
or shields from detection a person outside of
the United States knowing or in reckless disregard of the fact that such person is an
alien in unlawful transit from 1 country to
another or on the high seas, under circumstances in which the alien is seeking to
enter the United States without official permission or legal authority;
‘‘(D) encourages or induces a person to reside in the United States, knowing or in
reckless disregard of the fact that such person is an alien who lacks lawful authority to
reside in the United States;
‘‘(E) transports or moves a person in the
United States, knowing or in reckless disregard of the fact that such person is an
alien who lacks lawful authority to enter or
be in the United States, if the transportation
or movement will further the alien’s illegal
entry into or illegal presence in the United
States;
‘‘(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that
such person is an alien who lacks lawful authority to be in the United States; or
‘‘(G) conspires or attempts to commit any
of the acts described in subparagraphs (A)
through (F).
‘‘(2) CRIMINAL PENALTIES.—A person who
violates any provision under paragraph (1)—

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"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both; or

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain;

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not more than 3 years or more than 20 years, or both.

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both.

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or otherwise subjected the offender to crowded or dangerous conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both.

"(F) shall be fined under such title and imprisoned for not less than 5 years or more than 20 years, or both, if the offense caused the death of any person, shall be fined under such title, imprisoned for not more than 10 years, or both.

"(G) if the offense caused or resulted in the death of any person, shall be punished by death of any person, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both; or

"(H) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both.

"(1) in general.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether there has been a violation of this section, the Secretary, the Attorney General, or the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall have the authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(4) PROCEDURES.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(5) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the person crossed the border into the United States regardless of whether the alien is from official restraints.

"(6) DEFINITIONS.—In this section:

"(A) any or all real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(B) the term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the person crossed the border into the United States regardless of whether the alien is from official restraints.

"(C) the term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(D) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 292(c) of title 18, United States Code, is amended—

"(1) in paragraph (1)—

"(A) in subparagraph (A), by inserting ', alien smuggling crime,' after 'any crime of violence';

"(B) in subparagraph (A), by inserting ', alien smuggling crime,' after 'any crime of violence';

"(C) in subparagraph (A), by inserting ', alien smuggling crime,' after 'any crime of violence';

"(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'smuggling a person for financial gain' is further defined to mean an offense punishable under section 755(a), 277, or 28 of the Immigration and Nationality Act (8 U.S.C. 1325(a), 1327, and 1328).

"SEC. 206. ILLEGAL ENTRY.

"(A) a religious denomination having a bona fide nonprofit, religious organization in the United States; (B) the agents or employees of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States; (B) the agents or employees of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(C) a non-profit, religious organization in the United States or a non-profit, religious organization in the United States; (D) the agents or employees of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(2) Clerical Amendment.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

"(Sec. 274. Alien smuggling and related offenses.)

"(B) officers or employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

"(2) other officers responsible for the enforcement of Federal criminal laws.

"(1) ADMISSIBILITY OF VIDEOFILMED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of law shall be admitted as the witness is present or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for the following:

"(1) the witness was available for cross examination at the deposition by the party; if any, opposing admission of the testimony; and

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(C) ADMISSIBILITY OF VIDEOFILMED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of law shall be admitted as the witness is present or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for the following:

"(1) the witness was available for cross examination at the deposition by the party; if any, opposing admission of the testimony; and

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(D) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 292(c) of title 18, United States Code, is amended—

"(1) in paragraph (1)—

"(A) in subparagraph (A), by inserting ', alien smuggling crime,' after 'any crime of violence';

"(B) in subparagraph (A), by inserting ', alien smuggling crime,' after 'any crime of violence';

"(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'smuggling a person for financial gain' is defined to mean an offense punishable under section 755(a), 277, or 28 of the Immigration and Nationality Act (8 U.S.C. 1325(a), 1327, and 1328).

"(A) in General.—Section 275 (8 U.S.C. 1325) is amended to read as follows:
"(a) IN GENERAL.—

(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (f) if the alien knowingly or with criminal negligence

(A) enters or attempts to enter the United States at any time or place other than a place designated by the Secretary of Homeland Security;

(B) knowingly eludes examination or inspection by an immigration officer (including the commandant of such officer), or a customs or agriculture inspection at a port of entry; or

(C) knowingly enters or crosses the border to or through the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned for not more than 5 years, or both; and

(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned for not more than 10 years, or both;

(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors for the knowing concealment of a material fact (including such violation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws), be fined under such title, imprisoned for not more than 20 years, or both;

(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned for not more than 10 years, or both; and

(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned for not more than 20 years, or both.

(3) PRIOR CONVICTIONS.—The prior convictions described in paragraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only if the conviction or convictions that form the basis for the additional penalty are—

(A) alleged in the indictment or information; and

(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as if a completion of such offense had occurred.

(6) IMPROPER TIME OR PLACE: CIVIL PENALTIES.—

(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty. In addition to any other civil penalty that may be imposed under any other provision of law, in an amount equal to—

(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

(B) twice the amount specified in paragraph (6)(A) if the alien had previously been subject to a civil penalty under this subsection.

(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of crossing.

(b) CRIMINAL ALLEGATIONS.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry."

SEC. 207. ILLEGAL REENTRY

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

(1) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States before the expiration of the exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

(2) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

(A) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both; and

(B) knowingly eludes examination or inspection by an immigration officer (including the commandant of such officer), or a customs or agriculture inspection at a port of entry; or

(3) was convicted for 1 felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 3 years, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

(4) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 10 years, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

(5) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 20 years, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

(6) is convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

(7) was convicted, before such removal or deportation, for murder, rape, kidnapping, or a felony offense described in chapter 75 (relating to sexual exploitation of children, and other sexual conduct constituting a violation of terrorism) of title 18, United States Code, is amended to read as follows:

"FRAUD.—

(1) CROSSING THE BORDER.—The term 'crosses the border' applies if an alien acts

(a) in the United States;

(b) in a commonwealth, territory, or possession of the United States;

(c) in Canada or Mexico;

(d) in the Territory of the Trust Territory of the Pacific Islands;

(e) in any other place subject to the jurisdiction of the United States;

(f) border to the United States at a time or place other than as designated by immigration officers.

(2) FELONY.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

(b) SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(1) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.

"(1) PASSPORT, VISA, AND IMMIGRATION FRAUD.

"Sec. 1541. Trafficking in passports.

"Sec. 1542. False statement in an application for a passport.
§ 1544. Misuse of a passport

(a) In General.—Any person who

(1) knowingly uses any passport issued or designed for the use of another—

(1) to defraud the United States, a State, or a political subdivision of a State; or

(2) to defraud the United States, a State, or a political subdivision of a State,
shall be fined under this title, imprisoned not more than 15 years, or both.

(b) MUltIPLE PASSPORTS.—Any person who

(1) produces, issues, authorizes, or verifies a passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority;

(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

(3) issues, possesses, uses, receives, buys, sells, or transfers 10 or more passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who

(1) knowingly and without lawful authority produces, counterfeits, alters, falsely makes, or transfers 10 or more immigration documents,

shall be fined under this title, imprisoned not more than 20 years, or both.

§ 1547. Marriage fraud

(a) Evasion or Misrepresentation.—Any person who

(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

(2) knowingly misrepresents the existence or circumstances of a marriage—

(A) in an application or document authorized by the immigration laws; or

(B) in an application or document proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),
shall be fined under this title, imprisoned not more than 10 years, or both.

§ 1548. Attempts and conspiracies

(a) TERROISM.—Any person who

(1) knowing that such violation will facilitate an act of international terrorism or
domestic terrorism (as those terms are defined in section 2331); or

“(2) with the intent to facilitate an act of international terrorism or domestic terrorism, shall be fined under this title, imprisoned not more than 25 years, or both.

(2) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

“(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year, shall be fined under this title, imprisoned not more than 20 years, or both.

§ 1550. Seizure and forfeiture

(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, any property traceable to such property or proceeds, shall be subject to forfeiture.

(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

§ 1551. Additional jurisdiction

(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

“(2) the offense is in or affects foreign commerce;

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 922(a)(2)) that affects or would affect the national security of the United States;

“(5) the offender is a national of the United States (as defined in section 101(a)(22) of such Act); or

“(6) the offender is a stateless person whose habitual residence is in the United States.

§ 1552. Additional venue

(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

“(1) any district in which the false statement or representation was made;

“(2) in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

“(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

§ 1553. Definitions

‘As used in this chapter:

“(1) the term ‘false make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document is false, fictitious, or fraudulent;

“(2) has no basis in fact or law; or

“(3) other evidentiary fact which is material to the purpose for which the document was created, designed, or submitted.

“(2) ‘The term a false statement or representation includes a personization or omission.

“(3) The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(4) ‘The term immigration document’ includes—

“(A) any passport or visa; or

“(B) any application, petition, affidavit, declarations, identification, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

“(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

“(5) ‘The term immigration laws’ includes—

“(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

“(B) the laws relating to the issuance and use of passports; and

“(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

“(6) ‘The term immigration proceeding’ includes an adjudication, interview, hearing, or review.

“(7) ‘A person does not exercise lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

“(8) ‘The term passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

“(9) ‘The term produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

“(10) ‘The term State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

§ 1554. Authorized law enforcement activities

‘Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or protective law enforcement agency of the United States, a State, a political subdivision of a State, or an intelligence agency of the United States, from taking the following action if the State or political subdivision was facilitated under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

“1555. Exception for refugees, asylees, and other vulnerable persons

“(a) In General.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, or to enter the United States, is denied admission to the United States under section 202 or section 212(c)(5)(B) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1251), for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 202.17 of title 4, Code of Federal Regulations), or for relief under paragraphs (1)(B) (9) (1), (10)(a)(15)(T), (10)(a)(15)(U), (10)(a)(27)(J), (10)(a)(51), (21)(c)(4)(C), 248(a)(b)(2), or 244(a)(3) (as in effect prior to March 31, 1996) of such act, or a credible fear of persecution or torture:

“(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

“(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

“(3) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

“75. Passport, visa, and immigration fraud

“§ 1514.

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

“(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for Federal prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol relating to the Status of Refugees, done at New York January 30, 1967 (19 UST 2231)).

(2) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting before it the following:

“75. Passport, visa, and immigration fraud

“§ 1555.

(3) by inserting after subclause (II) the following:

“(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code;”.


“(1) in subsection (1), by striking ‘‘, or’’ at the end and inserting a semicolon;

“(2) in subsection (II), by striking the comma at the end and inserting ‘‘; or’’; and

“(3) by inserting after subsection (II) the following:

“under a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code;”.

(c) E FFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

“(1) in subsection (I), by striking ‘‘, or’’ at the end and inserting a semicolon;

“(2) in subsection (II), by striking the comma at the end and inserting ‘‘; or’’; and

“(3) by inserting after subsection (II) the following:

“under a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code;”.

(b) REMOVAL.—Section 237(a)(2)(B)(iii) (8 U.S.C. 1227(a)(2)(B)(iii)) is amended to read as follows:

“(iii) a violation of any provision of chapter 75 of title 18, United States Code,”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

“(1) in subsection (I), by striking ‘‘, or’’ at the end and inserting a semicolon;

“(2) in subsection (II), by striking the comma at the end and inserting ‘‘; or’’; and

“(3) by inserting after subsection (II) the following:

“under a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code;”.

(b) REMOVAL.—Section 237(a)(2)(B)(iii) (8 U.S.C. 1227(a)(2)(B)(iii)) is amended to read as follows:

“(iii) a violation of any provision of chapter 75 of title 18, United States Code,”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.
of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(1) INSTITUTIONAL REMOVAL PROGRAM.—

(A) CONTINUATION.—The Secretary shall continue the Institutional Removal Program (referred to in this section as the "Program") and shall develop and implement another program—

(i) identifying removable criminal aliens in Federal and State correctional facilities;

(B) ensuring that such aliens are not released into the community; and

(C) expediting removal of such aliens from the United States after the completion of their sentences.

(B) EXPEDITED CONCLUSION.—The Secretary may extend the scope of the Program to all States.

(a) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(i) hold an alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(ii) in paragraph (2)(A)(viii) of section 237(a), as redesignated, replace the phrase "in the absence of inadmissibility" with the phrase "that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(b) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations.

(c) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1225c) is amended—

(i) by amending subparagraph (A) to read as follows:

"(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be granted for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, be surrendered upon proof that the alien has departed the United States within the time specified.

"(ii) in redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

"(iii) by adding after subparagraph (A) the following:

"(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be granted for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart from the United States, or be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a bond if the judge finds compelling evidence that the posting of a bond will pose a serious financial hardship to the alien and has presented compelling evidence that such a bond is unnecessary to guarantee timely departure.

"(iv) in subparagraph (C), by striking "subparagraph (A)(iii)" each place it appears and inserting "subparagraph (B)(ii)";

"(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)";

"(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

"(G) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

"(H) by amending subsection (c) to read as follows:

"(1) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(A) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or review for removal or any petition for review after the alien of 10 years after the alien's departure for any further relief under this section and sections 208A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(B) CONCLUSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under paragraph (A) or (B)(i) of section 212(a)(9).";

"(2) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(3) FAILURE TO COMPLY WITH AGREEMENT.—(A) IN GENERAL.—If an alien fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

(i) ineligible for the benefits of the agreement;

(ii) subject to the penalties described in subsection (d); and

(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien shall be permitted to depart voluntarily in lieu of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(C) VOLUNTARY DEPARTURE PERIOD NOT APPEATED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period of voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart the United States during the period agreed to by the alien and the Secretary.

"(D) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(i) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time period specified, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provide that the alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(ii) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 208A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(E) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 208B or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of granting such protection in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(b) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien shall be permitted to depart voluntarily in lieu of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(C) VOLUNTARY DEPARTURE PERIOD NOT APPEATED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period of voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart the United States during the period agreed to by the alien and the Secretary.

"(D) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(i) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time period specified, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provide that the alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(ii) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 208A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(E) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 208B or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of granting such protection in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(c) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the Program.
(5) by amending subsection (e) to read as follows:

"(e) ELIGIBILITY.—
(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—No alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens;";

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 236(g) of title 8, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section."

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) IN GENERAL.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal or within 20 years and inserting "seeks admission not later than 10 years after the date of the alien's removal (or not later than 5 years after the date of the alien's removal);";

(2) in clause (ii), by striking "seeks admission within 5 years of the date of such alien's departure or removal (or within 20 years of and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after);

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 326d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following: "(c) INELIGIBILITY FOR RELIEF.—
(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 2 years after the alien's departure from the United States.

(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek cancellation of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(B)" and all that follows and inserting "(y) in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(B)" and all that follows and inserting "(y) in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));";

(3) in subsection (y), by inserting "ADMITTED UNDER NONIMMIGRANT VISAS" and inserting "IN A NONIMMIGRANT CLASSIFICATION";

(4) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.";

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"3291. Immigration, naturalization, and peonage offenses.

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any provision of this chapter, or for a violation of any criminal provision under sections 243, 246, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.";

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.";

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States under section 7(9) of title 18, United States Code;";

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) MINIMUM NUMBER OF AGENTS IN STATES.—
(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census; and

(2) by adding at the end the following:

"(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status, lawful permanent residency, or any other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any other official under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) IN GENERAL.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:
SEC. 362. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(1), (A)(ii), or (B) of section 237(a)(4); or

(2) any alien with respect to whom a crime of violence, other offense, or case is pending that is material to the alien’s inadmissibility, deportability, or eligibility for the status or benefit sought; or

(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

(b) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 361 the following:

“Sec. 362. Construction.”

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REMOVAL EXPENSE FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs reasonably incurred in processing documented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) court costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

“(5) There are authorized to be appropriated to carry out this subsection—

(A) such sums as may be necessary for fiscal year 2007; 

(B) $750,000,000 for fiscal year 2008; 

(C) $850,000,000 for fiscal year 2009; and 

(D) $950,000,000 for each of the fiscal years 2010 through 2011.

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1321) is amended by striking “the Attorney General” and inserting “the Secretary of Homeland Security.”

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing and detention to a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities; 

(2) health care facilities; 

(3) environmental restoration; and 

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands; 

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands; 

(3) contains a strategy for improving such access through cooperation with tribal authorities; and 

(4) identifies grants provided by the Department for tribal projects, either directly or through State or local grants, relating to border security.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with immigration law; and

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance; 

(B) appearance bond; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking “(i) which is described in section 1548 of such title (relating to document fraud) and (ii) inserting “which is described in chapter 75 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)” and inserting “which is described in chapter 75 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)”;

(2) S PECIFIC REQUIREMENTS.—The Secretary shall make grants to States to conduct a study of the effectiveness of alternatives to detention.

(3) by striking “(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor; 

(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding; 

(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 611 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and 

(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

(4) RELIANCE.—The Secretary may rely on the most recent address provided by the alien under this section for service of any notice, form, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 230a(1)(F) to contact the alien about pending removal proceedings.

(5) OBLIGATION.—The alien’s provision of an address for any other purpose under the Federal immigration laws does not excuse the alien’s obligation to provide this Act any notice of the alien’s address to the Secretary under this section (or to the Attorney General under section 230a(1)(F) with respect to an immigration judge or an administrative appeal of such proceeding).
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(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 282(c), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(2) in section 283(a), by adding at the end the following: “The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions authorized by this section shall be reimbursed by the Secretary of Homeland Security.”

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 204(a)(15)(K) (8 U.S.C. 1154(a)(15)(K)) is amended by—

(1) in subparagraph (A), by inserting “Secretary of Homeland Security, in the Secretary’s sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to any discretionary motion for release (including any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien’s failure to comply with any condition or agreement and necessary to perform the functions authorized by this section and the alien’s failure shall be considered as a strong negative factor with respect to any discretionary motion for reopening, reconsideration or release by the alien);”;

(2) in subparagraph (B), by inserting at the end “except as provided in subclause (II),” and

(3) in subparagraph (C), by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security, in the Secretary’s sole and unreviewable discretion, determines that the alien poses no risk to the alien with respect to any discretionary motion for release (including any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General);”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 226(a) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1212 note) is amended by striking “and before June 1, 2006.”

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and insert—

“EXPEDITED REMOVAL OF CRIMINAL ALIENS.”

(2) in subsection (a), by striking the section heading and inserting “EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.”

(b) in subsection (b), by striking the section heading and inserting “REMOVAL OF CRIMINAL ALIENS.”

(c) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

“1 IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (1) and (2), the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 203(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (B)(i), by striking “Any” and inserting “Except as provided in clause (vii), any”;

(2) in subparagraph (A), by inserting after clause (vi) the following:

“(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (B), or (K) of section 235(b)(1)(b) of the Act if the Secretary of Homeland Security, in the Secretary’s sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to any discretionary motion for release (including any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General);”;

(b) NONIMMIGRANTS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by—

(1) in subparagraph (B), by inserting “other than a citizen described in section 292(a)(1)(A)(vii)) after “citizen of the United States” each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

“SECTION 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines) any alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws.
laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal entity.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement of a State or, if appropriate, a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) in general—

"(A) deem the request to include the inquiry to verify immigration status described in section 442(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise lawfully present in the United States—

"(i) take the alien illegal into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REMUNERATION.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or appropriate political subdivision of a State, for expenses, as determined by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c) of this section.

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision;

"(B) the cost of transporting the alien from the State, or political subdivision to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) any charges for any emergency medical care provided to a detained alien during the period between the time of transfer of the requested individual described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration laws are separated within a facility or facilities.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of the appropriate political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or appropriate political subdivision, of which the agencies are located, has in place any formal or informal policy that violates section 442 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

"(h) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $550,000,000 for fiscal year 2007 and each subsequent fiscal year for expenses, as determined by the Secretary, incurred by the United States or political subdivision of the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor, after section 1956 (relating to destruction of property within the special maritime and territorial jurisdiction)"); and

(2) by inserting after section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) (relating to bringing in and harboring certain aliens), "after section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to alien smuggling)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to alien smuggling),"

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

"(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

"(A) against whom a final order of removal has been issued;

"(B) who enters into a voluntary departure agreement, or is granted voluntary departure in accordance with a determination made by the Secretary under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 240B of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to alien smuggling),)

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $550,000,000 for fiscal year 2007 and each subsequent fiscal year for expenses, as determined by the Secretary, incurred by the United States or political subdivision of the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).


(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

"(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

"(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Secretary with the concurrence of the Attorney General and the Secretary of the Treasury.

"(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities
under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (Pub. L. No. 101–510, 10 U.S.C. 2687 note) for use in accordance with paragraphs (1) and (2).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

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

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant’s alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the electronic record system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENT SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, or trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(i) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

(ii) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

(iii) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

(iv) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to determine whether the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (b) and the following paragraphs:

(1) ATTESTATION BY EMPLOYER.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—The employer shall attest to in a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

(III) an employer has hired more than 10 unauthorized aliens for employment in the United States.

(ii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirements of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would have cause to believe that the document examined is genuine and establishes the individual’s identity and eligibility for employment in the United States.

(v) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (a) and entitled to participate in such System, regardless of whether participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulations or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

(v) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an identity document:

(1) United States passport; or

(2) Permanent resident card or other document designated by the Secretary, if the document—

(1) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary provides in regulations is sufficient for the purposes of this subparagraph; and

(2) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

(v) DOCUMENTS ESTABLISHING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual’s—

(i) United States passport; or

(ii) Permanent resident card or other document designated by the Secretary.
“(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

“(ii) any other documents evidencing eligibility of employment in the United States, if—

“(1) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

“(2) the document contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(D) DOCUMENTS ESTATEBLISHING IDENTITY OF INDIVIDUAL.—If an individual described in this subparagraph is an individual’s—

“(i) driver’s license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13, 119 Stat. 302); or

“(ii) driver’s license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

“(1) is not required by the Secretary to comply with such requirements; and

“(2) contains the individual’s photograph or fingerprint, including the individual’s name, date of birth, gender, and address; and

“(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

“(1) contains the individual’s photograph or information including the individual’s name, date of birth, gender, eye color, and address; and

“(2) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

“(iv) in the case of an individual who is under 18 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

“(1) the Secretary determines is a reliable means of identification; and

“(2) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

“(1) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this section.

“(2) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

“(3) AUTHORITY.—

“(A) REQUIREMENTS.—

“(1) IN GENERAL.—The individual shall at test, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act to be hired, recruited or referred for a fee, in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(3) RETENTION OF ATTESTATION.—An employment attestation, microfiche, multifilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and such attestations available for review by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

“(A) in the case of the recruiting or referring for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referring; or

“(B) in the case of the hiring of an individual the later of—

“(i) 7 years after the date of such hiring; or

“(ii) 1 year after the date of the individual’s employment is terminated; or

“(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

“(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

“(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

“(i) in general.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, multifilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

“(ii) use of retained documents.—An employer shall use copies retained under clause (i) only in complying with the requirements of this subsection, except as otherwise permitted under law.

“(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—An employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual’s name, social security account number and the steps taken to resolve each issue described in the no-match notice.

“(C) RETENTION OF CLARIFICATION DOCUMENTS.—An employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt regarding the identity or eligibility of the individual for employment in the United States.

“(D) RETENTION OF OTHER RECORDS.—The Secretary shall require that an employer retain copies of additional records related to the individual for the purposes of this section.

“(E) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (c)(4)(B).

“(F) NON AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(4) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

“(2) MANAGEMENT OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) provide a response to an inquiry made by an employer through the Internet or other electronic medium or telephone line regarding an individual’s identity and eligibility for employment in the United States;

“(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

“(iii) maintain a record of each such inquiry provided in response to such inquiry.

“(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

“(ii) if the System is unable to confirm the individual’s identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

“(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

“(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(i)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

“(D) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

“(E) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

“(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

“(ii) to respond to each inquiry made by an employer; and

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

“(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to have reasonable safeguards, developed in consultation with the Attorney General, for preventing employment in an unlawful discriminatory practices, based on national origin or citizenship status.

“(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the
(C) MID-SIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer or class of employers to participate in the System with respect to all employees hired by the employer after the date the Secretary requires such participation.

(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

(5) CONSEQUENCE OF FAILURE TO PARTICIPATE.—(A) IN GENERAL.—An employer that participates in the System and fails to comply with the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to, or on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable cause to believe that the employer has engaged in violations of the immigration laws.

(V) RECORDING OF CONCLUSION ON FORM.—(A) Such notice or record is treated as a violation of subsection (a)(I)(D) of this section with respect to such individual; and

(VI) REQUIREMENT OF ROBUST VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual’s identity and eligibility for employment in the United States—

(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after a date of hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

(C) CONFIRMATION OR NONCONFIRMATION.—

(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

(ii) NONCONFIRMATION AND VERIFICATION.—

(1) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing and may contest such nonconfirmation notice.

(2) CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subsection (1), the individual shall submit appropriate information to contest such notice to the Secretary within 10 days of receiving notice from the individual’s employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subsection (1), the individual shall submit appropriate information to contest such notice to the Secretary within 10 days of receiving notice from the individual’s employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

(VI) RECORDING OF CONCLUSION ON FORM.—If a final nonconfirmation notice becomes final under subsection (1), the individual shall submit appropriate information to contest such notice to the Secretary within 10 days of receiving notice from the individual’s employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

(VII) SYSTEM REQUIREMENTS.—(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, of any individual for employment in the United States, shall—

(i) obtain from the individual and record on the form designated by the Secretary—

(1) the individual’s social security account number; and

(ii) in the case of an individual who does not attest that the individual is a national of the United States or another eligible individual, such identification or authorization number that the Secretary shall require; and
recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may be supplied to a prosecution under subsection (f)(1).

(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit the Department of Homeland Security, or any other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms necessary, attestation of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

(3) COMPLIANCE.—

(A) Complaints and investigations.—The Secretary shall establish procedures—

(i) for the investigation of complaints filed by the public;

(ii) for those complaints to which the Secretary deems it appropriate to investigate; and

(iii) for the investigation of such other violations of subsection (a), as the Secretary determines.

(B) Authority in investigations.—

(i) In general.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

(A) shall have reasonable access to examine evidence of any employer being investigated;

(B) shall have the right to inspect any place in an investigation or case under this subsection;

(C) may interview individuals;

(D) may conduct such investigations at any reasonable time and place; and

(E) shall have all the powers and protections of a grand jury.

(ii) If designated by the Secretary of Homeland Security, may subpoe na the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

(C) Failure to cooperate.—In case of refusal to obey a subpoena, the witness or any person in possession of the evidence may be punished by a fine of not more than $1,000 and not more than 6 months for the entire pattern or practice.

(D) Enforcement of orders.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit in the Court of Appeals for the appropriate circuit for enforcement of the final determination. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

(5) Criminal penalties and injunctions for pattern or practice violations.—

(A) Criminal penalty.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

(B) Enjoining of pattern or practice violations.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaging in a pattern or practice of employment, recruitment, or referral in violation of subsection (a)(1)(A) or (a)(2), and

(C) Provision of subsidiary information.—Any employer in violation of subsection (a)(1)(A) or (a)(2) shall be liable to the Secretary for any reasonable costs incurred in investigating the violation of subsection (a)(1)(A) or (a)(2), including the costs of court proceedings, and shall be subject to any penalties provided under subsection (a)(1)(A) or (a)(2).
of subsection (a), the Attorney General may bring a civil action in the appropriate dis- trict court of the United States requesting such relief, including a permanent or tem- porary restraining order, or both, or other order against the employer, as the Sec- retary deems necessary.

"(g) PROHIBITION ON PREMISES BONDS.—

"(1) PROHIBITION.—It is unlawful for an em- ployer, in the hiring, recruiting, or referring for a fee, of an individual, to require the in- dividual to post a bond or security, to pay or agree to pay an amount, or otherwise to pro- vide a financial guarantee or indemnity, against any potential liability arising under this Act or any such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for an informal hearing, to have violated the monetary penalty or administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

"(h) PROHIBITION ON AWARD OF GOVERN- MENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or coop- erative agreement is determined by the Sec- retary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the re- ceipt of a Federal contract, grant, or coop- erative agreement for a period of 2 years.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who holds a Federal contract, grant, or coop- erative agreement is determined by the Sec- retary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the re- ceipt of a Federal contract, grant, or coop- erative agreement for a period of 2 years.

"(B) NOTICE TO AGENCIES.—Prior to debar- ing the employer under subparagraph (A), the Secretary, in cooperation with the Ad- ministrator of General Services, shall advise any agency, holding, or adminis- trating a Federal contract, grant, or cooperative agreement with the employer of the Government’s intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a pe- riod of 2 years.

"(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agree- ment with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisi- tion Regulation. However, any proposed de- barment predicated on an administrative de- termination of liability for civil penalty by the Secretary shall be considered a cause for suspension under the proce- dures and standards for suspension pre- served by the Federal Acquisition Regula- tion.

"(i) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing docu- mentation—

"(A) providing certification of authorization of aliens (other than aliens lawfully admis- sed for permanent residence) eligible to be employed in the United States, the Sec- retary shall provide that any limitations with respect to the period or type of employ- ment or employer shall be conspicuously stated on the documentation or endorse- ment.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law—

"(A) imposing civil or criminal sanctions (other than fines and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

"(B) requiring, as a condition of con- ducting, continuing, or expanding a business, that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure or area of use for day laborers of day laborers at or near its place of busi- ness; or

"(ii) take other steps that facilitate the employment of day laborers by others.

"(j) DEPOSIT OF AMOUNTS RECEIVED.—Ex- cept as otherwise specified, civil penalties collected under this section shall be depos- ited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(k) DEFINITIONS.—In this section:—

"(1) EMPLOYER.—The term ‘employer’ means any person or entity, including any business entity, undertaking a study examining the impacts of this Act or any such hiring, recruiting, or referring of the individual.

"(2) NO-MATCH NOTICE.—The term ‘no- match notice’ means written notice from the Commissioner of Social Security to an em- ployer reporting earnings on a Form W-2 that an employee name or corresponding so- cial security account number fail to match records maintained by the Commissioner.

"(3) SECRETARY.—Except as otherwise prov- ided, the term ‘Secretary’ means the Sec- retary of Homeland Security.

"(4) UNAUTHORIZED ALIEN.—The term ‘un- authorized alien’ means, with respect to the em- ployer, the employer during, regular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for perma- nent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.’’

"(l) CONFORMING AMENDMENT.—

"(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (di- vision C of Public Law 104-208; 8 U.S.C. 1324a) are repealed.

"(2) CONSTRUCTION.—Nothing in this sub- section or in subsection (d) of section 274A, as amended by subsection (a), may be con- strued to limit the authority of the Sec- retary to require the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

"(m) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take ef- fect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 256 (8 U.S.C. 1356) is amended by adding at the end the following new sub- section:

"(n) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Emp- loyer Compliance Fund’ (referred to in this subsection as the ‘Fund’).

"(2) DEPOSITS.—There shall be deposited as offsets against receipts into the Fund all civil monetary penalties collected by the Sec- retary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing em- ployer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts de- posited into the Fund shall remain available until expended and shall be paid out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Sec- retary of Homeland Security.’’.

SEC. 303. ADDITIONAL WORKSITE ENFORCE- MENT AND FRAUD DETECTION AGENTS.

"(a) WORKSITE ENFORCEMENT.—The Sec- retary shall, subject to the availability of appro- priations for such purpose, increase by not less than 1,000 the number of positions for agents dedicated to en- forcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324A) during a 5-year period beginning on the date of the enact- ment of this Act.

"(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appro- priations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigra- tion fraud detection during the 5-year period beginning on the date of the enact- ment of this Act.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.


TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

SEC. 401. IMMIGRATION IMPACT STUDY.

"(a) IN GENERAL.—The Secretary of the De- partment of Homeland Security shall undertake a study examining the impacts of the current and proposed annual grants of
Section 402. Nonimmigrant Temporary Worker. (a) Temporary Worker Category.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended to read as follows: ‘‘(H) an alien— ‘‘(i)(b) subject to section 212(j)(2)— ‘‘(aa) who— ‘‘(1) has a residence in a foreign country which the alien has no intention of abandoning; and ‘‘(bb) is coming temporarily to the United States to perform services (other than services described in clause (i)(a) or subparagraph (O) or (P) in a specialty occupation described in section 214(k)(1) or as a fashion model; ‘‘(bb) who meets the requirements for the occupation specified in section 214(i)(2) or, in the case of a fashion model, is of distinguished ability; and ‘‘(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that the intending employer has filed an application with the Secretary in accordance with section 212(n)(1); ‘‘(i)(a) who is entitled to enter the United States under the provisions of an agreement listed in section 214(c)(8)(A); ‘‘(bb) who is engaged in a specialty occupation described in section 214(i)(3); and ‘‘(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed an attestation with the Secretary of Labor in accordance with section 212(t)(1); or ‘‘(c)(aa) who is coming temporarily to the United States to perform services as a registered nurse; ‘‘(bb) who meets the qualifications described in section 212(m)(1); and ‘‘(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or ‘‘(1)(i)(a) who— ‘‘(aa) has a residence in a foreign country which the alien has no intention of abandoning; and ‘‘(bb) is coming temporarily to the United States to perform agricultural labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3(f) of the 1986 Farm Bill), as a part-time, seasonal, or temporary nature; ‘‘(bb) who— ‘‘(aa) has a residence in a foreign country which the alien has no intention of abandoning; and ‘‘(bb) is coming temporarily to the United States to perform services as a temporary or seasonal nature if unemployed persons capable of performing such work or services cannot be found in the United States) to perform services as a temporary or seasonal nature if unemployed persons capable of performing such work or services cannot be found in the United States; or ‘‘(c)(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien; ‘‘(iii) who— ‘‘(aa) has a residence in a foreign country which the alien has no intention of abandoning; and (bb) is coming temporarily to the United States as a trainee to receive graduate medical education or training in a training program that is not designed primarily to provide productive employment; or (bb) who— ‘‘(aa) is the spouse or a minor child of an alien described in clause (iii); and ‘‘(bb) is accompanying or following to join such alien.”
“(i) the alien has read and understands all of the questions and statements on the application form; and

(ii) the alien certifies under penalty of perjury, in accordance with the laws of the United States, that the alien has the ability to meet all the requirements established by the Secretary of Homeland Security, an H–2C nonimmigrant—

(i) visits outside United States—

(A) in general.—Under regulations established by the Secretary of Homeland Security, an H–2C nonimmigrant—

(i) may travel outside of the United States; and

(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

(B) effect on period of authorized admission.—An alien may not be granted H–2C nonimmigrant status, or an extension of such status, if—

(A) the alien has violated any material term or condition of such status; or

(B) the alien is inadmissible as a nonimmigrant; or

(C) the granting of such status or extension of such status would allow the alien to exceed 6 years as an H–2C nonimmigrant, unless the alien has resided and been physically present outside the United States for at least 1 year after the expiration of such H–2C nonimmigrant status.

(g) evidence of nonimmigrant status.—Each H–2C nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

(2) shall be designed in consultation with the Forensic Document Laboratory of the FBI, the Border Patrol, Immigration and Customs Enforcement;

(3) shall, during the alien’s authorized period of admission under subsection (i), serve as a valid entry document for the purpose of applying for admission to the United States;

(A) instead of a passport and visa if the alien—

(i) is a national of a foreign territory contiguous to the United States; and

(ii) is applying for admission at a land border port of entry or air port of entry;

(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

(4) may be used during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(b) issued to the H–2C nonimmigrant by the Secretary of Homeland Security promptly after the final adjudication of such alien's application for H–2C nonimmigrant status.

(l) collection of fees.—All fees collected under this section shall be deposited in the Treasury in accordance with section 245a.

(m) issuance of h-4 nonimmigrant visas for spousal and children of h-2c nonimmigrants.—

(1) in general.—The alien spouse and children of an H–2C nonimmigrant (referred to in this section as 'dependents') who seek admission as an H–2C nonimmigrant may be issued nonimmigrant visas under section 101(a)(15)(H)(iv).

(2) requirements for admission.—A dependent alien is eligible for nonimmigrant status under section 101(a)(15)(H)(iv) if the dependent alien meets the following requirements:

(A) the alien is admissible as a nonimmigrant and is not otherwise ineligible for h–4 nonimmigrant status listed under subsection (c).

(B) medical examination.—Before a nonimmigrant visa is issued to a dependent alien under this subsection, the dependent alien may be required to submit to a medical examination (including a determination of immunization status) at the alien’s expense, that conforms to generally accepted standards of medical practice.

(C) background checks.—Before a nonimmigrant visa is issued to a dependent alien under this section, the consular officer shall conduct such background checks as the Secretary of State, in consultation with the Secretary of Homeland Security, considers appropriate.

(d) definitions.—In this section and sections 212, 212c, and 218:

(1) aggrieved person.—The term ‘aggrieved person’ means a person adversely affected by an alleged violation of this section, including—

(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

(B) a representative for workers whose job, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

(2) area of employment.—The terms ‘area of employment’ and ‘area of intended employment’ mean the area within normal commuting distance of the worksite or physical location at which a temporary worker is or will be employed. If such worksite or location is within a Metropolitan Statistical Area, any place within such a Metropolitan Statistical Area is deemed to be within the area of employment.

(3) ineligible individual.—The term ‘ineligible individual’ means, with respect to employment, an individual who is unauthorized (as defined in section 274a) with respect to that employment.
“(4) EMPLOY; EMPLOYER; EMPLOY.—The terms ‘employ’, ‘employee’, and ‘employer’ have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

“(5) FOREIGN LABOR CONTRACTOR.—The term ‘foreign labor contractor’ means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

“(6) FOREIGN LABOR CONTRACTING ACTIVITY.—A foreign labor contracting activity means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside the United States for employment in the United States as a non-immigrant alien described in section 101(a)(15)(H)(ii)(c).


“(8) SEPARATION FROM EMPLOYMENT.—The term ‘separation from employment’ means the worker’s loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such separation, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee’s rights under a collective bargaining agreement or other employment contract.

“(9) UNITED STATES WORKER.—The term ‘United States worker’ means an employee who is—

“(A) a citizen or national of the United States; or

“(B) an alien who—

“(i) lawfully admitted for permanent residence; and

“(ii) admitted as a refugee under section 207;

“(iii) granted asylum under section 208; or

“(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.

“(2) PROVISION OF INSURANCE.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), is amended by inserting after the item relating to section 218A the following:

“Sec. 218A. Admission of temporary H-2C workers.

“(b) CREATION OF STATE IMPACT ASSISTANCE ACCOUNT.—Section 296 (8 U.S.C. 1356) is amended by adding at the end the following:

“SEC. 296A. STATE IMPACT ASSISTANCE ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘State Impact Aid Account’. Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account all family supplemental visa and family supplemental extension of status fees collected under sections 231A and 231B.

“SEC. 404. EMPLOYER OBLIGATIONS.

“(a) IN GENERAL.—Title II (8 U.S.C. 1201 et seq.) is amended by inserting after section 218A the following:

“SEC. 218A. EMPLOYER OBLIGATIONS.

“(1) GENERAL REQUIREMENTS.—Each employer who employs an H-2C nonimmigrant shall—

“(ii) pay the appropriate fee, as determined by the Secretary of Homeland Security, for H-2C nonimmigrants to the Secretary of Homeland Security during any audit; and

“(D) remain available for examination for 60 days after the date on which the petition is filed.

“(11) NOTIFICATION UPON SEPARATION FROM OR TRANSFER OF EMPLOYMENT.—The employer shall notify the Secretary of Labor if the employer withdraws the petition or transfers an H-2C nonimmigrant or terminates the employment of an H-2C nonimmigrant.

“(C) be made available to the Secretary of Homeland Security for potential audit.

“(9) AUDITS AUTHORIZED.—The Secretary of Labor may audit any approved petition referred pursuant to paragraph (1), in accordance with regulations promulgated by the Secretary of Homeland Security.

“(4) INELIGIBLE EMPLOYERS.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall not approve any employer for purposes of petitions, applications, or attestations under any immigrant or non-immigrant program if the Secretary of
Labor determines, after notice and an opportunity for a hearing, that the employer submitting such documents—

(A) has, with respect to the attestations required under subsection (B), (C), (D), or (E) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812); or

(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor.

(2) EFFECT OF INELIGIBILITY.—An employer described in paragraph (1) shall be ineligible to participate in the labor certification process until the date that is 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may not approve any employer’s petition under subsection (b) if the work to be performed by the H–2C nonimmigrant is located in a metropolitan or micropolitan statistical area (as defined by the Office of Management and Budget) in which the unemployment rate for unskilled and low-skilled workers during the most recently completed 6-month period averages more than 11.0 percent.

(e) REGULATION OF FOREIGN LABOR CONTRACTORS.—

(1) COVERAGE.—Notwithstanding any other provision of law, an H–2C nonimmigrant may not be treated as an inde­pendent contractor.

(2) APPLICABILITY OF LAWS.—An H–2C nonimmigrant shall not be denied any right or any remedy available under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien’s status as a nonimmigrant worker.

(3) TAX RESPONSIBILITIES.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

(f) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of an H–2C nonimmigrant to intimid­ate, threaten, restrain, coerce, retaliate, or discriminate against an employee or former employee because of the employee’s or former employee’s disclosures or cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act.

(g) LABOR RECRUITERS.—

(1) IN GENERAL.—Each employer that engages in a recruiting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker’s recruitment—

(A) the place of employment;

(B) the compensation for the employment;

(C) a description of employment activities;

(D) the period of employment;

(E) any other employee benefit to be provided and any costs to be charged for each benefit;

(F) any travel or transportation expenses to be assessed;

(G) any existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

(H) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services;

(i) the extent to which workers will be compensated through workers’ compensation, private insurance, or otherwise for injuries or death—

(i) work related injuries and death during the period of employment;

(ii) the name of the State workers’ compensa­tion insurance carrier or the name of the policyholder of the private insurance;

(iii) the name and the telephone number of each person who must be notified of an injury or death;

(iv) the time period within which such notice must be given;

(j) any education or training to be pro­vided or required, including—

(i) the nature and cost of such training;

(ii) the entity that will pay such costs; and

(iii) whether the training is a condition of employment, continued employment, or future employment; and

(K) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor acting on behalf of an employer engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English,西班牙, and other languages, as necessary, which may be used in providing workers with information required under this section.

(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

(5) TERMS.—No employer or foreign labor contractor shall engage in a recruiting activity or provide the terms of any agreement made by that contractor or employer regarding employment under this program.

(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

(g) EFFICIENCY.—

(1) IN GENERAL.—The Secretary of Labor shall determine whether, in the Secretary’s judgment, the hiring of foreign labor is necessary to meet the needs of the United States and the real party in interest—

(i) the nature and extent of the employment and the real party in interest—

(ii) the extent to which workers will be compensated through workers’ compensation, private insurance, or otherwise for injuries or death;

(iii) the number of workers to be hired;

(iv) the time period within which such notice must be given;

(v) any education or training to be provided or required, including—

(A) the nature and cost of such training;

(B) the entity that will pay such costs; and

(C) whether the training is a condition of employment, continued employment, or future employment; and

(vi) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

(2) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

(3) REFUNAL TO ISSUE OR REVOCATION OF CERTIFICATE.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue, or may suspend or revoke, a certificate of registration under this paragraph if—

(i) the holder of the certificate has knowingly made a material misrepresentation in the application for such certificate;

(ii) the applicant for, or holder of, the certificate is not the real party in interest in the application or certificate of registration and the real party in interest—

(aa) is a person who has been refused issuance or renewal of a certificate; or

(bb) has had a certificate suspended or revoked; or

(cc) does not qualify for a certificate under this paragraph; or

(iii) the applicant for or holder of the certificate has failed to comply with this Act.

(h) BONDS.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals who are employed by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

(2) HEARING.—If a complaint is filed in accordance with subsection (f), and a hearing is conducted on a complaint respecting a violation of this section, the hearing shall be conducted on a complaint respecting a violation of this subsection to the extent that the hearing would be conducted on a complaint respecting a violation of this Act.

(3) PENALTY.—If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (h) and (i). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under subsections (h) and (i).

(4) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor if the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

(5) WRITTEN AGREMENTS.—A foreign labor contractor may not violate the terms of any written agreements made with an employer relating to any contracting activity on worker protection under this subsection.

(6) BONDS.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals who are employed by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.
to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

(1) POSTING.—An employer shall assert that the employer has posted an employment opportunity in accordance with section 218B(b)(9) of the Immigration and Nationality Act, as added by as described in section 556.

(2) RECORDS.—An employer shall maintain records for not less than 1 year after the date on which an H–2C nonimmigrant is hired that will enable the reasons for not hiring any of the United States workers who may have applied for such position.

(3) OVERTSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall ensure that job opportunities advertised on an electronic job registry established under this section are accessible—

(1) by the State workforce agencies, which may further disseminate job opportunity information to other interested parties; and

(2) through the Internet, for access by workers, employers, labor organizations, and other interested parties.

SEC. 408. TEMPORARY WORKER VISA PROGRAM.

(a) ESTABLISHMENT.—There is established a task force to be known as the “Temporary Worker Task Force” (referred to in this section as the “Task Force”).

(b) PURPOSES.—The purposes of the Task Force are—

(1) to study the impact of the admission of aliens under section 101(a)(15)(i)(C) on the wages, working conditions, and employment of United States workers; and

(2) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(i)(C).

(c) MEUMBER.—(1) IN GENERAL.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) shall be appointed by the leader of the majority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives;

(F) 2 shall be appointed by the majority leader of the House of Representatives.

(2) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of this Act.

(3) VACANCIES.—Any vacancy in the Task Force shall not affect the composition of the Task Force, but shall be filled in the same manner in which the original appointment was made.

(4) QUORUM.—Six members of the Task Force shall constitute a quorum.

(d) QUALIFICATIONS.—

(1) IN GENERAL.—Members of the Task Force shall be—

(A) individuals with expertise in economics, demographics, labor, business, or immigration or other pertinent qualifications or experience; and

(B) a representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(2) PROFESSIONAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.
(3) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(e) MEETINGS.—
(1) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as available.
(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(f) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Task Force shall submit, to Congress, the Secretary of Labor, and the Secretary, a report that contains—
(1) findings with respect to the duties of the Task Force; and
(2) recommendations for imposing a numerical limit.

(g) NUMERICAL LIMITATIONS.—Section 214(c)(1) (8 U.S.C. 1184(c)(1)) is amended—
(1) in subparagraph (B), by striking the period at the end and inserting ‘‘; and’’; and
(2) by adding at the end the following:

‘‘(C) under section 101(a)(15)(H)(ii)(c) may not exceed—

‘‘(i) 400,000 for the first fiscal year in which the program is implemented;’’.

(ii) in any subsequent fiscal year—

‘‘(I) the number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

‘‘(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

‘‘(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

‘‘(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 5 percent of the original allocated amount in the prior fiscal year; and

‘‘(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.’’.

(h) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—Section 245 (8 U.S.C. 1255) is amended—

(4) Filing a petition under paragraph (1) on behalf of an alien seeking permanent residence in the United States for such alien shall not constitute evidence of the alien’s ineligibility for nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.’’.

SEC. 409. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Secretary and the Attorney General, shall negotiate with each home country of aliens described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and

(B) control illegal immigration; and

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems; and

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited and

(5) endeavors to provide housing incentives in the alien’s home country for returning workers.

SEC. 410. S VISAS.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (A)—

(A) by striking ‘‘Attorney General’’ and inserting ‘‘Secretary of Homeland Security’’;

(b) in subclause (1), by inserting before the semicolon, ‘‘including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials’’;

(c) in subclause (2), by striking ‘‘Attorney General’’ and inserting ‘‘Secretary of Homeland Security’’;

(d) by striking ‘‘1956’’; and

all that follows through ‘‘the alien’’; and

(e) by striking ‘‘and inserting the following: ‘‘1956’’; or

(ii) who the Secretary of Homeland Security considers to be at risk of developing, selling, or transferring such weapons or related delivery systems; and

(f) by striking ‘‘is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;’’.

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by striking ‘‘The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.’’.

(3) REPORTS.—

(a) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking ‘‘The Attorney General’’ and inserting ‘‘Secretary of Homeland Security’’; and

(ii) by striking ‘‘concerning—’’ and inserting ‘‘that includes—’’.

(B) in subparagraph (D), by striking ‘‘and’’;

(C) in subparagraph (E), by striking the period at the end and inserting ‘‘; and’’;

(d) by inserting at the end the following:

‘‘(E) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

(i) the reasons why such nonimmigrants admitted is fewer than 25 percent of that provided for by law; and

(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.’’.

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

‘‘(b) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, the Secretary of Homeland Security, the information contained in a report described in paragraph (4)
may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on the Judiciary of the Senate.

SEC. 411. L VISA LIMITATIONS.
Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "in the case of a beneficiary of a petition..." and inserting "except as provided in subparagraph (H), in the case;" and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) In the case of an extension of the approval period under clause (i) not may be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L); and

"(III) a statement summarizing the original petition;

"(V) evidence of the financial status of the new facility, including the number of employees and the types of positions held by such employees;

"(VI) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(VII) a statement of the duties the beneficiary has performed at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VIII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(IX) evidence of the financial status of the new facility; and

"(X) any other evidence or data described by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary of a petition for a period beyond the initially granted 12-month period if the importing employer demonstrates that the foreign national seeking admission described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the alien beneficiary is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(H) The Secretary of Homeland Security—

"(i) for purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.
This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION VIOLATIONS.
(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may—

(A) make the findings required under paragraph (1) of section 1983 of title 42, United States Code;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirement that the agreement settled.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—

(A) means any relief entered by the court that is not subject to judicial enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree" means any relief entered by the court that is not subject to judicial enforcement other than reinstatement of the civil proceedings that the agreement settled.

(2) PROVISIONAL RELIEF.—The term "provisional relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court having jurisdiction of any civil action or motion considered under this section.
SEC. 423. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the enforcement of the immigration laws of the United States, whether such relief was before, on, or after the date of enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to any order granting prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the Government issues or revokes an order granting or modifying an automatic stay subject to immediate appeal under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

 SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SUPPORTED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) WORLDWIDE LEVEL OF FAMILY-SUPPORTED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

(A) the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued under this subsection during those fiscal years; and

(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005;

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

(A) 55,000, for each of the fiscal years 2001 through 2005; or

(ii) 290,000, for fiscal year 2006 and each subsequent fiscal year;

(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

(3) in paragraph (1) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

(ii) the number of visas calculated under clause (1) that were issued after fiscal year 2005.

(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2001, to qualified employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

 SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) by striking paragraph (2); and


"(A) 10 percent of such worldwide level;

and

(B) any visas not required for the class specified in paragraph (4).

(2) SPouses AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

"(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated visas in a quantity not to exceed the sum of—

(A) 10 percent of such worldwide level; and

(B) any visas not required for the class specified in paragraph (4).

"(B) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

(A) 10 percent of such worldwide level; and

(B) any visas not required for the class specified in paragraph (4).

"(C) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States (and whose parent is an immediate relative) shall be allocated visas in a quantity not to exceed the sum of—

(A) 10 percent of such worldwide level; and

(B) any visas not required for the class specified in paragraph (4).

"(D) A preference allocation for family-sponsored immigrants under section 201(c) (8 U.S.C. 1151(c));

"(E) a preference allocation for employment-based immigrants under section 203(b)(2)(A)(iv); and

"(F) any visas not required for the classes specified in paragraphs (1) through (4), to qualify the following new subparagraph:

"(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of immigration as specified in paragraphs (1) through (4), to qualify the following new subparagraph:

"(A) 28.6 percent';

and

"(5) OTHER WORKERS.—

"(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, only to workers who are not required for the classes specified in paragraphs (1) through (4), to qualify immigrants who are not eligible for admission under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

"(B) PRIORITY.—In allocating visas under subsection (A), priority shall be given to qualified immigrants who were physically present in the United States before January 7, 2004; and

"(6) by striking paragraph (6).

"(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking ''subject to the numerical limitations of section 203(b)(4)''.

(2) REPEAL OF TEMPORARY REDUCTION IN WORLDWIDE LEVEL.—Section 203(b)(6) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

 SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) IN GENERAL.—Section 202(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2) (A)(i) Aliens admitted under section 212(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

(b) FROG REDUCTION.—

"(1) In this subpart, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such children shall be at least 21 years of age.

"(2) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and who was not legally separated from the citizen at the time of the citizen's death, or each child of such alien, shall be considered, for purposes of this subpart, to remain an immediate relative after the death of the citizen if the petition under section 204(a)(1)(A)(ii) before the earlier of—

"(1) 2 years after such date; or

"(2) the date on which the spouse remarried.

"(3) Aliens born to an alien lawfully admitted for permanent residence who has been an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

SEC. 505. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITS.—

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154(a)(1)(A)(ii)) is amended by striking "in the second sentence of section 203(b)(2)(A)(i) also" and inserting "in section 201(b)(2)(A)(i) or an alien child or alien parent described in the 201(b)(2)(A)(iv)."
“(I) who is otherwise described in section 203(b); and

“(II) who is seeking admission to the United States to perform labor in shortage occupations determined by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers, willing, qualified, and available, for such occupations for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

“(I) except that, in clause (i), the spouse or dependent of an alien described in clause (I), if accompanying or following in such capacity,

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) (8 U.S.C. 1153(a)(1)(A)) is amended by inserting “201(b)” after “201(b)(1)” and inserting “201(b)”.

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SUPPORTED AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) (8 U.S.C. 1153(a)(2)), as amended by section 502(1), is further amended by inserting “, except for aliens described in section 201(b),” after “any fiscal year.”

(d) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States, and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including measures that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) make such amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care changes in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment and under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, that offer programs of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to remediate further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) SHORT TITLE.—This section may be cited as the “Widows and Orphans Act of 2008.”

(b) NEW SPECIAL IMMIGRANT CATEGORY.—

(1) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (I), by inserting a semicolon at the end; and

(B) by inserting the following:

“(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5)), or

(III) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5)),

(i) who is—

(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5)), or

(III) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5)),

who faces a credible fear of harm related to his or her sex; and

(ii) who lacks adequate protection from such harm; and

(ii) who lacks adequate protection from such harm;”.  

(2) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as determined by section 212(a)(1)(A)(ii)), the Secretary shall submit a report to Congress of the number of waivers granted under this section and the amendments made by this section, including—

(A) the number of waivers granted;

(B) the documentation establishing eligibility for such waivers;

(C) any other information that the Secretary considers appropriate.

(b) REQUIREMENTS FOR ALIENS.—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to paragraph (5) of section 212(d)(4) of the Immigration and Nationality Act, as added by section 412(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and shall be accorded any right, privilege, or status otherwise in the public interest. Any such parole by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 212(n)(1)(N).

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNITED STATES.—

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNITED STATES.—

(2) AUTHORIZATION OF APPROPRIATIONS.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each
database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the United States on the basis of security, or related grounds.

(C) Cooperate and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking adjustment of status under paragraph 214 of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINT.—(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprinting for an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of such alien.

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) Cooperate and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—(i) Long and 90 day review.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) Limited review.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) Judicial review.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking “he has no intention of abandoning who is” and inserting the following: “except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is”;

(B) by striking “consistent with section 214(i)” and inserting “(except for a graduate program described in clause (iv)) consistent with subsection (a)(15)(F)(v)”;

(C) by striking the comma at the end and inserting the following: “; or

“(ii) engaged in temporary employment for optional practical training related to the alien’s area of study, which practical training shall be authorized for a period or periods of up to 24 months;”;

(2) in clause (ii)—

(A) by inserting “or (iv)” after “clause (i)”;

and

(B) by striking “, and” and inserting a semicolon;

(3) in clause (iii), by adding “and” at the end;

and

(4) by adding at the end the following: “(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, to that of an alien lawfully admitted for permanent residence if—

(A) the alien makes an application for such adjustment;

(B) the alien is eligible to receive an immigrant visa;

(C) the alien is admitted to the United States for permanent residence; and

(D) an immigrant visa is immediately available to the alien at the time the application is filed.

(b) STUDENT VISAS.—Notwithstanding the requirements under paragraphs (a) and (b) of section 204(a) or section 214 of the Act, an alien may file an application for adjustment of status under this section if—

(A) the alien has been issued a visa or other document providing for nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien’s graduation;

(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics; and

(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

(c) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

(f) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting “and section 507(b)” in the matter preceding the section designation.

(2) USE OF FEES.—

(i) Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting “and 20 percent of the fees collected under section 245(a)(2)(D)” after the end.

(3) Use of fees.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting “and 20 percent of the fees collected under section 245(a)(2)(D)” after the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATION ON EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding “and paragraph 214(b)(1)(A) who have received a national interest waiver under section 234(b)(2)(B)” after the end.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application filed under section 234(b)(2)(B) pending on the date of the enactment of this Act; or
(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in clause (i), by striking “or” at the end;
(2) in clause (ii), by striking the period at the end and inserting “; or”;
(3) by adding at the end the following:

“(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—
(A) by striking “beginning with fiscal year 1992”;
(B) in subparagraph (A)—
(i) in clause (vii), by striking “each succeeding fiscal year”;
(ii) in subparagraph (B), by striking “or”;
(2) in paragraph (5)—
(A) in subparagraph (B), by striking “or” at the end;
(B) in subparagraph (C), by striking the period at the end and inserting “; or”;
(C) by adding after clause (ii) the following:

“(HI) is employed in science, technology, engineering, or math.”;

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively;

(4) by inserting after paragraph (8) the following:

“(9) the numerical limitation in paragraph (1)(A)—

“(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

“(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.”;

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act;
(2) filed on or after such date of enactment.

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS

Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry

SEC. 601. ACCESS TO EARNED ADJUSTMENT AND MANDATORY DEPARTURE AND REENTRY.

(a) Short Title.—This section may be cited as the “Immigrant Accountability Act of 2006.”

(b) Adjustment of Status.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 1255A the following:

“SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

“(a) ADJUSTMENT OF STATUS.—

“(1) PRINCIPAL ALIENS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien who satisfies the following:

“(A) APPLICATION.—The alien shall file an application establishing eligibility for adjustment of status and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

“(B) CONTINUOUS PHYSICAL PRESENCE.—

“(i) IN GENERAL.—The alien shall establish that the alien—

“(I) was physically present in the United States on or before the date that is 5 years before April 5, 2006; and

“(II) was not legally present in the United States on April 5, 2006; and

“(III) did not depart from the United States during the 5-year period ending on April 5, 2006, except for brief, casual, and innocent departures.

“(ii) LEGAL PRESENT.—For purposes of this subparagraph, an alien who has violated any conditions of his or her visa shall be considered not to be legally present in the United States.

“(C) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

“(D) EMPLOYMENT IN UNITED STATES.—

“(i) IN GENERAL.—The alien shall have been employed in the United States, in the aggregate, for—

“(I) at least 3 years during the 5-year period ending on April 5, 2006; and

“(II) at least 6 years after the date of enactment of the Immigrant Accountability Act of 2006.

“(ii) EXCEPTIONS.—

“(I) The employment requirement in clause (i)(I) shall not apply to an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006.

“(II) The employment requirement in clause (i)(II) shall be reduced for an individual who cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy.

“(III) The employment requirement in clause (i)(II) shall be reduced for an individual because of a physical or developmental disability or as a result of pregnancy.

“(IV) The employment requirement in clause (i)(II) shall be reduced for an individual who is a veteran who served for a period of not less than 180 days during a war.

“(V) The employment requirement in clause (i)(II) shall be reduced for an individual who is under 20 years of age on the date of enactment of the Act of 2006.

“(VI) The employment requirement in clause (i)(II) shall be reduced for an individual who is 65 years of age or older as of the date of enactment of the Act of 2006.

“(VII) The employment requirement in clause (i)(II) has earned an advanced degree in science, technology, engineering, or math.”

(2) MANDATORY.—The alien shall submit at least 2 of the following documents for each period of employment to satisfy the requirement in clause (i). An alien may satisfy the employment requirements in any period ending on April 5, 2006, by submitting—

“(A) a document that recognizes and takes into account the employment of the alien either—

“(i) was physically present in the United States; or

“(ii) was continuously physically present in the United States.

“(B) at least 3 years during the 5-year period ending on April 5, 2006; and

“(C) employment in the United States during the relevant period.

“(3) APPLICATION.—An alien may satisfy the employment requirements in any period ending on April 5, 2006, by submitting—

“(A) the foreign earnings document evidence of employment due to the undocumented status of the alien.

“(B) a document demonstrating the employment requirements in any period ending on April 5, 2006, by submitting any other provision of law, the Secretary of Homeland Security may require that the alien satisfactorily disprove the alien’s evidence with a showing which negates the reasonableness of the evidence to be drawn from the evidence.

“(4) PAYMENT OF INCOME TAXES.—Not later than the date on which status is adjusted under this subsection, the alien shall establish the payment of all Federal and State income taxes owed for employment during the period of employment required under subparagraph (D)(i). The alien may satisfy such requirement by establishing that—

“(i) such tax liability has been met; or

“(ii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

“(G) Basic Citizenship Skills.—

“(i) IN GENERAL.—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

“(I) meets the requirements of section 312(a) (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and Government of the United States); or

“(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and Government of the United States.

“(II) EXCEPTIONS.—

“(I)eligibility for adjustment of status under this subsection.

“(II) DISCRETIONARY.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is under 20 years of age or older as of the date of the filing of the application for adjustment of status.

“(G) Security and Law Enforcement Considerations.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies, to be searched against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of the alien’s appeal of a security clearance determination by the Secretary of Homeland Security.

“(H) Military Selective Service.—The alien shall establish that the alien is within the age period required under the Military Selective Service Act; and (I) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

“(8) OTHER DOCUMENTS.—Aliens unable to submit documents described in clause (7) shall submit at least 3 other types of reliable documentation, sworn declarations, for each period of employment to satisfy the requirement in clause (i).

“(III) Intent of Congress.—It is the intent of Congress that the requirement in clause (i) be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

“(V) Burden of Proof.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i) by submitting any other provision of law, the Secretary of the Secretary of Homeland Security to disprove the alien’s evidence with a showing which negates the reasonableness of the evidence to be drawn from the evidence.

“(E) Motion for Suspension of the Rules.—Not later than the date on which status is adjusted under this subsection, the alien shall establish the payment of all Federal and State income taxes owed for employment during the period of employment required under sub-paragraph (D)(i). The alien may satisfy such requirement by establishing that—

“(i) such tax liability has been met; or

“(ii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

“(F) Basic Citizenship Skills.—

“(i) IN GENERAL.—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

“(I) meets the requirements of section 312(a) (relating to minimal understanding of ordinary English and knowledge and understanding of the history and Government of the United States); or

“(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and Government of the United States.

“(II) EXCEPTIONS.—

“(I)eligibility for adjustment of status under this subsection.

“(II) DISCRETIONARY.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is under 20 years of age or older as of the date of the filing of the application for adjustment of status.

“(G) Security and Law Enforcement Considerations.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies, to be searched against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of the alien’s appeal of a security clearance determination by the Secretary of Homeland Security. The alien shall be processed through the Department of Homeland Security.

“(H) Military Selective Service.—The alien shall establish that the alien is within the age period required under the Military Selective Service Act; and (I) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

“(8) OTHER DOCUMENTS.—Aliens unable to submit documents described in clause (7) shall submit at least 3 other types of reliable documentation, sworn declarations, for each period of employment to satisfy the requirement in clause (i).
"(i) ADJUSTMENT OF STATUS.—An alien may not adjust to an immigrant classification under this section until after the date of enactment of this section.

(ii) APPLICATION OF OTHER LAW.—In acting on applications filed under this section with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(C) and the protections, privileges, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1357).

"(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—In establishing admissibility to the United States, the spouse or child described in paragraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

"(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older, described in paragraph (A) shall submit fingerprints in accordance with the procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the receipt of such fingerprints. Any delay in such a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

"(D) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this section, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

"(E) GROUNDS OF INADMISSIBILITY.—

"(1) APPLICABLE PROVISIONS.—In the determination of inadmissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

"(i) Paragraph (1) relating to health.

"(ii) Paragraph (2) relating to criminal.

"(iii) Paragraph (3) relating to security and related grounds.

"(D) SUBPARAGRAPHS (A) AND (C) OF PARAGRAPH (10) RELATING TO POLYGAMISTS AND CHILD ABUDCTORS.

"(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

"(3) WAIVER OF OTHER GROUNDS.—

"(A) IN GENERAL.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) if the alien establishes a history of employment in the United States evidencing self-support without public assistance.

"(B) SPECIAL RULE FOR IMMIGRANTS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a) if the alien establishes a history of employment in the United States evidencing self-support without public assistance.

"(C) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—(i) The provisions of paragraph (a)(1) shall not apply to—

"(1) an alien who, within 5 years preceding the date of enactment of the Immigration Act of 2006, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

"(aa) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

"(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).”

"(2) D OCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security under paragraph (a)(1) shall not apply to an alien who is applying for adjustment of status under subsection (a) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

"(3) TREATMENT OF APPLICANTS.—

"(i) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

"(A) shall be granted employment authorization if the alien’s application for adjustment of status is filed under this paragraph; and

"(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien’s application for adjustment of status;

"(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien’s application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

"(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

"(ii) GROUNDS OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant document of authorization that—

"(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 433 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1324a note); and

"(B) reflects the benefits and status set forth in paragraph (3).

"(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under this paragraph or when it is otherwise in the public interest, the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

"(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes that the alien is otherwise eligible under subparagraph (B), adjust status or is eligible under subsection (b) shall not apply to an alien who is applying for adjustment of status under subsection (a).

"(B) Paragraph (2) relating to criminal.

"(C) Paragraph (3) relating to security and related grounds.

"(D) Paragraph (10) relating to polygamists and child abductors.

"(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

"(3) WAIVER OF OTHER GROUNDS.—

"(A) IN GENERAL.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) if the alien establishes a history of employment in the United States evidencing self-support without public assistance.

"(B) SPECIAL RULE FOR IMMIGRANTS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a) if the alien establishes a history of employment in the United States evidencing self-support without public assistance.

"(C) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—(i) The provisions of paragraph (a)(1) shall not apply to an alien who is applying for adjustment of status under subsection (a) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

"(3) TREATMENT OF APPLICANTS.—

"(i) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

"(A) shall be granted employment authorization if the alien’s application for adjustment of status is filed under this paragraph; and

"(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien’s application for adjustment of status;

"(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien’s application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

"(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

"(ii) GROUNDS OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant document of authorization that—

"(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 433 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1324a note); and

"(B) reflects the benefits and status set forth in paragraph (3).

"(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under this paragraph or when it is otherwise in the public interest, the alien shall be required to undergo a name check against existing databases for information relating
(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.  
(2) An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.  
(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain an employment record, shall not have violated this subsection.  
(g) INELIGIBILITY FOR PUBLIC BURDENS.—For purposes of § 212 of the Immigration and Nationality Act (8 U.S.C. 1182) an alien who has been convicted of a crime under subsection (a) shall be inadmissible to the United States.  
(h) RELATIONSHIPS OF APPLICATION TO CIVILIAN ORDERS.  
(1) IN GENERAL.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States shall not be subject to reinstatement of removal under any provision of this Act, unless such an alien has been admitted to the United States and has been ordered to depart voluntarily from the United States.  
(2) STAY OF REMOVAL.—The filing of an application described in paragraph (1) shall stay the removal or detention of the alien pending final adjudication of the application, unless the removal or detention of the alien is based on criminal or national security grounds.  
(i) PROVISION OF OTHER PROVISIONS.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.  
(j) ADMINISTRATIVE AND JUDICIAL REVIEW.  
(1) IN GENERAL.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).  
(2) ADMINISTRATIVE REVIEW.— 
(A) STANDARD ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).  
(B) STANDARD REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the record of additional or newly discovered evidence during the time of the pending appeal.  
(k) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security shall disseminate information through the Federal Register and other appropriate means, to cable news, radio, and print media such aliens who would qualify for adjustment of status under section (a).  
(l) MANDATORY DEPARTURE AND REENTRY.— 
(1) IN GENERAL.—The alien shall establish facts to the satisfaction of the Immigration and Naturalization Service that, in the case of an alien seeking adjustment of status under section (a), he or she is barred from reentering the United States until a final decision is rendered establishing ineligibility under this subsection.  
(2) EMPLOYMENT.—An alien shall be barred from reentering the United States if the Secretary determines that an alien was employed in the United States for border security purposes; 
(3) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—The Immigration and Naturalization Service shall disseminate information through the Federal Register and other appropriate means, to cable news, radio, and print media such aliens who would qualify for adjustment of status under section (a).  
(m) MANDATORY DEPARTURE AND REENTRY.— 
(1) IN GENERAL.—The alien shall establish facts to the satisfaction of the Immigration and Naturalization Service that, in the case of an alien seeking adjustment of status under section (a), he or she is barred from reentering the United States until a final decision is rendered establishing ineligibility under this subsection.  
(2) EMPLOYMENT.—An alien shall be barred from reentering the United States if the Secretary determines that an alien was employed in the United States for border security purposes;
"(B) EVIDENCE OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien may conclusively establish employment status in compliance with paragraph (A) by submitting to the Secretary of Homeland Security any of the following:

(i) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

(ii) an employer;

(iii) a labor union, day labor center, or an organization that assists workers in matters related to employment;

(iv) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subparagraph (A) of clause (i) may satisfy the requirements of clause (i) by submitting to the Secretary at least 2 types of reliable documents that provide evidence of employment, including—

(1) bank records;

(2) business records;

(3) sworn affidavits from nonrelatives who have direct knowledge of the alien’s work; or

(4) remittance records.

(2) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the unstable status of the alien.

(3) BURDEN OF PROOF.—An alien who is applying for adjustment of status under this section bears the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection.

(4) INELIGIBILITY.—(A) An alien shall be ineligible for Deferred Mandatory Departure status if the alien—

(i) is admissible to the United States, except as provided in (B); and

(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

(5) CONCLUSIONS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

(C) WAIVER.—The Secretary of Homeland Security may exclude any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(D) INELIGIBILITY.—An alien is ineligible for Deferred Mandatory Departure status if the alien—

(1) has been ordered excluded, deported, removed, or to depart voluntarily from the United States; or

(2) shall comply with any request for information by the Secretary of Homeland Security.

(6) MEDICAL EXAMINATION.—The alien may be required to undergo the alien’s expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

(7) TERMINATION.—The Secretary of Homeland Security may terminate an alien’s Deferred Mandatory Departure status if—

(A) the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

(B) the alien commits an act that makes the alien removable from the United States.

(7) APPLICATION CONTENT AND WAIVER.—

(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien’s eligibility for Deferred Mandatory Departure status, the alien shall—

(i) provide the Secretary with such additional information as the Secretary determines is necessary to determine the alien’s eligibility for Deferred Mandatory Departure status;

(ii) understand the terms of the terms of Deferred Mandatory Departure as described in this subsection; and

(iii) provide the Secretary with any other information that the Secretary may require in order to determine an alien’s eligibility for Deferred Mandatory Departure status.

(8) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date on which the application form is first made available.

(2) APPLICATION.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date on which the application form is first made available.

(3) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed in a timely manner.

(4) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with the requirements established by the Secretary of Homeland Security.

(5) AGRICULTURAL LABORER.—The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

(6) CLARIFICATION.—

"(1) IN GENERAL.—An alien who applied for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

(i) an acknowledgment made in writing and under oath that the alien—

(A) is lawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

(B) any Social Security account number or card in the possession of the alien or relied upon by the alien;

(ii) any false or fraudulent documents in the alien’s possession.

(2) USE OF INFORMATION.—None of the documents or other information provided in accordance with subparagraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

(7) MANDATORY DEPARTURE.—(A) The alien shall depart from the United States before the expiration of the period of Deferred Mandatory Departure status; and

(B) surrender any evidence of Deferred Mandatory Departure status at the time of departure.

(8) APPLICATION FOR READMISSION.—

(A) IN GENERAL.—An alien under this section may apply for admission to the United States as an immigrant or nonimmigrant while in the United States or from any location outside of the United States, but may not enter the United States as an immigrant or nonimmigrant visa granted to the alien has departed from the United States in accordance with paragraph (2).

(B) APPROVAL.—The Secretary may approve an application submitted under this section during the period in which the alien is present in the United States under Deferred Mandatory Departure status.

(C) US–VISIT.—An alien in Deferred Mandatory Departure status who is seeking admission as a nonimmigrant or immigrant alien may apply for admission at or before the first lawful port of entry at which the United States shall be—

(i) the United States; or

(ii) the United States or Canada.

(D) DENIAL.—The Secretary of Homeland Security may deny an applicant’s request for admission at the first lawful port of entry at which the United States shall be—

(i) the United States; or

(ii) the United States or Canada.

(E) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations under section 214(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, are not applicable to any alien who is admitted under this section who is an alien who has departed from the United States as a nonimmigrant under this section.
alien without regard to numerical caps related to such visas.

"(5) WAIVERS.—The Secretary of Homeland Security may waive the deportation requirement of subsection (a) if the alien—

"(A) is granted an immigrant or nonimmigrant visa; and

"(B) can demonstrate that the deportation of the alien would cause substantial hardship on the alien or an immediate family member of the alien.

"(6) RETURN IN LEGAL STATUS.—An alien who is subject to the terms of Deferred Mandatory Departure status who departs before the expiration of such status—

"(A) shall not be subject to section 212(a)(9); and

"(B) if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

"(7) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Human Rights Treaty. Upon conviction for violating section 1324. l.a or 1326, the United States, or any person—

"(A) no fine if the alien departs not later than 1 year after the grant of Deferred Mandatory Departure status.

"(B) a fine of $2,000 if the alien does not depart within 2 years after the grant of Deferred Mandatory Departure status; and

"(C) the alien does not depart within 3 years after the grant of Deferred Mandatory Departure status.

"(8) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1255(c)). The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall provide airma, an advisory committee, to facilitate the design process. .

"(9) TERMS OF STATUS.—

"(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 246.

"(2) TRAVEL.—

"(A) An alien granted Deferred Mandatory Departure status is subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure status—

"(i) shall not be outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) may establish at the time of application for admission that the alien is admissible under section 212.

"(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSIBILITY.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(4) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

"(A) the alien shall be considered to be temporarily residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 1320a(11)(A)) or any political subdivision thereof which furnishes such assistance.

"(I) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

"(1) IN GENERAL.—Before leaving the United States, an alien granted Deferred Mandatory Departure status may not apply to change status under section 246.

"(2) An alien may not adjust to an immigrant classification under this section until after the earlier of—

"(A) the consideration of all applications filed under section 246 before the date of enactment of this section; or

"(B) 3 years after the date of enactment of this section.

"(j) APPLICATION FEE.—

"(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(k) FAMILY MEMBERS.—

"(1) IN GENERAL.—Subject subsection (F), the spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien.

"(2) APPLICATION FEE.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(l) USE OF FEE.—The fees collected under paragraph (j) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(m) FAMILY MEMBERS.—

"(1) IN GENERAL.—Any right or benefit not otherwise available to an alien or deportee or the family members of an alien or deportee under this section is available in an action instituted in the United States court having jurisdiction to review—

"(i) an order or notice denying an alien a discretionary or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact necessary to make any false written or oral statement or representations, or make or use any false writing or document known by the alien to contain any false, fictitious, or fraudulent statement or representation.

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (a) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both, or be subject to removal from the United States.

"(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status unless the alien—

"(i) the alien would create a substantial hardship for the alien or any immediate family members of the alien; or

"(j) is subject to removal from the United States on the ground described in section 212(a)(9)(B) or 212(a)(9)(C).

"(q) DENIAL OF DISCRETIONARY RELIEF.—The Secretary of Homeland Security, with the approval of the Attorney General, may deny discretionary relief to an alien in the following circumstances:

"(i) the alien is an illegal entrant or is an alien who has been excluded or deported from the United States;

"(ii) the alien has been convicted of a crime for which the alien is deportable or is an alien who otherwise is deportable from the United States;

"(iii) or the alien is an alien who otherwise is inadmissible to the United States.

"(r) EFFECT OF SECTION.—Nothing in this section precludes the Secretary of Homeland Security, with the approval of the Attorney General, from denying discretionary relief to an alien.

"(s) ENFORCEMENT.—Notwithstanding any other provision of law, the Secretary of Homeland Security, with the approval of the Attorney General, may enforce this section.

"(t) IN GENERAL.—Nothing in this section precludes the Secretary of Homeland Security, with the approval of the Attorney General, from enforcing this section.

"(u) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact necessary to make any false written or oral statement or representations, or make or use any false writing or document known by the alien to contain any false, fictitious, or fraudulent statement or representation.

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (a) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both, or be subject to removal from the United States.
“(1) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

“(1)(i) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is consistent with applicable provisions of this section or is otherwise in violation of law.”.

(2) Table of Contents.—The table of contents of this Act (8 U.S.C. 1110 et seq.), as amended by this subsection (b)(2), is further amended by inserting after the item relating to section 245B the following:

“§ 245C. Issuance of blue card.”.

(3) Conforming Amendment.—Section 253(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by inserting “(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 245C)” after “imposed”.

(4) Statutory Construction.—Nothing in this subsection, or any amendment made by this subsection, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(5) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for processing personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subsection.

(6) Correction of Social Security Records.—Section 203(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” at the end;

(3) by striking “1990.” and inserting “1990, including commutation from a residence card status” in paragraph (D), if such conduct is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

SEC. 611. SHORT TITLE

This subtitle may be cited as the “Agricultural Job Opportunities, Benefits, and Security Act of 2006” or the “AgJOBS Act of 2006”.

SEC. 612. DEFINITIONS

In this subtitle:

(1) AGRICULTURAL EMPLOYMENT.—The term “agricultural employment” means any service or activity that is considered to be agricultural employment under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

(2) BLUE CARD.—The term “blue card” means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 613(a).

(3) EMPLOYER.—The term “employer” means any person or entity, including any farm worker, or any organization or association, that employs workers in agricultural employment.

(4) JOB OPPORTUNITY.—The term “job opportunity” means a job opening for temporary full-time employment at a place in the United States to which United States workers can be recruited.

(5) TEMPORARY.—A worker is employed on a “temporary” basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term “United States worker” means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien other than an alien who is otherwise provided status under section 101(a)(15)(H)(ii)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(A)).

(7) WORK DAY.—The term “work day” means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of “man-day” under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall, consistent with applicable provisions of this Act, and in consultation with the Advisory Committee, establish a program, in conjunction with the Department of Homeland Security to implement such section, if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 960 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence card status) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an “employment authorized” endorsement or other appropriate notation on the alien’s blue card, as the case may be, as the alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—An alien in blue card status may terminate blue card status under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment of status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant (except as provided under subsection (e)(2));

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of se-
(111) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association, or private arbitrator, to which the arbitrator is subject. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may order the payment of all outstanding liabilities as just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such finding.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien on account of the alien's status, the Secretary shall credit the alien for the number of days or hours of work lost in the proceeding for purposes of the requirement under subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph shall in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or in any other Tribunal created for the purpose of determining the rights or obligations of a minor child, if the alien can establish such special needs through medical records; or

(ii) such other evidence as may be submitted to the Secretary under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i) if the alien was not able to work in agricultural employment due to—

(i) pregnancy, injury, or disease, if the alien can establish such special needs through medical records; or

(ii) such other evidence as may be submitted to the Secretary under subsection (d)(3).

(iv) APPLICATION.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $600.

(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status, if the alien is convicted of an offense described in subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the alien—

(i) commits an act that makes the alien inadmissible to the United States; or

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States, or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for调整 status status may be filed—

(I) with the Secretary, but only if the application is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 576 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(ii) such other evidence as may be submitted to the Secretary under subsection (d)(3).

(ii) all outstanding liabilities have been met; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities as just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such finding.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien on account of the alien's status, the Secretary shall credit the alien for the number of days or hours of work lost in the proceeding for purposes of the requirement under subsection (c)(1).
employed under an assumed name.

shall establish special procedures to properly
tion as the alien may provide. The Secretary
ment employment records or records sup-
ignated entity shall assist the alien in ob-
the request of the alien, a qualified des-
may make a determination required by this
stions filed with it unless the applicant has
shall not forward to the Secretary applica-
tion, in accordance with paragraph (1)(A)(i)(II) but
designated entity shall agree to forward to
Public Law 95–145, or the Immigration Re-

may be met by securing timely production of

furnished by an applicant pursuant to the
, or law enforcement purposes of information

shall be considered to be inadmissible to the
United States on the ground described in sec-
Section (a) or (c) and knowingly and willfully
falsifies, conceals, or covers up a material

failing to provide such information in an app-
certainty, and have traditional long-term
have substantial experience, demonstrate
have traditional long-term involvement in the preparation and submis-
sation of applications for adjustment of status under
Section 201 of the Immigration and Nationality Act (8 U.S.C. 1131 and
as the ‘‘Agricultural Worker Immigration Status Adjust-
ment Account’’. Notwithstanding any other provision of law, there shall be deposited as
offsetting receipts into the account all fees collected under subparagraph (A)(ii) for services
provided to applicants.

(2) NUMERICAL LIMITATIONS DO NOT APPLY.—

The numerical limitations of sections 201 and
202 of the Immigration and Nationality Act (8 U.S.C. 1131 and 1132) shall not apply to
the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien’s
eligibility for adjustment of status under subsection (a)(1)(C) or an alien’s eligibility for adjust-
ment of status under subsection (c)(1)(B)(i)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5),
(6)(A), (7), and (9) of section 212(a) of the Immi-
grant and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—(i) IN GENERAL.—Except as provided in clause (ii),
the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian
purposes, to ensure family unity, or if other-
wise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4)
of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this sub-
paragraph shall be construed as affecting the authority of the Secretary other than under
this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF ELIGIBILITY.—An alien who is admissible for status under this section by reason of a
ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality
Act (8 U.S.C. 1182(a)(4)) and demonstrates a history of employment in the
United States evidencing self-support within

(1) Before Application Period.—Effective on the date of enactment of this Act, the
Secretary shall provide that, in the case of any alien who is approved for
status under this section, the following rules shall apply to
relative reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND
WORK AUTHORIZATION FOR CERTAIN APPLI-
CANTS.—(1) BEFORE APPLICATION PERIOD.—Effective on the date of
enactment of this Act, the Secretary shall provide that, in the case of any
alien who is approved for
status under this section described in
subsection (a)(1)(B) and who can establish a
nonfrivolous case of eligibility for blue cards (but for the fact that the alien
may not apply for such status until the
being of such period), until the alien has
had the opportunity during the first 30 days following the application period to
file an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to en-
gage in employment in the United States
and be provided an ‘‘employment author-
ized’’ endorsement or other appropriate work
permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Sec-
retary shall provide that, in the case of an

alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 6 months of the alien’s apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ‘employment authorized’ statement covering appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD OF REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than 6 months after the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information describing the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There shall be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2007 through 2010.

SEC. 614. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 220(d)(1)(A) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) In subparagraph (B)(ii), by striking ‘or’ at the end;

(2) in subparagraph (C), by inserting ‘or’ at the end;

(3) by inserting after subparagraph (C) the following:

‘‘(f) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

(2) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

(3) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

(A) UNIFORMITY.—The job opportunity is covered by a union contract which was negotiated at arm’s length between a bona fide union and the employer.

(B) STATEMENT OF LIABILITY.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer’s employees in the occupational classification at the place of employment for which aliens are sought.

(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

(H) EMPLOYMENT OF UNITED STATES WORKERS.—

(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2A nonimmigrants are, sought:

(1) contacting former workers.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service or otherwise, to contact any United States worker the employer employed during the previous season
in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job for a reason other than the employer completed the period of employment of the job opportunity for which the worker was hired in good faith by the employer, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

4. STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legiti-mate selection criteria relevant to the type of job involved so long as such criteria are not applied in a discriminatory manner.

5. APPLICATION OF WAGE REGULATIONS ON BEHALF OF EMPLOYER MEMBERS.—

(a) In general.—An agricultural association may file an application under subsection (a) and treat its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218(b)(2) and 218(g) thereof.

(b) Treatment of associations acting as employers.—If an association filing an application under subsection (a) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (a)(2)(B) may not be used for any collectively bargainable job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

(c) Write notices to employers.—

(1) In general.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

(d) Writings to employers.—

(1) Requirement to provide housing or a housing allowance.—

(A) In general.—An employer applying under section 218(a) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and on whose behalf an application under section 218(b)(2) shall include each of the following benefits, wage, and working condition provisions:

(i) Worker's choice of housing.

(ii) Employer-provided public housing.

(iii) Employer-provided private housing.

(B) Type of housing.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar temporary or seasonal housing, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar habitable place of temporary occupation or use of applicable local or State standards, Federal temporary labor camp standards shall apply.

(C) Family housing.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

(D) Workers engaged in the range production of livestock.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing for workers engaged in the range production of livestock.

(E) Limitation.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

(F) Workers engaged in the range production of livestock.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing for workers engaged in the range production of livestock.

6. FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

7. MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—

(A) In general.—

(B) Type of housing.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar temporary or seasonal housing, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar habitable place of temporary occupation or use of applicable local or State standards, Federal temporary labor camp standards shall apply.

(C) Family housing.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

(D) Workers engaged in the range production of livestock.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing for workers engaged in the range production of livestock.

(E) Limitation.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

(F) Workers engaged in the range production of livestock.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing for workers engaged in the range production of livestock.
“(ii) Deposit charges.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing allowances. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to the occupation to reimburse the employer for the reasonable cost of repair of such damage.

(G) Housing allowance as alternative.—

“(i) In general.—If the requirement under clause (ii) is satisfied, the employer may provide an equivalent allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Workers Protection Act (29 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit.

“(ii) Certification.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H-2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(H) Nonmetropolitan counties.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(I) Metropolitan counties.—If the place of employment of the workers provided an allowance under this subparagraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(J) Reimbursement of transportation.—

“(A) To place of employment.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

“(B) On employment.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide the transportation and subsistence to such subsequent employer's place of employment.

“(C) Limitation.—

“(i) Amount of reimbursement.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

“(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

“(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(ii) Reasonable cost of repair.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

“(D) Early termination.—If the worker is laid off or the employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the worker with the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the reimbursement required by subparagraph (A).

“(E) Transportation between living quarters and work site.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

“(F) Hours and earnings statements.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker's total earnings for the pay period;

“(ii) the worker's hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken down by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4));

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker's wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) Report on wage protections.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

“(i) whether the employment of H-2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages and levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

“(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

“(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

“(v) recommendations for future wage protection under this section.

“(H) Commission on wage standards.—

“(i) Establishment.—There is established the Commission on Agricultural Wage Standards under the H-2A Program (in this subparagraph referred to as the 'Commission');

“(ii) Composition.—The Commission shall consist of 10 members as follows:
“(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture. “(II) 2 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor. “(II) TERMINATION.—The Commission shall conduct a study that shall address— “(I) whether the employment of H–2A or unauthorized aliens in the United States agriculture has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States; “(II) whether an adverse effect wage rate is necessary to prevent wages in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations; “(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment; “(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and “(V) recommendations for future wage protection under this section. “(iv) Final report.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii). “(v) Termination date.—The Commission shall terminate upon submitting its final report. “(d) Copy of Job Offer.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer’s application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employer in question, a separate employment contract. “(e) Range Production of Livestock.—Nothing in this section, section 218, or section 218F shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock. “SEC. 218F. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS. “(a) Petitioning for Admission.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioning employer. “(b) Expeditious Adjudication by the Secretary.—The Secretary shall establish a procedure for expeditious adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means, assure expedited delivery, transmit a copy, and in the notice of action on the petition provide to the petitioner and, if the petition is approved, to the appropriate immigration officer at the port of entry or United States embassy or consulate, the information provided to the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States. “(c) Adjustment of Status.— “(I) GENERAL.—An H–2A worker shall be considered admissible to the United States if...
the alien is otherwise admissible under subsections (a) and (b) of section 214A, and the alien is not inadmissible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered to be inadmissible under subsection (a) and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(A) if the alien has, at any time during the past 5 years—

"(A) unsuccessfully sought employment, or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall be deemed inadmissible by virtue of section 212(a)(9)(B) if an alien described in the preceding sentence is present in the United States without an entry visa issued under section 101(a)(15)(H)(ii)(A) who abandons the employment for which the alien was previously authorized to work in the United States or

"(B) MAINTENANCE OF WAIVER.—An alien providing a waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes inadmissible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF EMPLOYMENT.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(b)(2)(B)(i), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized;

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(A) who abandons the employment for which the alien was previously authorized or status shall be considered to have failed to maintain nonimmigrant status as an H-2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 10 months after which the alien is not required to remain in the United States for a continuous period of up to 3 years; and

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—If an employer seeks approval to employ an H-2A alien who is lawfully present in the United States, the petition filed by the employer or an association of employers under subsection (a), shall request an extension of the alien’s stay and a change in the alien’s employment.

"(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien’s stay—

"(A) for a period of more than 10 months;

"(B) to a date that is more than 3 years after the date of the alien’s last admission to the United States under this section.

"(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

"(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition for extension of stay (filed after 10 months) on the date on which the petition is filed.

"(B) DEFINITION.—For purposes of subparagraph (A), the term ‘file’ means sending the petition by certified mail or via the United States Postal Service, return receipt requested, or delivered by guaranteed commer-
“(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a shepherder, goat herder, or dairy worker;

“(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(C) who is seeking to receive an immigrant status in the United States for a period of 2 years.


“3. Pursuant to section 218(b), a substantial failure to meet a condition required under section 218(b), a substantial failure to meet a condition required under section 218(b).

“(D) who is seeking to receive an immigrant status in the United States for a period of 2 years.

“(E) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(F) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(ii).

“(G) who is seeking to receive an immigrant status in the United States for a period of 2 years.

“(H) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(I) who is seeking to receive an immigrant status in the United States for a period of 2 years.


“(A) who is employed on behalf of an eligible alien; or

“(B) the eligible alien.

“(C) No Labor Certification Required.—Notwithstanding subsection (b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

“(D) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the petition shall not constitute evidence of an alien’s eligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(E) ENTRAPMENT OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (1)(B) if there is reasonable cause to believe that there has been a final determination made on the alien’s eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(F) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from filing a complaint alleging misrepresentation or other non-binding dispute resolution activities from any other provision of law.

“SEC. 218G. WORKER PROTECTIONS AND LABOR AND AIDS ENDOWMENT.

“(a) Enforcement Authority.—

“(1) Investigation of Complaints.—(A) AGRIOVIED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting the employment of an alien seeking adjustment of status under this section.

“(B) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities from any other provision of law.

“(1) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

“(2) MEDIATION.—Notwithstanding any other provision of this section, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation described in this subsection.

“(a) FEES.—The Director of the Federal Mediation and Conciliation Service is authorized to charge fees for the services described in this section.

“(b) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation described in this subsection.

“(1) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Director to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or conduct any hearing, investigation, or other non-binding dispute resolution activities from any other provision of law.

“(2) PRIVACY RIGHTS.—Nothing in this section shall be construed as limiting the authority of the Director to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or conduct any hearing, investigation, or other non-binding dispute resolution activities from any other provision of law.

“(a) FEES.—The Director of the Federal Mediation and Conciliation Service is authorized to charge fees for the services described in this section.

“(b) COLLECTION OF FEES.—The Director of the Federal Mediation and Conciliation Service is authorized to charge fees for the services described in this section.

“(c) PRIVACY RIGHTS.—Nothing in this section shall be construed as limiting the authority of the Director to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or conduct any hearing, investigation, or other non-binding dispute resolution activities from any other provision of law.

“(a) ENFORCEMENT AUTHORITY.—The Secretary of Labor shall conduct any compliance investigation under this section.

“(b) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities from any other provision of law.

“(1) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

“(2) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation described in this subsection.

“(a) FEES.—The Director of the Federal Mediation and Conciliation Service is authorized to charge fees for the services described in this section.

“(b) COLLECTION OF FEES.—The Director of the Federal Mediation and Conciliation Service is authorized to charge fees for the services described in this section.

“(c) PRIVACY RIGHTS.—Nothing in this section shall be construed as limiting the authority of the Director to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or conduct any hearing, investigation, or other non-binding dispute resolution activities from any other provision of law.
in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of all other administrative remedies under this Act, not later than 3 years after the date the violation occurred.

(9) Election. An H-2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint alleging the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

(10) Settlements. Any settlement by the Secretary of Labor with an H-2A employer on behalf of an H-2A worker of a complaint alleging the same violation under this section or any finding by the Secretary of Labor under section 218 or 218E or any rule or regulation pertaining to section 218 or 218E, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer’s compliance with the requirements of section 218 or 218E or any rule or regulation pertaining to either of such sections, shall be valid for purposes of the enforcement of this Act.

(11) Covenants Not to Compete. —Any employer on whose behalf an application was filed by an association acting as a sole or joint employer is deemed to have entered into a covenant not to compete with respect to an H-2A worker unless the Secretary of Labor determines that the covenant is contrary to public policy, except that the covenant shall be invoked against the association unless the Secretary of Labor determines that an association member or members participating in or had knowledge of the violation, in which case the penalty shall be invoked against the association member or members as well.

(12) Violations by an Association Acting as an Employer. —If an association filing an application as a sole or joint employer is determined to have committed a violation (as determined under section 218(b)(2)(E), with either employer described in such section), the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participating in or had knowledge of the violation, in which case the penalty shall be invoked against the association member or members as well.

**Section 218, Definitions.**

For purposes of this section, section 218, and sections 218E through 218G—

(1) Agricultural Employment. —The term ‘agricultural employment’ means any activity concerning the employment of an H-2A worker to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) or agricultural labor under section 312(g) of the Internal Revenue Code of 1986 (26 U.S.C. 312(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(A).

(2) Bona Fide Union. — The term ‘bona fide union’ means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

(3) Displace. — The term ‘displace’, in the case of an application with respect to 1 or more H-2A workers by an employer, means laying off a United States worker from a job for which the H-2A worker or workers is or are sought.

(4) Eligible. — The term ‘eligible’, when used with respect to an individual, means any individual who is not an unauthorized alien (as defined in section 274A).

(5) Employer. — The term ‘employer’ means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.


(8) Job Opportunity. —The term ‘job opportunity’ means any activity concerning the employment of an H-2A worker to work full-time at a place in the United States to which United States workers can be referred.

(9) Lays Off. —

(A) In General. — The term ‘lays off’, with respect to an employer, means—

(i) Lays off an H-2A worker, or

(ii) Lays off an H-2A worker, or

(iii) Lays off an H-2A worker, or

(iv) Lays off an H-2A worker, or

(v) Lays off an H-2A worker, or

(vi) Lays off an H-2A worker, or

(vii) Lays off an H-2A worker, or

(viii) Lays off an H-2A worker, or

(ix) Lays off an H-2A worker, or

(x) Lays off an H-2A worker, or

(xi) Lays off an H-2A worker, or

(xii) Lays off an H-2A worker, or

(xiii) Lays off an H-2A worker, or

(xiv) Lays off an H-2A worker, or

(xv) Lays off an H-2A worker, or

(xvi) Lays off an H-2A worker, or

(xvii) Lays off an H-2A worker, or

(xviii) Lays off an H-2A worker, or

(xix) Lays off an H-2A worker, or

(xx) Lays off an H-2A worker, or

(1) Violation by a Member of an Association. — An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218E, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association with knowledge of the violation.

(2) Penetration of Collective Bargaining Agreement. — An employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(A) and is a member of an association formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives, shall be subject to any collective bargaining agreement entered into by the association with its employees in the same geographic area.

(3) Voluntary Notice to Employee. — An employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(A) and is a member of an association formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives, shall be subject to any collective bargaining agreement entered into by the association with its employees in the same geographic area.

**Section 218, Effective Date.**

This Act shall be effective on the date of its enactment.
Section C—DREAM Act

SEC. 621. SHORT TITLE.

This subtitle may be cited as the “Development, Relief, and Education for Alien Minors Act of 2006” or the “DREAM Act of 2006”.

SEC. 622. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term “uniformed services” has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 623. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 624. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may cancel removal of, and adjust to the status of a United States citizen or lawful permanent resident, an alien who—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and

(B) the alien has been a person of good moral character since the time of application; and

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (4), or (5) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (2) of such subsection, the alien was under the age of 16 years at the time the violation was committed; and

(ii) is not deportable under paragraph (1), (2), (3), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), or, if deportable solely under subparagraphs (A) through (E) of paragraph (2) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(b) WAIVER.—The Secretary may waive the grounds of ineligibility set forth in paragraphs (2) and (6) of section 212(a) of the Immigration and Nationality Act and the grounds of deportability under

(b) WAIVER.—The Secretary may waive the grounds of ineligibility set forth in paragraphs (2) and (6) of section 212(a) of the Immigration and Nationality Act and the grounds of deportability under

...
paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) REQUIREMENTS.—The Secretary shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without resort to removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien departs from the United States to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXCEPTIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the alien’s residence was caused by exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension shall be no less compelling than the circumstances of the alien’s death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTEMPERATE FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

(3) NOTICE OF REQUIREMENTS.—The Secretary may not remove any alien who has a pending application for conditional status under this subtitle.

SEC. 625. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 626, an alien whose status has been adjusted under section 624(a)(1) or section 624(a)(2) to that of a lawful permanent resident, shall be considered to have obtained such status on a conditional basis subject to the provisions of this section.

Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary shall provide such alien with a notice of the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) FAILURE TO PROVIDE NOTICE.—The failure of the Secretary to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this subtitle with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien against the Secretary.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary shall terminate the conditional basis of such status when the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 624(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status was terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this subtitle.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may determine described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may file a petition to remove the conditional resident basis to lawful resident status during the period beginning 180 days before and ending 2 years after the date that is 6 years after the date of the granting of conditional permanent resident status as extended by the Secretary in accordance with this subtitle. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 624(a)(1)(C).

(C) The alien has not abandoned the alien’s residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien has been absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that he has not abandoned the alien’s residence. An alien who is absent from the United States due to active service in the uniformed services and who has been discharged from the alien’s residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor’s degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary may, in the Secretary’s discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1); and

(ii) demonstrates compelling circumstances for the issuance of the removal of the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien’s removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien’s spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NUMERICAL LIMITATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

However, the conditional basis must be terminated before the alien may apply for naturalization.

SEC. 626. RETROACTIVE BENEFITS.

If, on the date of enactment of this Act, an alien satisfies all requirements of subparagraphs (A), (B), and (C) of section 624(a)(1) and section 625(d)(1)(D), the Secretary may adjust the status of the alien to that of a conditional resident in accordance with section 624. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 625(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 625(d)(1) during the entire period of conditional residence.

SEC. 627. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary shall have exclusive jurisdiction to determine eligibility for relief under this subtitle, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this subtitle, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a person removed, excluded, or removed is entered the Secretary shall resume all powers and duties delegated to the Secretary under this subtitle.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOLS.
SEC. 619. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—No officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this subtitle to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this subtitle can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this subtitle with a designated entity, that designated entity, to examine applications filed under this subtitle.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary shall provide the information furnished under this section, and any information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined by the applicant of any additional fee for such expedited processing.

SEC. 631. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), or any other Federal or State law, nothing in this subtitle shall be construed to mean that an alien who obtained status under section 625(a)(1), section 624(a)(1), or section 624(a)(1) is no longer enrolled in a primary or secondary school; or

(c) ceases to meet the requirements of subsection (b)(1).

SEC. 629. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this subtitle and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes any false or fraudulent oath or affirmation, or uses any false writing or document knowing the same to contain any false or fraudulent statement or representation, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 632. SUBTITLE D—GRANTS TO ASSIST NONIMMIGRANT WORKERS

SEC. 632. GRANTS AUTHORIZED.—The Assistant Secretary may accept gifts from the immigration foundation (referred to in this subtitle as the “Foundation”) for the purpose of carrying out the function of the Office of Citizenship, the Bureau of Citizenship and Immigration Services, the Office of Justice Programs, or the Office of Children, Youth, and Families.

SEC. 641. GRANTS TO SUPPORT PUBLIC EDUCATION AND COMMUNITY TRAINING.

SEC. 641. GRANTS TO SUPPORT PUBLIC EDUCATION AND COMMUNITY TRAINING.

(a) GRANTS AUTHORIZED.—The Assistant Attorney General, Office of Justice Programs, may award grants to qualified nonprofit organizations to educate, train, and support nonprofit agencies, immigrant communities, and other interested entities regarding the provisions of this Act and the amendments made by this Act.

(b) USE OF FUNDS.—(1) IN GENERAL.—Grants awarded under this section shall be used—

(A) for public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by the grantee in providing services related to this Act; and

(B) to educate, train, and support nonprofit organizations, immigrant communities, and other interested entities regarding this Act and the amendments made by this Act and on matters related to its implementation.

(2) EDUCATION AND TRAINING GRANTS.—(i) the process for obtaining benefits under this Act; and

(ii) the availability of authorized legal representation for individuals who may qualify for benefits under this Act or under an amendment made by this Act.

(c) DIVERSITY.—The Assistant Attorney General shall ensure, to the extent possible, that the nonprofit community organizations receiving grants under this section serve ethnically and culturally diverse populations and other populations who may qualify for benefits under the Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—The appropriations authorized to be made to the Office of Justice Programs of the Department of Justice such sums as may be necessary for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 642. FUNDING FOR THE OFFICE OF CITIZENSHIP.

SEC. 642. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, shall establish an office of citizenship for the purpose of promoting the functions of the Office of Citizenship, the Bureau of Citizenship and Immigration Services, and the Office of Children, Youth, and Families.

SEC. 643. CIVICS INTEGRATION GRANT PROGRAM.

SEC. 643. CIVICS INTEGRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive process under which qualified public and nonprofit organizations are provided financial assistance to nonprofit organizations, including faith-based organizations, to support—

(1) efforts by entities certified by the Office of Citizenship to provide civics and English as a second language courses; and

(2) other activities approved by the Secretary to promote civics and English as a second language.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the Foundation for the purpose of carrying out this section.

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

SEC. 644. STRENGTHENING AMERICAN CITIZENSHIP.

SEC. 644. STRENGTHENING AMERICAN CITIZENSHIP.

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

(b) Definition.—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(e) of the Immigration and Nationality Act, as added by subsection (h)(1)(B).

(c) ENGLISH FLUENCY.—(1) EDUCATION GRANTS.—(A) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this paragraph as the “Chief”) shall establish a grant program to provide grants in an amount not to exceed $500 to assist legal residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 337 of the Immigration and Nationality Act (8 U.S.C. 1432).

(B) USE OF FUNDS.—Grants funds awarded under this paragraph shall be paid directly to accredited institutional, higher education, or other qualified educational institution (as determined by the Chief) for tuition,
states Citizenship Foundation, if the foundation may accept and use gifts from the United States Citizenship and Immigration Services from fees shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(i) American common values and traditions, including the history of American 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. SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by the Bureau of Citizenship and Immigration Services.

C. GIFTS.—(A) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 301 of the Voting Rights Act (42 U.S.C. 1983). (B) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

D. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Office of Citizenship, including the functions described in paragraph (2).

I. RESTRICTION ON USE OF FUNDS.—No funds appropriated under this subsection (d) or (e) may be used to organize individuals for the purpose of political activism or advocacy.

J. REPORTING REQUIREMENT.—(1) IN GENERAL.—The Chief of the Office of Citizenship shall submit an annual report to the Committee on Homeland Security, in consultation with the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Committee on Education and the Workforce of the House of Represenatives, and the Committee on Education and Labor of the House of Representatives.

K. 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—

(2) PRESENTATION AUTHORIZED.—(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—

(1) American history and government, including the history and government of the United States; and
(2) information about the number of legal residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this section.

(2) OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.—(A) OATH.—Section 313 (8 U.S.C. 1448) is amended—

(1) in subsection (b), by striking “under section 310(b) the oath (or affirmation) of allegiance prescribed in subsection (e)”; and

(2) by adding at the end the following:

(a) 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);

(b) because such person is opposed to any type of service in the Armed Forces of the United States, the words ‘bear arms, or’ shall be omitted; and

(c) because such person is opposed to the oath (or affirmation) of allegiance prescribed under this subsection.

(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);

(4) As used in this subsection, the term ‘religious training and belief’—

(a) means a belief of an individual in relation to a Supreme Being involving duties, laws; 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’ used to be deemed to refer to the oath (or affirmation) of allegiance prescribed under this section.

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

(5) ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.—(A) establishment.—There is hereby established a new citizens award program to recognize citizens who—

(2) Awards the Secretary shall—

(A) approve, in consultation with the Committee on Education and the Workforce of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives.

(3) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(A) renounced allegiance to that foreign country; and

(B) sworn allegiance to the United States.

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

(5) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(2) Awards the Secretary shall—

(A) approve, in consultation with the Committee on Education and the Workforce of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives.

(3) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(A) renounced allegiance to that foreign country; and

(B) sworn allegiance to the United States.

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.
outstanding contributions to the United States, to citizens described in paragraph (1).

(b) Maximum 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) National Medals.—The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(5) Naturalization Ceremonies.—

(A) In 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.

(B) Venues.—In developing the strategy under this subsection, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(6) Reporting Requirement.—The Secretary shall submit an annual report to Congress that includes:

(A) the content of the strategy developed under this subsection; and

(B) the progress made towards the implementation of such strategy.

SA 3425. Mr. Frist proposed an amendment to amendment SA 3424 proposed by Mr. Frist 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 of the instructions, add the following amendments.

This section shall become effective one (1) day after the date of enactment.

SA 3426. Mr. Frist proposed an amendment to amendment SA 3425 proposed by Mr. Frist to the amendment SA 3424, proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

Strike "one (1) day" and insert "two days".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on Wednesday, April 5, 2006, at 9:30 a.m. to consider the following nominations pending before the Committee: Richard Capka to be Administrator, Federal Highway Administration; James Guillford to be an Assistant Administrator, EPA; and William Wehrum to be an Assistant Administrator, EPA.

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

COMMITTEE ON FINANCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, April 5, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Mr. W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 9:30 a.m. to consider the nomination of Mr. John G. Stumpf, of Missouri, to be Ambassador on U.S.-India Atomic Energy Cooperation.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, April 5, 2006, at 10 a.m. for a hearing titled, "The Future of Port Security and the Comprehensive Maritime Cargo Security Act."

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 5, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on The Problem of Methamphetamine in Indian Country.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2006 at 2:30 p.m. to hold a closed business meeting.

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

COMMITTEE ON INTELLIGENCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2006 at 2:30 p.m. to hold a closed business meeting.

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

COMMITTEE ON INTELLIGENCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2006 at 2:30 p.m. to hold a closed business meeting.

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

COMMITTEE ON JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 10 a.m. to consider the following nominations:

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

COMMITTEE ON JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 10 a.m. to consider the following nominations:

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

COMMITTEE ON NATIONAL SECURITY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on National Security be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 10 a.m. to consider the following nominations:

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

COMMITTEE ON NATURAL RESOURCES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 10 a.m. to consider the following nominations:

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

COMMITTEE ON PUBLIC WORKS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Public Works be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 10 a.m. to consider the following nominations:

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

COMMITTEE ON Veterans Affairs

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Veterans Affairs be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 10 a.m. to consider the following nominations:

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

COMMENDING THE UNIVERSITY OF MARYLAND WOMEN’S BASKETBALL TEAM

Ms. MIKULSKI. Mr. President, on behalf of Senator SARBANES and myself, I call up a resolution which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 425) to commend the University of Maryland women’s basketball
And as the Terps fans know, it was a fear three-pointer with only 6 seconds left. Kristi Toliver, came down the floor. Into overtime. Then a freshman guard, had closed the gap and finally we were the team.

As the clock wound down, the Terps kept chipping away at the lead, ended with thirteen minutes left in regulation, the game. Down by thirteen points with fifteen minutes left in regulation, the positively thrilling come-from-behind-victory in the championship tournament. They played in, and won, six tournaments—Shay Doron, scooting down that energy and the poise of the tri-captain, Bernabei, and Director of Basketball Operations, Mark Pearson. Cheer the turtle! Ms. MIKULSKI. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table. The resolution (S. Res. 425) was agreed to. The preamble was agreed to. The resolution, with its preamble, is as follows:

April 5, 2006 CONGRESSIONAL RECORD — SENATE S3157

Whereas the University of Maryland women’s basketball team has worked vigorously, dynamically, and very enthusiastically to reach a championship level of play;

Whereas the student athletes, led by Charmaine Carr, senior, and women’s basketball, joining Stanford University, the University of Connecticut and the University of North Carolina.

Maryland, after its stellar regular season, was surprisingly selected as a No. 2 seed. The young team, which started six of its seven freshmen and one junior, seemed to thrive on the NCAA selection committee’s underestimation. They played in, and won, six overtime games this season, including the positively thrilling come-from-behind-victory in regulation, the championship game. Shown by thirteen points with fifteen minutes left in regulation, the Terps kept chipping away at the lead, capping it off with a terrific three-point shot by freshman guard, Kristi Toliver, to tie the game at 70 with 6.1 seconds remaining. In overtime the Lady Terps showed why they consider the extra period to be “their time.” Smothering defense and poise in shooting free throws secured the brilliant win down the final stretch.

The championship team consisted of senior guard/forward Charmaine Carr, freshman guard/forward Marissa Coleman, guard Kalika France, sophomore forward/center Laura Harper, sophomore center Crystal Langhorne, sophomore guard Ashleigh Newman, junior center Aurelie Noirez, sophomore forward/center Jade Perry, senior forward/center Angel Ross, freshman guard Kristi Toliver, and sophomore guard Sa’de Wiley-Gatwood. Their victory could not have been secured without the talented coaches and staff led by head coach Brenda Frese, assisted by coaches Jeff Walz, Erica Floyd, and Joanna Bernabei. Finally, I’d like to acknowledge the director of basketball operations, Mark Pearson and athletic director Debbie Yow.

On behalf of the State of Maryland, the Maryland congressional delegation and the University of Maryland, I ask my colleagues to join me in acknowledging the outstanding efforts of this amazing group of basketball players, coaches and staff. Maryland, after its stellar regular season, was surprisingly selected as a No. 2 seed. The young team, which started six of its seven freshmen and one junior, seemed to thrive on the NCAA selection committee’s underestimation. They played in, and won, six overtime games this season, including the positively thrilling come-from-behind-victory in regulation, the championship game. Shown by thirteen points with fifteen minutes left in regulation, the Terps kept chipping away at the lead, capping it off with a terrific three-point shot by freshman guard, Kristi Toliver, to tie the game at 70 with 6.1 seconds remaining. In overtime the Lady Terps showed why they consider the extra period to be “their time.” Smothering defense and poise in shooting free throws secured the brilliant win down the final stretch.

The championship team consisted of senior guard/forward Charmaine Carr, freshman guard/forward Marissa Coleman, guard Kalika France, sophomore forward/center Laura Harper, sophomore center Crystal Langhorne, sophomore guard Christie Marrone, sophomore guard Ashleigh Newman, junior center Aurelie Noirez, sophomore forward/center Jade Perry, senior forward/center Angel Ross, freshman guard Kristi Toliver, and sophomore guard Sa’de Wiley-Gatwood. Their victory could not have been secured without the talented coaches and staff led by head coach Brenda Frese, assisted by coaches Jeff Walz, Erica Floyd, and Joanna Bernabei. Finally, I’d like to acknowledge the director of basketball operations, Mark Pearson and athletic director Debbie Yow.

On behalf of the State of Maryland, the Maryland congressional delegation and the University of Maryland, I ask my colleagues to join me in acknowledging the outstanding efforts of this amazing group of basketball players, coaches and staff.
women's basketball team will be the standard-bearer for years to come in the game of Women's College Basketball: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Maryland Terrapins women's college basketball team for winning the 2006 National Collegiate Athletic Association Division I National Championship;

(2) recognizes the breathtaking achievements of Head Coach Brenda Frese, her assistant coaches, and all of the outstanding players; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Brenda Frese, the national champions University of Maryland Terrapins and to the University of Maryland College Park President, Dr. Dan Mote for appropriate display.

UNANIMOUS CONSENT AGREEMENT—S. RES. 427 THRU S. RES. 433

Mr. PRIST. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of S. Res. 427 through 433, which were submitted earlier today.

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

Mr. PRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

COMMEMORATING THE 50TH ANNIVERSARY OF THE INTERSTATE SYSTEM

Mr. INHOFE. Mr. President, as Chairman and on behalf of my colleagues on the Environment and Public Works Committee, I urge support of this resolution to commemorate the 50th Anniversary of the Interstate System. The Committee would like to mark the momentous achievements made over the last 50 years that have provided for revolutionary advances in our nation's vital infrastructure. It is essential that Congress, just as it did in 1956, recognize the importance of continued investment in our nation's highways and the undeniable link between a robust economy and a vibrant national infrastructure.

Because of my work on SAFETEA-LU (Public Law 109-59) I have a better appreciation of just how visionary the authors of the Federal-Aid Highway Act of 1956 were when they laid out a network of interstate highways and devised a stable and reliable funding stream to pay for it. I am certain that at the time there were those who felt the plan was too ambitious, too expensive and consequently not a good use of scarce Federal dollars. I am sure all would agree that not only was it a good use of scarce Federal dollars, but that the nation has enjoyed a many-fold return on the expenditure.

Laying out the full interstate system—rather than a piecemeal of road segments—along with providing a dedicated funding source expedited construction and provided certainty. This certainty maximized the economic and mobility benefits of the system. Businesses and individuals knew that they could locate somewhere on the future interstate system and be connected to rest of the country.

The second essential element of the success of the highway program over the last 50 years has been the dependable funding stream for the interstate. In the absence of this dedicated funding source, it is my firm belief that investment in our nation's highways and bridges would be far less than has been the case. Without the relative certainty of funding and knowledge of the interstate's general location, the impacts on productivity and economic growth would have been dramatically less than we experienced.

The connectivity and mobility provided for both freight and people by our interstate system is unparalleled and I believe was more than just a small part of the economic success enjoyed by the U.S. over the past 50 years. It is essential that we continue to make the necessary investments to fight congestion and maintain the mobility necessary to keep the economy growing.

I have always said that the federal government has two main functions: national defense and to provide infrastructure. Since one of the earliest justifications for the interstate system was to provide for national defense, the highway program is actually a perfect merger of the 2 most important functions of government.

For the last 50 years the gas tax has been deposited into the trust fund and used to construct and maintain our roads. In the past, the gas tax has been a reasonably good proxy for road use; and the trust fund has in recent history had sufficient receipts to fund the highway program. This is changing with the increase in fuel efficiency, highlighted by fuel-cell vehicles coming just over the horizon, and improved technology allows for improvements in how to account for fuel use. It is important to look forward to how we fund the highway program in the future because when the next highway bill is drafted, there will be no cushion of a highway program in the future be-

The resolution (S. Res. 427) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, on June 29, 1956, President Dwight D. Eisenhower signed into law—

(1) the Federal-Aid Highway Act of 1956 (Public Law 84-627; 70 Stat. 387) to create the Highway Trust Fund;

(2) recognizes and celebrates the achievements and contributions to the quality of life of the citizens of the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Dwight D. Eisenhower National System of Interstate and Defense Highways, later designated as the Dwight D. Eisenhower National System of Interstate and Defense Highways;

and

the Highway Revenue Act of 1995 (Public Law 94-627; 70 Stat. 387) to create the Highway Trust Fund;

Whereas, in 1990, the Interstate National System of Interstate and Defense Highways was re-

named the Dwight D. Eisenhower System of Interstate and Defense Highways to recog-

nize the role of President Eisenhower in the creation of the Interstate System;

Whereas that web of superhighways, now spanning a total of 46,876 miles throughout the United States, has had a powerful and positive impact on the lives of United States citizens;

Whereas the Interstate System has helped the Nation facilitate domestic and global trade, and has allowed the Nation to create unprecedented economic expansion and opportunities for millions of United States citizens;

Whereas the Interstate System has enabled diverse communities throughout the United States to come closer together, and has al-

lowed United States citizens to remain connected to each other as well as to the larger world;

Whereas the Interstate System has made it easier and more enjoyable for United States citizens to travel to long-distance destina-

tions and spend time with family members and friends who live far away;

Whereas the Interstate System is a pivot link in the national chain of defense and emergency preparedness efforts;

Whereas the Interstate System remains 1 of the paramount assets of the United States, as well as a symbol of human ingenuity and freedom;

Whereas the anniversary of the Interstate System provides United States citizens with an occasion to honor 1 of the largest public works achievements of all time, and reflect on how the Nation can maintain the effect-

iveness of the System in the years ahead; Now, therefore, be it

Resolved that the Senate

(1) proclaims 2006 as the Golden Anniversary Year of the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(2) recognizes and celebrates the achieve-

ments of the Federal-Aid Highway Act, State departments of transportation, and the highway construction industry of the United States, including contractors, de-

signers, engineers, labor, materials pro-

ducers, and equipment companies, for their contributions to the safety, efficiency and mobility of the highway system, and encourages citizens, communities, gov-

ernmental agencies, and other organizations to promote and participate in celebratory and educational activities that mark this uniquely important and historic milestone.

CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S CROSS COUNTRY TEAM

The resolution (S. Res. 428) was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 428

Whereas, on November 21, 2005, after fin-

ishing second for 3 consecutive years, the University of Wisconsin men's cross country
CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN’S HOCKEY TEAM

The resolution (S. Res. 429) was agreed to.

COMMENDING THE UNIVERSITY OF FLORIDA MEN’S BASKETBALL TEAM

The resolution (S. Res. 430) was agreed to.

ENDANGERED SPECIES DAY

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 430

Whereas on Monday, April 3, 2006, the University of Florida men’s basketball team (referred to in this preamble as the ‘‘Florida Gators’’) defeated the ‘‘Gators’’ men’s basketball team of the University of California, Los Angeles, by a score of 73–72, to win the 2006 National Collegiate Athletic Association Division I Basketball Championship;

Whereas that victory marked the first national basketball championship victory for the University of Florida, and occurred 10 years after the school won the National Collegiate Athletic Association Division I Football Championship;

Whereas the head coach of the Florida Gators, Billy Donovan, became the second youngest coach to win the national championship, after leading the Florida Gators to a school-best, 33–8 record;

Whereas University of Florida sophomore Joakim Noah was chosen as the most outstanding player of the Final Four;

Whereas each player, coach, trainer, and manager dedicated his or her time and efforts to ensuring that the Florida Gators reached the pinnacle of team achievement; and

Whereas the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment and pride in the basketball program at the University of Florida; Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida men’s basketball team for winning the 2006 National Collegiate Athletic Association Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida men’s basketball team win the 2006 National Collegiate Athletic Association Division I Basketball Championship, and invites those individuals to the United States Capitol Building to be honored; and

(4) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display; and

(B) the coach of the University of Florida men’s basketball team, Billy Donovan.

ENDANGERED SPECIES DAY

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 431

Whereas in the United States and around the world, more than 1,000 species have officially been designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland’s warbler, the peregrine falcon, the gray wolf, the gray

ENDANGERED SPECIES DAY

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

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Whereas in the United States and around the world, more than 1,000 species have officially been designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland’s warbler, the peregrine falcon, the gray wolf, the gray
whale, the grizzly bear, and others have resulted in great improvements in the viability of such species; whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education; whereas the ASPCA has shown to be effective in conserving endangered species and species recovery; and whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—
(1) designates May 11, 2006, as "Endangered Species Day"; and
(2) encourages—
(A) educational entities to spend at least 30 minutes on Endangered Species Day teaching and informing students about threats to, and the restoration of, endangered species around the world, including the essential role of private landowners and private stewards to the protection and recovery of species; 
(B) organizations, businesses, private landowners with a shared interest in conserving endangered species to collaborate on educational information for use in schools; and
(C) the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, this resolution concerns a request for testimony, through written affidavit, and representation in an attorney fee dispute proceeding pending before a State bar arbitration committee in Nevada. The distinguished Democratic Leader, Senator Reid, has been asked to provide an affidavit in this proceeding. Senator Reid testified in the case of E.M. Gunderson v. Neil G. Galatz, except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

Resolved, That Senator Harry Reid is authorized to testify in the case of E.M. Gunderson v. Neil G. Galatz, except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Harry Reid in connection with the testimony authorized in section one of this resolution.

HONORING THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Mr. DURBIN. Mr. President, today I introduced this resolution, S. Res. 433, honoring the American Society for the Prevention of Cruelty to Animals on the 140th Anniversary of their founding.

The dedicated employees and volunteers of the ASPCA have provided shelter, medical care, and placement for abandoned and abused animals for more than a century. The ASPCA is the oldest animal welfare organization in North America. Henry Bergh began the organization in 1866 as a platform to prevent the cruel beating of carriage horses in New York City. Today, the ASPCA is a national organization that provides services to millions of people and their animals. The success of the organization has made the term ASPCA synonymous with "animal rescue," "animal shelter," "animal adoptions" and "humane education."

For over 25 years, my home State of Illinois has hosted the ASPCA's Animal Poison Control Center. The Center is staffed 24 hours a day, 365 days a year by numerous veterinarians and toxicologists who provide a unique and valuable service to pet owners and veterinarians. Each year, tens of thousands of animal lovers concerned about the health of their pets contact the Animal Poison Control Center seeking assistance on how to relieve their poisoned animal's pain and suffering. I am proud to have the Animal Poison Control Center located in the State of Illinois.

I ask my colleagues in the Senate to join me in congratulating the staff, directors and volunteers of the ASPCA on a successful 140 years of service.

The resolution (S. Res. 433) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 432

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I ask my colleagues in the Senate to join me in congratulating the staff, directors and volunteers of the ASPCA on a successful 140 years of service.

The resolution (S. Res. 433) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 432

Whereas, in E.M. Gunderson v. Neil G. Galatz, File No. 94-106, pending before the Fee Bar Arbitration Committee of the State Bar of Nevada, the petitioner has requested an affidavit from Senator Harry Reid;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288(b)(a) and 288(c)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, without the consent of the Senate, be taken from such control or possession but by permission of the Senate; whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will be consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Harry Reid is authorized to testify in the case of E.M. Gunderson v. Neil G. Galatz, except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Harry Reid in connection with the testimony authorized in section one of this resolution.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to S. Res. 371.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title. The assistant legislative clerk read as follows:

A resolution (S. Res. 371) designating July 22, 2006, as "National Day of the American Cowboy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 371) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 371

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse this country with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;
Whereas the cowboy continues to play a significant role in the culture and economy of the United States;
Whereas approximately 300,000 ranchers are conducting business in all 50 States and are contributing to the economic well being of nearly every county in the Nation;
Whereas rodeo is the sixth most-watched sport in the United States;
Whereas membership in rodeo and other organizations encompassing the livelihood of a cowboy transcends race and sex and spans every generation;
Whereas the cowboy is an American icon;
Whereas to recognize the American cowboy is to acknowledge the ongoing commitment of the United States to an esteemed and enduring code of conduct; and
Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore,

Resolved, That the Senate—
(1) designates July 22, 2006, as “National Day of the American Cowboy”;
(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

APPPOINTMENT OF PHILLIP FROST AS A CITIZEN REGENT

REAPPOINTMENT OF ALAN G. SPoon AS A CITIZEN REGENT

Mr. FRIST. Mr. President, I ask unanimous consent that following the prayer Thursday, April 6. I further ask unanimous consent that when the Senate adjourns until 9:30 a.m., on Thursday, April 6, 2006, at 9:40 p.m., adjourned until Thursday, April 6, 2006, at 9:30 a.m.

The PRESIDING OFFICER. The motion to consider the joint resolutions by the Senate is so ordered. The clerk will report the joint resolutions by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 81) providing for the appointment of Phillip Frost as a citizen regent of the Smithsonian Institution.

A joint resolution (H.J. Res. 82) providing for the reappointment of Alan G. Spoon as a citizen regent of the Smithsonian Institution.

There being no objection, the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:40 p.m., adjourned until Thursday, April 6, 2006, at 9:30 a.m.

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.

ORDERs for THURSDAY, APRIL 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it shall stand in adjournment until 9:30 a.m., Thursday, April 6. I further ask unanimous 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 resume consideration of S. 2454, the border security bill, with the time from 9:30 a.m. until 10:30 a.m. equally divided between the managers or their designees, and the Senate then proceed to a vote on the motion to invoke cloture, as under the previous order; further, I ask that the mandatory quorum under rule XXII be waived and that second-degree amendments be filed at the desk no later than 10:30 a.m., pursuant to rule XXII.

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

PROGRAM

Mr. FRIST. Mr. President, just a few minutes ago I filed two cloture motions on the border security bill and four cloture motions on Executive Calendar nominations. Under the provisions of rule XXII, we will have several votes on Friday unless an agreement can be reached which we will consider tomorrow. Tomorrow morning at 10:30 a.m. we will have a cloture vote on the Specter substitute amendment, which was filed by the minority leader, with the other cloture vote on nominations. We still have a lot of work to be done before we leave at the end of the week.

ADJOURNMENT UNTIL 9:30 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.

NOMINATIONS

Executive nominations received by the Senate April 5, 2006:

DEPARTMENT OF STATE

ERIC M. BOST, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND plenipotentiary of the united states of america to the republic of south africa.

LISSA BOBBIE SCHREIBER HUGHES, OF PENNSYLVANIA, TO BE MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND plenipotentiary of the united states of america to the republic of burundi.

DAVID M. BOSL, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND plenipotentiary of the united states of america to the republic of gambia.

RALI ANTHONY WAYNE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MEMBER, TO BE AMBASSADOR EXTRAORDINARY AND plenipotentiary of the united states of america to argentina.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 3131:

To be lieutenant colonel

VINCENT T. JONES, 0000
RALPH F. KING, 0000
RAYMOND M. KLINE, 0000
LISA A. KHUR, 0000
JOHN F. KURZAK, 0000
STEVEN T. LAMB, 0000
JAMES A. MAUS, 0000
WILLIAM A. POLLAN, 0000
RONALD D. POOL, 0000
CAROL S. RAMSEY, 0000
ANTHONY M. RIZZO, 0000
GRIFFRIN S. SCHWARTZ, 0000
STEVEN J. SEABY, 0000
JOHN C. STONEHILL, 0000
FRANCIS A. STRATFORD, JR., 0000
MARIAM M. TATSUMONOHARA, 0000
RICHARD A. WILLIAMS, 0000

To be colonel

FREDERICK AGULLAR, 0000
KIRK W. ALLVORD, 0000
FRANK J. ARCHIBALD, 0000
MICHAEL A. ARNOLD, 0000
MATTHEW B. BANNON, 0000
JIMMY L. BARRY, 0000
DANIEL F. BATES, 0000
ROBERT J. BECK, 0000
LAURA K. BULLAP, 0000
STEPHEN F. BELL, 0000
FREDERICK C. BELLAMY, 0000
TOMAS C. BERRY, 0000
DEBORAH G. BIDSTRUP, 0000
CHRISTOPHER D. BINGHAM, 0000
DANIEL C. BLACK, 0000
JEFFREY D. BODIN, 0000
RICHARD C. BOWDITCH, 0000
RAY BOWEN, 0000
DAVID J. BOWERS, 0000
DANIEL S. BEANE, 0000
DONALD S. BERGE, 0000
LORE E. BROOKE, 0000
JAMES W. BROWN, 0000
JERRY D. BROWN, 0000
ROY C. BROWN, 0000
DOUGLAS J. BUDOVINE, 0000
ALLAN C. BUSHNELL, 0000
JOYCE W. CARY, 0000
WILLIAM F. CAFFEY, 0000
JANINE M. CEZCH, 0000
ANGELA L. DADDIUSO, 0000
HICKEY F. DAVILA, 0000
RINE F. DUGAN, 0000
KINNETH J. DENMAN, JR., 0000
ROLLIN S. DIXON, 0000
MARK G. DRAKE, 0000
JOSEPH A. DUFFY, 0000
AARON J. DUVALL III, 0000
TEDDY L. ELLIS, 0000
ALFRED C. EMMER, 0000
DANIEL J. EPRIGHT, 0000
CHRISTOPHER C. ERICKSON, 0000
RICHARD B. EVANS, 0000
ARNE F. GRUSPE, 0000
CHARLES A. GRIMES, 0000
STEVEN A. GREENE, 0000
DEWEY M. GRAY, 0000
ATUL K. GOEL, 0000
WILLIAM C. GIBBONS, 0000
JOHN A. GIBBONS, JR., 0000
ANTHONY T. GHIM, 0000
ROGER I. GERRARD, 0000
DAVID J. GEARHART, 0000
JAMES R. GEAR, 0000
MARCO GARCIAGALVEZ, 0000
JAMES W. FREESE, 0000
KENNETH M. FRANKLIN, JR., 0000
CARMELLA L. FLEMING, 0000
JOHN P. FORRES, 0000
KINNETH M. FRANKLIN, JR., 0000
JAMES W. FRIEDER, 0000
DAVID W. GAFF, 0000
MARCO GARCIAVALVIE, 0000
JAMES B. GEAR, 0000
JAMES B. GEAR, 0000
KATHY A. GIBBS, 0000
ROGER I. GERRARD, 0000
ANTHONY T. GHIM, 0000
JOHN A. GIBBONS, JR., 0000
WILLIAM L. GINN, JR., 0000
WILLIAM A. GIBBS, 0000
JAMES L. GIEHM, 0000
AUSTIN D. GOEL, 0000
DANIEL V. GORES, 0000
ANTHONY T. GHIM, JR., 0000
ROBERT J. GRANT, 0000
DAVEY M. GRAY, 0000
JAMES S. GEESEN, 0000
STEVEN A. GRESSER, 0000
RANDALL G. GRIFST, 0000
CHARLES A. GRIMES, 0000
ANNE E. GUSSPE, 0000
PAUL W. HAAG, 0000
JARRED M. HARIN, 0000
PHILL D. HAMIL, 0000
ZOEM M. HALE, 0000
DIAN M. HALL, 0000
JOHN P. HAMILTON, JR., 0000
AMY E. HAMILTON, 0000
TOMMY S. HANNS, 0000
TOMMY W. HARRIS, 0000
JAMES L. HAWKINS, 0000

A TRIBUTE TO YOLANDA MARTIN

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Yolanda Martin, a native of the town of Puerto Anunelles in the beautiful and rich province of Chiriqui, in the Republic of Panama. I hope my colleagues will join me in recognizing her accomplishments.

Ms. Martin migrated to the United States in 1981, and settled in Brooklyn, New York. Ms. Martin’s story is similar to many of our Nation’s proud immigrants. In 1999 through 2002, she founded three Child Care Services. Ms. Martin is the executive director and CEO of Minnie’s Day Care Center, Parents United For A Better Day Care Centers No. 1 and No. 2, both of which operate 24 hours. All centers provide parents with day care services, after school program, pre-kindergarten classes, a summer program and overnight child care.

Ms. Martin attended several colleges over the years and is a N.Y. State certified EMT, N.Y State certified AIDS and HIV educational instructor, an American Red Cross CPR and First Aid instructor.

From 1982–1985, Ms. Martin worked for NY State with the mentally disabled, from 1985–1998, she worked for the NYS Division for Youth Corrections in facilities with incarcerated youth ages 14 to 18 years old. From 1991 to 1995, she worked with the NYC Department of Education as an integrating bilingual paraprofessional in special education. From 1990 to 1995, Ms. Martin also worked as an Emergency Technician with Tri-Com Ambulance services.

Ms. Martin is the proud mother of three beautiful children: Ronald (25) Kendra (18) Courtney (9) and an adopted daughter in Panama, Kins (10). When she is not working with others in the community, Ms. Martin spends time with her children and family. She is known for her excellent cooking, baking and interior decorating skills. Ms. Martin’s hobbies are the performing arts, modeling and horseback riding. One of her short-term goals is to own her own horse and then a stable with a minimum of six horses is her long-term goal. Ms. Martin truly believes that the key to success is to do for others. Says Ms. Martin, “the more you do, the more is returned to you.” It is the rule of the Universe.

Mr. Speaker, Yolanda Martin’s selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

75TH ANNIVERSARY OF THE MISSOURI STATE HIGHWAY PATROL

HON. IKE SKELETON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. SKELETON. Mr. Speaker, let me take this chance to recognize the 75th Anniversary of the Missouri State Highway Patrol. I am proud to pay tribute to the years of service and protection provided to the citizens of Missouri by the Highway Patrol.

On April 24, 1931, Governor Henry S. Caulfield signed Senate Bill 36, establishing the Missouri State Highway Patrol. The bill provided for a superintendent, 10 captains, and 115 patrolmen, but only 55 men were originally hired as troopers. The first superintendent, Lewis Ellis, was hired on July 21, 1931, and the Missouri State Highway Patrol became effective on September 14, 1931.

Throughout its 75 years, the Patrol has provided many invaluable services. In addition to enforcing traffic laws, it encourages traffic safety to the public through displays, speaking engagements, Community Alliance Programs, and the Safety Education Center. The Governor’s Security Division, a branch of the Patrol, provides security to Missouri’s governor, his family, and visiting dignitaries. Since the Patrol assumed the operation of Missouri’s weigh stations in 1942, it has also proven vital to the removal of illegal drugs from the highways.

In the last 75 years, Missouri has called upon the Patrol for assistance in periods of civil unrest and natural disaster. In 1954, troopers were called upon to help quell a full-scale prison riot. The Patrol helped Missourians overcome the paralysis caused by the Great Flood of 1993. After Hurricane Katrina, 56 Patrol personnel responded to a call for assistance to Biloxi, Mississippi.

Mr. Speaker, the Missouri State Highway Patrol can be proud of all it has done for the State of Missouri. I know the Members of the House will join me in congratulating the Missouri State Highway Patrol for 75 years of excellent service.

TRIBUTE TO OLIVIA “LIBBY” MAYNARD

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Olivia Maynard as she receives the Eleanor Roosevelt Award from the Michigan Democratic Women’s Caucus. Olivia will be honored at a luncheon on Saturday, April 8th in Detroit.

Olivia Maynard, also known as Libby, has served the people of Michigan in numerous capacities since graduating from the University of Michigan in 1971 with a Master of Social Work degree. After serving as the director of the Office of Services to the Aging, she ran for Lieutenant Governor in 1990 with Governor Jim Blanchard. President Clinton appointed her to the Federal Council on Aging, and she served as a delegate to the 1995 White House Conference on Aging.

Elected in 1996 as a Regent of the University of Michigan, she was re-elected in 2004 and continues in that capacity at the present time. Deeply committed to Michigan and its people, Libby was a founding member of Michigan Prospect an organization committed to connecting government to its citizens and creating a caring democratic society. Currently serving as President of Michigan Prospect, Libby devotes her time and energy to bringing about a diverse, just, humane state of Michigan.

Libby also serves as a trustee of the C.S. Mott Foundation, on the boards of the Nature Conservancy of Michigan, McLaren Regional Medical Center, the Council on Michigan Foundations and the Council on Foundations. She is the past chair of the Michigan Democratic Party. Along with her husband, S. Olof Karlstrom, an attorney in private practice, they have generously supported Michigan establishments. Their gift of $2.25 million to the University of Michigan School of Social Work is just one example of their commitment to supporting the institutions and ideas that will make the future of Michigan brighter.

Mr. Speaker, I ask the House of Representatives to stand with me and applaud the tremendous contributions Olivia Maynard has made to the promotion of dignity, justice, education, and social well-being. Her lifelong commitment to all segments of society has made a positive impact on the lives of countless persons. I value her support, counsel and common sense. Olivia Maynard is one of the giants of the Flint Michigan community and I am honored to call her my friend.

REAFFIRMING OUR SUPPORT FOR THE PEOPLE OF TAIWAN

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. SESSIONS. Mr. Speaker, Chinese President Hu Jintao is scheduled to visit Washington, DC, later this month. Mr. Hu is most likely to discuss trade, currency, North Korea, Iran and Taiwan with President Bush. I ask President Bush to not yield to Chinese demands on Taiwan but to reaffirm our long-standing support for Taiwan and its people.

During the 1995–1996 Taiwan Strait missile crises, President Clinton sent two aircraft carrier battle groups into the region. Since then, the Chinese military has greatly expanded its capabilities and deployed hundreds of missiles targeting Taiwan. As the Assistant Secretary of Defense for International Security Affairs...
Peter Rodman mentioned in his remarks before the U.S.-China Economic and Security Review Commission, “U.S. policy opposes unilateral changes in the Taiwan Strait status quo by either party. The PLA military build-up changes that status quo and requires us to adapt to the new situation in the Taiwan Strait. Therefore, we must help the Taiwanese people to protect themselves in the event of a military conflict in the Strait.

Taiwan is very worried about China’s military intentions. Last March, the Chinese enacted the anti-secession law, which gives them the right to use force against Taiwan. Chinese leaders have consistently maintained that military action is a viable possibility.

I ask President Bush to persuade Mr. Hu to withdraw Chinese missiles from the Strait, to rescind the anti-secession law and to resume a dialogue with Taiwan’s elected leaders.

Peace in the Strait is important to the United States, China, and Taiwan. The 23 million people of Taiwan have worked hard to earn their democratic way of life and they should be allowed to determine their own future. Keeping the freedom of the Taiwanese people secure is a matter of deepest concern to all of us.

THE HUMAN RIGHTS DIALOGUE WITH VIETNAM: IS VIETNAM MAKING SIGNIFICANT PROGRESS

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SMITH of New Jersey. Mr. Speaker, on March 29, I co-chaired a hearing to examine the results of the recent Human Rights Dialogue with the government of Vietnam, and the progress, or lack thereof, in Vietnam’s respect for human rights and religious freedom. While the hearing revealed that there have been some improvements in Vietnam’s human rights record, the testimony showed that the evidence of abuse is still too strong for us to relax our efforts.

It would be inappropriate, in any discussion of Vietnam, not to first raise the issue that engages more Americans, more deeply, than any other we talk of Vietnam—the need to complete a full, thorough and responsible accounting of the remaining American MIAs from the Vietnam conflict. As my colleagues know well, of the 2.583 POW/MIA’s who were unaccounted for—Vietnam (1,923), Laos (567), Cambodia (83) and China (10)—just under 1,400 remain unaccounted for in Vietnam. During my last visit to Vietnam in December 2005 I met with LTC Lenfort Mitchell, head of the Joint POW/MIA Accounting Command (JPAC). While JPAC is making steady progress and is able to conduct approximately four joint field activities per year in Vietnam, I remain deeply concerned that the government of Vietnam could be more forthcoming and transparent in providing the fullest accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

This hearing took place in the context of the recent Human Rights Dialogue with Vietnam, which our distinguished witnesses from the State Department, the Honorable Barry F. Lowenkron, Assistant Secretary of the Bureau of Democracy, Human Rights and Labor, the Honorable John V. Hanford III, Ambassador-at-Large for the Office of International Religious Freedom, and the Honorable Eric John, Deputy Assistant Secretary for the Bureau of East Asian and Pacific Affairs, reported on.

The State Department had suspended the Human Rights Dialogue since 2002 because it was clear Hanoi was not serious about our concerns. Since that time Hanoi was designated a Country of Particular Concern (CPC) for egregious and systematic violations of religious freedom. Vietnam has been a CPC since 2005.

Vietnam is currently anxious to receive Permanent Normal Trade Relations (PNTR) with the U.S., to gain admittance to the World Trade Organization (WTO), and to have President Bush attend the Asia Pacific Economic Cooperation (APEC) Summit in November. Indeed, this is the “APEC Year” in Hanoi. Now that the dialogue has been resumed, at Hanoi’s request, it is both imperative and opportune for the administration and Congress to pressure Hanoi for more deeds than words.

Vietnam needs to show that it is genuinely trying to smooth out some minor “misunderstandings” which get in the way of Vietnam’s important economic and political goals, but rather that it has made a fundamental commitment to human rights and reform, and to fulfilling its international commitments, a fundamental commitment which will not be forgotten after it has achieved those goals.

Section 702 of Public Law 107-671 requires the Department to submit a report on the U.S.-Vietnam Human Rights Dialogue within 60 days of its conclusion “describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives:

(1) Improving the Government of Vietnam’s commercial and criminal codes to bring them into conformity with international standards, including the repeal of the Government of Vietnam’s administrative detention decree (Directive 311/CP).

(2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released.

(3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance.

(4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.

(5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.

(6) Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.

(7) Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for protecting such rights.

(8) Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States on humanitarian grounds, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.

So far, all the evidence suggests, however, that Vietnam still has a long way to go before it can convince us that it has made any fundamental and lasting change in its human rights policy. The State Department’s Human Rights report on Vietnam for 2005, upgraded Vietnam’s Human Rights Status to merely “unsatisfactory.” Freedom House still rates Vietnam as “unfree,” but it is no longer at the absolute bottom of the repression scale. These are not exactly ringing endorsements.

There are fewer religious and political dissidents in jail, but there still are too many. Even those let out, like Father Ly, Father Loi, Dan Que, are subject to continued forms of house arrest or harassment. Restrictions on the legal churches have eased, but requests to build churches, to receive back confiscated properties, and provide charitable and educational services, which are allowed under current law, are never answered quickly, and often never answered at all. Hundreds of churches have been closed in the past 5 years. Last year, a few dozen were opened, which does to begin to redress the earlier harm. And still large numbers of believers who belong to “illegal churches” suffer continued harassment—not everywhere, not everyone, not always, but their rights to believe and practice are still not secured by rule of law.

Too often all of the improvements are based on local and arbitrary decisions which can be reversed at any time. The Unified Buddhist Church of Vietnam (UBCV) is still illegal, and its leaders, the Venerable Thich Quang Do and Patriarch Thich Huyen Quang remain under strict “pogoda” arrest, and 13 other senior figures remain in detention. The independent Hoa Hao Buddhists are also illegal, and their church was singed out for repression last year. Evangelical Protestant house churches, Mennonites, Bahai, Hindus, and others exist in a legal limbo: technically illegal, sometimes tolerated, but sometimes repressed. Those officials who violate government guaranteed religious rights appear never to be punished. This is not the way a rule of law society is constructed.

Reports of forced denunciations of Christianity in the Montagnard regions have diminished—but they have not ended. Montagnard house churches are allowed to operate, but have not received their registration. The UNHCR, and various diplomats, are allowed to travel, sometimes, to some Montagnard regions, but only when carefully monitored. Montagnards eligible for resettlement in the U.S. get their passports and exit visas, but not all, not everywhere. And hundreds of Montagnards languish in detention.

Vietnam reportedly weakened its two-child policy in several years ago, and polices involving contraception, birth quotas, sterilization and abortion cut Vietnam’s fertility almost in half in 20 years. Yet last year the Deputy Prime Minister called for “more drastic measures” to cut the birth rate further. It is not clear that this has yet been enforced, but it hangs there as a storm cloud over all families, but especially over Vietnam’s long-abused indigenous minorities. Like China’s one child policy, Vietnam’s two-child policy has led to a large and growing imbalance in male and female births, which will only increase its already serious labor force problems and destination country for human trafficking. According to last year’s State Department’s Human Trafficking report, Vietnam remained a...
Tier II country because of its serious trafficking problems, but was removed from the Watch List. Many of us think this was an error, and that Vietnam’s response to its trafficking problems remains inadequate.

In December I met with over 60 people: government officials, religious and community leaders, archbishops, heads of churches and ordinary believers. I have had several, somewhat stilted, but I must admit, conversations recently with mixed delegations of religious leaders and government officials. That the Vietnamese government has consented to send these delegations was an important step. It does seem that some of the government officials at least are beginning to understand our concerns. What they will now do is the question. I believe that Michael Cromartie, Chairman of the U.S. Commission on International Religious Freedom, has made the crucial observation: “We are not arguing over whether the glass is half-full or half-empty. We just do not know if the glass, so recently constructed, will continue to hold any water. Will legal developments hold in a country where the rule of law is not fully functioning? Are changes only cosmetic, intended to increase Vietnam’s ability to gain WTO membership and pass a Congressional vote on PNTR? . . . Though promises of future improvement are encouraging, we should not let Vietnam too quickly bypass the CPC designation or downplay human rights concerns to advance economic or military interests.”

I could not agree more. We have seen various thaw in other Communist regimes. The Khrushchev thaw was followed by the worst persecution of religion in 30 years, and then the long stagnation of the Brezhnev regime. In the 60’s we thought Nicolae Ceausescu of Romania would be the next Tito, I remember when we thought that was an advance; in stead, he decided to be the next Kim Il-Sung. Finally, who can forget the democratic opening in China which was crushed at Tienanmen Square.

We must be sure that the change in Vietnam is real. We have a unique opportunity this year to monitor and lastingly progress in Vietnam. We should use the 30th anniversary of the fall of Saigon and Vietnam too quickly by lifting the CPC designation or downplaying human rights concerns to advance economic or military interests.”

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL MAKES A DIFFERENCE

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, when you think of the leaders of the future—what qualities come to mind? Civic activism? Community awareness? Personal leadership? Academic excellence? It is a privilege to recognize the members of the 2005–2006 Congressional Youth Advisory Council because they embody these qualities and more.

For the last 2 years, the members of the Congressional Youth Advisory Council have represented the young people of the Third District well by working as ambassadors of the future. Several times a year the members of the Council share a valuable youth perspective on the current issues before Congress.

The Council may be preserved for antiquity in the Community service project, the members of the Youth Council would share a valuable perspective on the current issues before Congress. For the first time, this year there was a phi- lanthropy element to the Council. For the community service project, the members of the Youth Council reached out to veterans and encouraged them to share their stories. Called the “Preserving History Project,” each member had to interview a veteran. Then the student had to submit a lengthy paper detailing the story and sharing what the veterans taught them. The students submitted a summary of their work. Today I’m proud to submit the briefs provided so the hard and valuable work of the Youth Council may be preserved for antiquity in the Congressional Record.

Someday, each member will be able to share with children and grandchildren—“In high school I served my community and my work will always be recognized in the official Congressional Record.”

A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for your time, effort and sacrifice to help make the Congressional Youth Advisory Council a success. You’re the voices of the future and I salute you. God bless you and God bless America.

I was thankful for my list of questions as my Grandpa (William Frank Morgan) began relating his military experiences to me, I was still about his life. He was a Seaman First Class in the Navy, and later a Senior Master Sergeant when he retired from the Air Force. This opportunity to talk with him has certainly strengthened our relationship, and I’m so thankful for this chance to glean more knowledge about my family. Grandpa and Grandma Morgan lived near at Thanksgiving and I always look forward to their arrival. Reconnection through our talk and the time we spend has become more precious each year. We also try to visit them, and keep in touch through phone calls and letters. Surprisingly, although Grandpa is not talkative, he will sporadically crack the funniest jokes. He is a good example in studying the Bible and desiring a life of a Godly character. He has a talent among those we have, and I enjoy stepping into his untidy greenhouse to watch him care for his healthy plants. When he isn’t gardening. Grandpa spends time among his birds or checking them weekly in the coming week. Grandpa’s traveling, distance from loved ones, disrupted education, interesting experiences with food, and dangerous challenges have molded him into a sacrificially ensured the freedoms and safety Americans enjoy today.—Meredith Morgan, native of Elmina, Pennsylvania.

William Stone, Jr. served in the U.S. Army for two years as an officer stationed in Germany. There he was assigned as a motor officer for CMMI 1967. After several years as an attorney in New York, Stone moved to Texas, where he and his wife have been teaching in the Plano Independent School District.

As a result of this interview, I was able to gain insight into the role of our nation’s military. Mr. Stone, like many others, is thankful for the freedoms we enjoy in the United States. Listening to his experiences has allowed me to better understand the sacrifices the men and women of the military have made on our behalf.—Albert Chong

Joe McNally is a great man. He is my namesake, who I have known for about four years, and is very active, knowledgeable and helpful. His tour doesn’t even seem to have affected him in any adverse way. He was born, raised and still lives in the Dallas area. He chose to be in the Army. R.O.T.C, because he knew, since his birthday was 12th on the draft list, he would have to serve anyway. Since he was already an officer his enlist- ment and boot camp were an easier transition, and since his family knew he was going to be drafted, they supported him fully. He served in the Vietnam War, and since he was able to find his own way, because he landed at midnight when everyone was asleep. He earned two Bronze Stars, the third highest medal in the service. His food was good, especially the food mailed from home, except for the mutton. His platoon was well supplied and was entertained by Bob Hope once. On leave he went to Thailand and Vietnam. When he returned home he was offered his old job back, got married and eventually bought a busi- ness making plastic parts. He is still owns and runs to this day.—Elliott Post

I interviewed Mr. Spencer Guimarin, a retired first class petty officer in the United States Navy, Mr. Guimarin had several obstacles in his life that most men would consider their worst fear. He survived the first
wave of D-Day landings at Omaha Beach, the invasion of Okinawa, and every other confrontation that war threw his way. I have read books and seen movies and documentaries about D-Day, but I have never actually been to Omaha Beach or Okinawa. I know that they are places of great significance, but I never really knew how much they meant to those who fought there.

For my interview project, I interviewed a veteran of the Vietnam War. He was a private in the Vietnam War, serving as a jet fighter pilot in the Air Force. He flew reconnaissance and bombing missions over North Vietnam, tracking enemy base movements, taking surveillance pictures, and calling in寂静 participate in air strikes. He was deployed for three years. Survival rate for his fighter group was less than 50%, but Lt. Beck managed to fly through the war without being captured by enemy forces. For his service to our country, Lt. Beck was awarded 27 medals, including a Silver Star.

I interviewed him at a Veterans' Center in July of 2006 and hope to pursue a career in the military, I realize that I may be faced with some of the same challenges that my interviewee faced.

For my interview project, I interviewed Lieutenant Colonel Charles Beck. He was a veteran of the Vietnam War, serving as a jet fighter pilot in the Air Force. He flew reconnaissance and bombing missions over North Vietnam, tracking enemy base movements, taking surveillance pictures, and calling in strikes to participate in air strikes. He was deployed for three years. Survival rate for his fighter group was less than 50%, but Lt. Beck managed to fly through the war without being captured by enemy forces. For his service to our country, Lt. Beck was awarded 27 medals, including a Silver Star.

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HONORING ARTHUR TREVETHAN ON THE OCCASION OF HIS RETIREMENT

HON. PATRICK J. TIBERI
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 2006

Mr. TIBERI. Mr. Speaker, I rise today to congratulate Art Trevethan on his long and illustrious career with Nationwide Insurance and to celebrate his accomplishments with him as he embarks upon a new chapter in life.

Art's legendary leadership and service have contributed to central Ohio's business community and its growing fame as one of the most vibrant areas in America. No matter what he has involved himself in, he has always found success. His outstanding record of achievement speaks volumes about his quality as a topflight businessman and civic-minded leader. His commitment to free enterprise and interest in fostering good government have had a tremendous impact across our state and nation.

I appreciate the countless hours and tremendous amount of personal energy he has expended working to bridge the business and public policy worlds. Art understands the decisions made in the halls of our government impact businesses and the lives of employees. Rather than stand on the sidelines and wring his hands over public policy in Columbus or Washington, he has worked to inform policymakers about how their proposals affect companies and encouraged working people and executives to become involved in the process.

Art Trevethan has been a tremendous asset not only to Nationwide, but to the community as well. As he closes the book on one career and begins another as founder of (Re) Insurance Recovery Solutions, I am confident he will continue his good works and find happiness and success in the years ahead.
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 Thursday, April 6, 2006 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

APRIL 25

9:30 a.m.  Agriculture, Nutrition, and Forestry
To hold hearings to examine the state of the biofuels industry.  
SR–328A

Judiciary
To hold hearings to examine the McCarran-Ferguson Act, focusing on implications of repealing the insurers’ antitrust exemption.  
SD–226

2 p.m.  Judiciary
To hold hearings to examine pending judicial nominations.  
SD–226

APRIL 26

9:30 a.m.  Judiciary
To hold hearings to examine parity, platforms and protection relating to the future of the music industry in the digital radio revolution.  
SD–226

10 a.m.  Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine fostering innovation in math and science education.  
Room to be announced

10:30 a.m.  Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.  
SD–138

MAY 3

10:30 a.m.  Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.  
SD–138

MAY 17

10 a.m.  Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.  
Room to be announced

MAY 24

10:30 a.m.  Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.  
SD–138

JUNE 14

10 a.m.  Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.  
Room to be announced
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2849–S3166

Measures Introduced: Forty-eight bills and twelve resolutions were introduced, as follows: S. 2508–2555, S. Res. 424–433, and S. Con. Res. 86–87. Pages S2901–02

Measures Reported:


Measures Passed:

Commending the University of Maryland Women’s Basketball Team: Senate agreed to S. Res. 425, to commend the University of Maryland women’s basketball team for winning the 2006 National Collegiate Athletic Association Division I National Basketball Championship. Pages S3156–58

Commemorating 50th Anniversary of the Interstate System: Senate agreed to S. Res. 427, commemorating the 50th anniversary of the Interstate System. Page S3158

Congratulations the University of Wisconsin Men’s Cross Country Team: Senate agreed to S. Res. 428, congratulating the University of Wisconsin men’s cross country team for winning the 2006 National Collegiate Athletic Association Division I Cross Country Championship. Pages S3158–59

Congratulations the University of Wisconsin Women’s Hockey Team: Senate agreed to S. Res. 429, congratulating the University of Wisconsin women’s hockey team for winning the 2006 National Collegiate Athletic Association Division I Hockey Championship. Page S3159

Commending the University of Florida Men’s Basketball Team: Senate agreed to S. Res. 430, commending the University of Florida men’s basketball team for winning the 2006 National Collegiate Athletic Association Division I Basketball Championship. Page S3159

Endangered Species Day: Senate agreed to S. Res. 431, designating May 11, 2006, as “Endangered Species Day,” and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide. Pages S3159–60

Authorizing Testimony: Senate agreed to S. Res. 432, to authorize testimony of a Member of the Senate in E.M. Gunderson v. Neil G. Galatz. Page S3160

Honoring The American Society for the Prevention of Cruelty to Animals: Senate agreed to S. Res. 433, honoring The American Society for the Prevention of Cruelty to Animals for the 140 years of service that it has provided to the citizens of the United States and their animals. Page S3160

National Day of the American Cowboy: Committee on the Judiciary was discharged from further consideration of S. Res. 371, designating July 22, 2006, as “National Day of the American Cowboy,” and the resolution was then agreed to. Pages S3160–61

Appointment to the Board of Regents of the Smithsonian Institution: Senate passed H.J. Res. 81, providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution, clearing the measure for the President. Page S3161

Reappointment to the Board of Regents of the Smithsonian Institution: Senate passed 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, clearing the measure for the President. Page S3161

Securing America’s Borders Act: Senate continued consideration of S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform, taking action on the following amendments proposed thereto:

Pending:

Specter/Leahy Amendment No. 3192, in the nature of a substitute. Page S2850

Kyl/Cornyn Amendment No. 3206 (to Amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status. Pages S2850, S2856–63
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.

Doggan 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.

Mukulski/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.

Santorum/Mikulski Amendment No. 3214 (to Amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

Nelson (FL) Amendment No. 3220 (to Amendment No. 3192), to use surveillance technology to protect the borders of the United States.

Sessions Amendment No. 3420 (to the language proposed to be stricken by Amendment No. 3192), of a perfecting nature.

Nelson (NE) Amendment No. 3421 (to Amendment No. 3420), of a perfecting nature.

Frist Motion to Commit the bill to the Committee on the Judiciary with instructions to report back forthwith with an amendment in the nature of a substitute (Frist Amendment No. 3424).

Frist Amendment No. 3425 (to the instructions to the motion to commit the bill to the Committee on the Judiciary), to establish an effective date.

Frist Amendment No. 3426 (to Amendment No. 3425), of a technical nature.

A motion was entered to close further debate on the Frist Motion to Commit (listed above) and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture may occur on Friday, April 7, 2006.

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Thursday, April 6, 2006; that the time until 10:30 a.m. be equally divided between the bill managers, or their designees; and that at 10:30 a.m., Senate vote on the motion to invoke cloture on Specter Amendment No. 3192 (listed above); provided further, that second-degree amendments be filed at the desk no later than 10:30 a.m. on Thursday, April 6, 2006, pursuant to rule XXII.

Nomination: Senate began consideration of Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

A motion was entered to close further debate on the nomination and, pursuant to the provisions of rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, April 7, 2006.

Nomination: Senate began consideration of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

A motion was entered to close further debate on the nomination and, pursuant to the provisions of rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, April 7, 2006.

Nomination: Senate began consideration of Gordon England, of Texas, to be Deputy Secretary of Defense.

A motion was entered to close further debate on the nomination and, pursuant to the provisions of rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, April 7, 2006.

Nomination: Senate began consideration of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense.

A motion was entered to close further debate on the nomination and, pursuant to the provisions of rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, April 7, 2006.

Nominations Received: Senate received the following nominations:

Eric M. Bost, of Texas, to be Ambassador to the Republic of South Africa.

Lisa Bobbie Schreiber Hughes, of Pennsylvania, to be Ambassador to the Republic of Suriname.

David M. Robinson, of Connecticut, to be Ambassador to the Co-operative Republic of Guyana.
Earl Anthony Wayne, of Maryland, to be Ambassador to Argentina.

Routine lists in the Air Force, Army.

Messages From the House: Page S2899

Measures Referred: Page S2899

Executive Communications: Pages S2899–S2900

Additional Cosponsors: Pages S2902–03

Additional Statements: Page S2899

Amendments Submitted: Pages S2920–S3156

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:40 p.m., on Thursday, April 6, 2006. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S3161.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: LEGISLATIVE DEPARTMENTS

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2007, after receiving testimony in behalf of funds for their respective activities from William H. Pickle, Sergeant at Arms and Doorkeeper of the Senate; Wilson Livingood, Chairman, Capitol Police Board and Capitol Guide Service; and Christopher McGaffin, Acting Chief of Police, Capitol Police Board; Tom Stevens, Head, Congressional Special Services Office and Capitol Guide Service; and Alan Hantman, Architect of the Capitol.

APPROPRIATIONS: DEPARTMENT OF JUSTICE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Department of Justice, after receiving testimony from Alberto R. Gonzales, Attorney General, Robert Mueller, Director, Federal Bureau of Investigation, Karen Tandy, Administrator, Drug Enforcement Administration, Carl J. Truscott, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, and John Clark, Director, U.S. Marshals Service, all of the Department of Justice.

APPROPRIATIONS: ARMY CORPS OF ENGINEERS

Committee on Appropriations: Subcommittee on Energy and Water concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Army Corps of Engineers, after receiving testimony from John Paul Woodley, Assistant Secretary of the Army for Civil Works; and Lieutenant General Carl A. Strock, Chief of Engineers.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded closed and open hearings to examine the proposed defense authorization request for fiscal year 2007 and the future years defense program, focusing on Department of Defense’s role in combating terrorism, after receiving testimony from Thomas W. O’Connell, Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict; Vice Admiral Eric T. Olson, USN, Deputy Commander, United States Special Operations Command; Vice Admiral John Scott Redd, USN (Ret.), Director, National Counterterrorism Center; and Jeffrey N. Rapp, Director, Joint Intelligence Task Force-Combating Terrorism, Defense Intelligence Agency.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine the proposed defense authorization request for fiscal year 2007, focusing on improving contractor incentives, after receiving testimony from Kenneth J. Krieg, Under Secretary of Defense for Acquisition, Technology and Logistics; and David M. Walker, Comptroller General, Government Accountability Office.

ASIA PACIFIC PARTNERSHIP

Committee on Commerce, Science, and Transportation: Subcommittee on Global Climate Change and Impacts concluded a hearing to examine the current and future role of science in the Asia Pacific Partnership, focusing on the public-private initiative that addresses the interconnected challenges of assuring economic growth and development, poverty eradication, energy security, pollution reduction, and mitigating climate change, after receiving testimony from James L. Connaughton, Chairman, White House Council on Environmental Quality; and W. David Montgomery, CRA International, Margo Thorning, International Council for Capital Formation, and David D. Doniger, Natural Resources Defense Council Climate Center, all of Washington, D.C.
WILDFIRE SEASON

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded an oversight hearing to examine the 2006 wildfire season and the Federal land management agencies' preparations for the 2006 wildfire season, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and the Environment; and Nina Rose Hatfield, Deputy Assistant Secretary of the Interior for Policy, Management and Budget.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration, Department of Transportation, and James B. Gulliford, 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, after the nominees testified and answered questions in their own behalf.

U.S.-INDIA CIVILIAN NUCLEAR AGREEMENT

Committee on Foreign Relations: Committee concluded a hearing to examine the United States-India Civilian Nuclear Agreement, and non-proliferation goals, global energy requirements, environmental concerns, and the United States geo-strategic relationship with India, focusing on S. 2429, to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India, after receiving testimony from Condoleezza Rice, Secretary of State.

ISLAMIST EXTREMISM IN EUROPE

Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine the nature and scope of Islamist extremism in Europe, focusing on secular and spiritual alienation, after receiving testimony from Daniel Fried, Assistant Secretary for European and Eurasian Affairs, Henry A. Crumpton, Coordinator for Counterterrorism, and Tom C. Korologos, United States Ambassador to Belgium, all of the Department of State; and Robin Niblett, and Daniel Benjamin, both of the Center for Strategic and International Studies, and Mary Habeck, Johns Hopkins University Paul H. Nitze School of Advanced International Studies, all of Washington, D.C.

PORT SECURITY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine S. 2459, to improve cargo security, and other related measures, after receiving testimony from Senator Murray; Representatives Lungren and Harman; Michael P. Jackson, Deputy Secretary of Homeland Security; Jeffrey W. Monroe, Department of Ports and Transportation, Portland, Maine; M.R. Dinsmore, Port of Seattle, Seattle, Washington; and Andrew Howell, U.S. Chamber of Commerce, and James P. Hoffa, International Brotherhood of Teamsters, Washington, D.C.

FEDERAL FUNDING OF MUSEUMS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine various avenues of Federal funding for museums including authorized programs, grantmaking agencies, and earmarks, after receiving testimony from David A. Ucko, Head, Informal Science Education, Division of Elementary, Secondary, and Informal Education, Education and Human Resources Directorate, National Science Foundation; Anne-Imelda M. Radice, Director, Institute of Museums and Library Services; Edward H. Able, Jr., American Association of Museums, and Thomas A. Schatz, Citizens Against Government Waste, both of Washington, D.C.

ALL-HAZARDS MEDICAL PREPAREDNESS AND RESPONSE

Committee on Health, Education, Labor, and Pensions: Subcommittee on Bioterrorism and Public Health Preparedness concluded a hearing to examine all-hazards medical preparedness and response, after receiving testimony from John Agwunobi, Assistant Secretary of Health and Human Services for Health; Ellen Embrey, Deputy Assistant Secretary for Force Health Protection and Readiness, and Director, Deployment Health Support, Department of Defense; Lawrence Deyton, Chief Public Health and Environmental Hazards Officer, Department of Veterans Affairs; Eddy A. Bresnitz, New Jersey Department of Health and Senior Services, Trenton, on behalf of the Council of State and Territorial Epidemiologists; Thomas V. Ingleby, Center for Biosecurity, University of Pittsburgh Medical Center, Baltimore, Maryland; Richard Serino, Boston Emergency Medical Services, Boston, Massachusetts; and Rob Gougelet, Dartmouth-Hitchcock Medical Center, Lebanon, New Hampshire.
METHAMPHETAMINE

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the impact methamphetamine use is having in Indian country, after receiving testimony from Senator Burns; William P. Ragsdale, Director, Bureau of Indian Affairs, Department of the Interior; Robert McSwain, Deputy Director, Jon Perez, Director, Division of Behavioral Health, and Anthony Dekker, Associate Director, Clinical Services, Phoenix Indian Medical Center, all of the Indian Health Service, Department of Health and Human Services; Matthew H. Mead, United States Attorney for the District of Wyoming, Cheyenne, Department of Justice; Kathleen W. Kitcheyan, San Carlos Apache Tribe, San Carlos, Arizona; Jefferson Keel, National Congress of American Indians, and Gary L. Edwards, National Native American Law Enforcement Association, both of Washington, D.C.; and Karrie Azure, United Tribes Technical College, Bismark, North Dakota.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action


Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

- H. Res. 766, providing for consideration of the concurrent resolution (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. 109–405);

- H. Res. 767, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 109–406);

- H.R. 2955, to amend title 28, United States Code, to clarify that the Court of Appeals for the Federal Circuit has exclusive jurisdiction of appeals relating to patents, plant variety protection, or copyrights, and for other purposes (H. Rept. 109–407);

- H.R. 4742, to amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies (H. Rept. 109–408); and

- H. Con. Res. 319, expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were enacted in 1980 (Public Law 96–517; commonly known as the “Bayh-Dole Act”), on the occasion of the 25th anniversary of its enactment (H. Rept. 109–409).

Speaker: Read a letter from the Speaker wherein he appointed Representative Capito to act as Speaker pro tempore for today.

Chaplain: The prayer was offered by the guest Chaplain, Dr. Clyde P. Thomas, Pastor, Cherokee Avenue Baptist Church, Gaffney, South Carolina.

Suspensions: The House agreed to suspend the rules and pass the following measures:

- Darfur Peace and Accountability Act of 2006: H.R. 3127, amended, to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, by a yea-and-nay vote of 416 yeas to 3 nays, Roll No. 90;

- Expressing the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel: H. Res. 370, to express the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel;

- Designating the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the “Mayor John Thompson Tom Garrison Memorial Post Office”: H.R. 4688, to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the “Mayor John Thompson ‘Tom’ Garrison Memorial Post Office”;

Page H1551

Page H1455

Page H1553

Pages H1461–75, H1530

Pages H1485–86
Designating the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the “Francisco ‘Pancho’ Medrano Post Office Building”: H.R. 4561, to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the “Francisco ‘Pancho’ Medrano Post Office Building”;

Pages H1492–94

Designating the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the “Coach John Wooden Post Office Building”: H.R. 4646, to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the “Coach John Wooden Post Office Building”;

Pages H1494–95

Authorizing the use of the Capitol Grounds for the National Peace Officers’ Memorial Service: H. Con. Res. 360, to authorize the use of the Capitol Grounds for the National Peace Officers’ Memorial Service;

Pages H1500–01

Honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation’s citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation: H. Con. Res. 371, to honor and congratulate the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation’s citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation; and

Pages H1501–05


Pages H1533–36

Privileged Resolution: The House agreed to table H. Res. 762, relating to a question of the privileges of the House, by a recorded vote of 218 ayes to 198 noes with 5 voting “present,” Roll No. 87.

Pages H1513–14

527 Reform Act of 2005: The House passed H.R. 513, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees by a yea-and-nay vote 218 yeas to 209 nays, Roll No. 88, after agreeing to order the previous question without objection.

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on House Administration, now printed in the bill and modified by the amendment printed in H. Rept. 109–404, shall be considered as adopted. Page H1506

H. Res. 755, the rule providing for consideration of the bill was agreed to by a recorded vote of 223 ayes to 199 noes, Roll No. 86.

Page H1513

Agreed to the Dreier amendment to the rule by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 198 nays, Roll No. 85.

Pages H1512–13

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, April 4th:

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: H. Res. 692, amended, to commend 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, by a yea-and-nay vote of 424 yeas with none voting “nay,” Roll No. 89.

Pages H1529–30

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration will continue tomorrow, April 6th.

Concerning the Government of Romania’s ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania: H.
Res. 578, concerning the Government of Romania’s ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania;

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience: H. Con. Res. 320, amended, to call on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience;

Supporting the goals and ideals of Financial Literacy Month: H. Res. 737, to support the goals and ideals of Financial Literacy Month;

Expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic: H. Res. 556, to express the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic; and

Congratulating the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people: H. Con. Res. 366, to congratulate the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people.

Amendments: Amendments ordered printed pursuant to the rule appear on pages 1564.

Quorum Calls—Votes: Four yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H1512–13, H1513, H1514, H1528–29, H1529–30, H1530. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:51 p.m.

Committee Meetings

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

DEPARTMENTS OF TRANSPORTATION, TREASURY, HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies held a hearing on the Department of the Treasury. Testimony was heard from John W. Snow, Secretary of the Treasury.

The Subcommittee held a hearing on the Federal Judiciary. Testimony was heard from Julia Smith Gibbons, U.S. Circuit Court Judge, U.S. Court of Appeals for the Sixth District; and Leoniodas Ralph Mechem, Director, Administrative Office of the U.S. Courts.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on DOE Energy Supply and Conservation, Fossil Energy. Testimony was heard from David Garman, Under Secretary, Science and Environment, Department of Energy.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on National Park Service. Testimony was heard from the following officials of the National Park Service, Department of the Interior: Fran Mainella, Director; Steve Martin, Deputy Director; and Bruce Shaeffer, Comptroller.
MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies held a hearing on BRAC 2005 Implementation. Testimony was heard from the following officials of the Department of Defense: Keith Eastin, Assistant Secretary, Installations and Environment, Department of the Army; B.J. Penn, Assistant Secretary, Installations and Environment, Department of the Navy; and William C. Anderson, Assistant Secretary, Installations, Environment and Logistics, Department of the Air Force.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies held a hearing on the Department of Commerce. Testimony was heard from Carlos Gutierrez, Secretary of Commerce.

The Subcommittee also held a hearing on the State International Organizations. Testimony was heard from the following officials of the Department of State: Kristen L. Silverberg, Assistant Secretary, International Affairs; and John R. Bolton, Permanent Representative to the United Nations.

MAJOR DEFENSE ACQUISITION REFORMS INITIATIVES

Committee on Armed Services: Held a hearing to review major defense acquisition reform initiatives. Testimony was heard from the following officials of the Department of Defense: ADM Edmund P. Giambastiani, USN, Vice Chairman, Joint Chiefs of Staff; David Patterson, Under Secretary, Comptroller; and Kenneth Krieg, Under Secretary, Acquisition, Technology and Logistics; and David M. Walker, Comptroller General, GAO.

U.S. SHIPBUILDING INDUSTRIAL BASE

Committee on Armed Services: Subcommittee on Projection Forces held a hearing on the U.S. Shipbuilding Industrial Base. Testimony was heard from the following officials of the Department of Defense: Gary Powell, Acting Deputy Under Secretary (Industrial Policy); Allison Stillar, Deputy Assistant Secretary, Ships, Department of the Navy; VADM Paul E. Sullivan, USN, Commander, Naval Sea Systems Command; and RADM Charles S. Hamilton, II, USN, Program Executive Officer for Ships, Naval Sea Systems Command; Mark L. Montroll, Professor, Industrial College of the Armed Forces, National Defense University; and public witnesses.

MILITARY READINESS—SERVICES CONTRACTING’S IMPACT

Committee on Armed Services: Subcommittee on Readiness held a hearing on service contracting’s impact on military readiness. Testimony was heard from the following officials of the Department of Defense: Claude M. Bolton, Jr., Assistant Secretary, Acquisition, Logistics and Technology, Department of the Army; LG Donald J. Hoffman, USAF, Military Deputy, Office of the Assistant Secretary of the Air Force, Acquisition; and Ronald Poussard, Air Force Program Executive Officer, Combat Mission Support.

DOE NUCLEAR WEAPONS COMPLEX INFRASTRUCTURE

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on future plans for the Department of Energy’s nuclear weapons complex infrastructure. Testimony was heard from the following officials of the Department of Energy: Tom D’Agostino, Deputy Administrator, Defense Programs, National Nuclear Security Administration; and Charles Anderson, Principal Deputy Assistant Secretary, Office of Environmental Management; and public witnesses.

WMD THREAT REDUCTION

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on implementing the 2006 Quadrennial Defense Review (QDR) recommendations to combat weapons of mass destruction (WMD). Testimony was heard from the following officials of the Department of Defense: Peter Flory, Assistant Secretary, International Security Policy; and James A. Tegnelia, Director, Defense Threat Reduction Agency, Director, U.S. Strategic Command Center, Combating Weapons of Mass Destruction (SCC—WMD).

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet approved for full Committee action, as amended, the Communications Opportunity, Promotion, and Enhancement Act of 2006.

DUBAI PORTS WORLD DOCUMENTS

Committee on Financial Services: Ordered reported, as amended, H. Res. 718, Requesting the President and directing the Secretary of Homeland Security to provide to the House of Representatives certain documents in their possession relating to the Dubai Ports World acquisition of six United States ports leases.
EXPORT-IMPORT BANK REAUTHORIZATION
Committee on Financial Services: Subcommittee Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled “Reauthorization of the Export-Import Bank of the United States.” Testimony was heard from James H. Lambright, Chairman and Acting President, Export-Import Bank of the United States.

FHA TRANSFORMATION
Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled “Transforming the Federal Housing Administration for the 21st Century.” Testimony was heard from Brian Montgomery, Assistant Secretary, Housing/Federal Housing Commission, Department of Housing and Urban Development; and public witnesses.

WESTERN STATES WATER MANAGEMENT
Committee on Government Reform: Subcommittee on Energy and Resources held a hearing entitled: Conjunctive Water Management: A Solution to the West’s Growing Water Demand?” Testimony was heard from Jason Peltier, Deputy Assistant Secretary, Water and Science, Department of the Interior; and public witnesses.

FEDERAL AGENCY PAYMENTS OVERSIGHT.
Committee on Government Reform: Subcommittee on Government Management, Finance, and Accountability held a hearing entitled “The Improper Payments Information Act—Are Agencies Meeting the Requirements of the Law?” Testimony was heard from Linda Combs, Controller, Office of Federal Financial Management, OMB; Charles E. Johnson, Assistant Secretary, Budget, Technology, and Finance, Department of Health and Human Services; and McCoy Williams, Director, Financial Management and Assurance, GAO.

SARBANES-OXLEY ACT
Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled “The Sarbanes-Oxley Act Four Years Later: What Have We Learned?” Testimony was heard from Representatives Feeney, Kirk and Meeks of New York; and public witnesses.

U.S.-INDIA GLOBAL PARTNERSHIP
Committee on International Relations: Held a hearing on the U.S.-India Global Partnership. Testimony was heard from Condoleezza Rice, Secretary of State.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT
Committee on the Judiciary: Ordered reported, as amended; H.R. 4975, Lobbying Accountability and Transparency Act of 2006.

PATENT QUALITY ENHANCEMENT
Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing entitled “Patent Quality Enhancement in the Information-Based Economy.” Testimony was heard from Jon W. Dudas, Under Secretary, Intellectual Property and Director, U.S. Patent and Trademark Office, Department of Commerce; and public witnesses.

INTERNET GAMBLING PROHIBITION ACT
Committee on Resources: Held a hearing on H.R. 4777, Internet Gambling Prohibition Act Testimony was heard from Representative Goodlatte; Bruce Ohr, Chief, Organized Crime and Racketeering Section, Department of Justice; and public witnesses.

INDIAN GAMING RESTRICTIONS
Committee on Resources: Held a hearing on H.R. 4893, to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming. Testimony was heard from Fulton Sheen, Representative, State of Michigan, JoAnn D. Osmond, Representative State of Illinois; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 5025, Mount Hood Stewardship Legacy Act; H.R. 5016, Las Cienegas Enhancement Act; and H.R. 3534, Piedras Blancas Historic Light Station Outstanding Natural Area Act of 2005. Testimony was heard from Representatives Kolbe and Capps; Tom Lonnie, Assistant Director, Minerals, Realty, and Resource Protection, Bureau of Land Management, Department of the Interior; Matt Garrett, Director, Department of Transportation, State of Oregon; and public witnesses.

OVERSIGHT—WATER AND POWER SUPPLIES
Committee on Resources: Subcommittee on Water and Power held an oversight hearing entitled “The Bureau of Reclamation’s 21st Century Challenges in Managing, Protecting and Developing Water and Power Supplies.” Testimony was heard from the following officials of the Department of the Interior: Mark A. Limbaugh, Assistant Secretary, Water and
Science; and John Keys, III, Commissioner, Bureau of Reclamation; and public witnesses.

CONCURRENT RESOLUTION ON THE BUDGET, FY 2007

Committee on Rules: Granted, by voice vote, a rule providing for general debate only on H. Con. Res. 376, a concurrent resolution 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. The rule provides 4 hours of general debate, with 3 hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Maloney of New York or their designees. The rule waives all points of order against consideration of the concurrent resolution. The rule provides that after general debate the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except by a subsequent order of the House.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006


SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of April 6, 2006, providing for consideration of the concurrent resolution (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.

WORKPLACE GLOBALIZATION REPORT

Committee on Science: Ordered adversely reported without recommendation H. Res. 717, Directing the Secretary of Commerce to transmit to the House of Representatives a copy of a workforce globalization final draft report produced by the Technology Administration.

SMALL BUSINESS TAX ENFORCEMENT

Committee on Small Business: Held a hearing entitled “IRS Latest Enforcement: Is the Bulls-eye on Small Businesses?” Testimony was heard from the following officials of the IRS, Department of the Treasury; Mark W. Everson, Commissioner; and Kevin Brown, Commissioner, Small Business/Self-Employed Division Internal; Thomas M. Sullivan, Chief Counsel, Office of Advocacy, SBA; and public witnesses.

MISCELLANEOUS MEASURES


The Committee also approved the following: U.S. Army Corps of Engineers Survey Resolutions; and GSA Capital Investment and Leasing Program Resolutions.

U.S.-OMAN FREE TRADE AGREEMENT

Committee on Ways and Means: Held a hearing on implementation of the United States-Oman Free Trade Agreement. Testimony was heard from Susan Schwab, Deputy U.S. Trade Representative; and public witnesses.

PUBLIC BENEFIT PROGRAM TECHNOLOGY ENHANCEMENT

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on the use of technology to improve public benefit programs. Testimony was heard from Diane Ruth, Chair and Commissioner, Public Workforce Commission, State of Texas; Marketa Gautreau, Assistant Secretary, Community Services, Department of Social Services, State of Louisiana; Don Winstead, Deputy Secretary, Department of Children and Families, State of Florida; Lisa Henley, Project Director, EBT Project, Department of Human Services, State of Oklahoma; and
Dennis Fecci, former Chief Information Officer, Human Resources Administration, New York City.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 6, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Interior and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for Environmental Protection Agency, 9:30 a.m., SD–124.

Subcommittee on Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of the Treasury, 9:30 a.m., SD–138.

Subcommittee on Homeland Security, to hold hearings to examine the U.S. Coast Guard's role in border and maritime security, 10:30 a.m., SD–192.

Subcommittee on District of Columbia, to hold hearings to examine health care in the District of Columbia, 1:30 p.m., SD–138.

Subcommittee on Energy and Water, to hold hearings to examine proposed budget estimates for fiscal year 2007 for the National Nuclear Security Administration, 2 p.m., SD–192.

Committee on Armed Services: Subcommittee on SeaPower, to hold hearings to examine Navy Shipbuilding in review of the defense authorization request for fiscal year 2007, 2:30 p.m., SR–232A.

Subcommittee on Strategic Forces, to hold hearings to examine military space programs in review of the defense authorization request for fiscal year 2007, 3:30 p.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on National Ocean Policy Study, 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, 10 a.m., SD–562.

Committee on Energy and Natural Resources: Subcommittee on National Parks, 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. 1957, to authorize the Secretary of the 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. 2252, 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, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine challenges and opportunities relating to health care coverage for small businesses, 10:30 a.m., SD–215.

Subcommittee on Long-term Growth and Debt Reduction, to hold hearings to examine if America is saving enough to be competitive in the global marketplace relating to saving for the 21st century, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nomination of Mark C. Minton, of Florida, to be Ambassador to Mongolia, 2 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security, 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, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider the nominations of Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit, Steven G. Bradbury, of Maryland, to be Assistant Attorney General for the Office of Legal Counsel, and Timothy Anthony Jumper, to be United States Marshal for the Northern District of Iowa, both of the Department of Justice, S. 489, to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, S. 2039, to provide for loan repayment for prosecutors and public defenders, S. 2292, to provide relief for the Federal judiciary from excessive rent charges, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage, and S. Res. 398, relating to the censure of George W. Bush, 9:30 a.m., SD–226.

Subcommittee on Intellectual Property, to hold hearings to examine proposals for a legislative solution relating to orphan works, 2 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the VA's 5-year capital construction plan, 2 p.m., SR–418.
Select Committee on Intelligence, to receive a closed briefing regarding certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging, to hold hearings to examine employment and community service for low-income seniors, 10 a.m., SD–106.

House

Committee on Appropriations, Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, on NIH, 10 a.m., 2358 Rayburn.

Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on District of Columbia, 10 a.m., 2358 Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, on Oversight of DOE’s Waste Treatment Plant at Hanford, 10 a.m., 2362B Rayburn.

Subcommittee on Homeland Security, on Secure Border Initiative/Immigrations Custom Enforcement/Customs Border Protection, 2 p.m., 2359 Rayburn.

Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies, on Veterans Affairs, 9:30 a.m., 2359 Rayburn.

Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies, on DEA/ATF, 10 a.m., and on Members of Congress, 2 p.m., H–309 Capitol.

Committee on Armed Services, Subcommittee on Military Personnel, hearing on policy, compensation and benefits overview, 9 a.m., 2212 Rayburn.

Subcommittee on Projecting Forces, hearing on Integration of Energy Efficient Propulsion Systems for Future U.S. Navy Vessels, 4 p.m., 2212 Rayburn.

Subcommittee on Readiness, hearing on Navy Transformation, 2 p.m., 2118 Rayburn.

Subcommittee on Tactical Air and Land Forces, hearing on Fiscal Year 2007 National Defense Authorization budget request—Unmanned Aerial Vehicles (UAVs) and Intelligence, Surveillance, and Reconnaissance (ISR) capabilities, 10 a.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on information technology issues and defense transformation, 1 p.m., 2212 Rayburn.

Committee on Education and the Workforce, hearing entitled “Building America’s Competitiveness: Examining What Is Needed to Compete in a Global Economy,” 10 a.m., 2175 Rayburn.


Subcommittee on Health, hearing entitled “Project Bioshield Reauthorization Issues,” 1 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled “Counterterrorism Financing Foreign Training and Assistance: Progress Since 9/11,” 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following: H.R. 4975, Lobbying Accountability and Transparency Act of 2006; a measure to increase the transparency of agency contacts with the private sector, enhance the revolving door restrictions on executive branch employees, and provide for disclosure of federal sponsorship of communications; and a Committee report “Strengthening Disease Surveillance; and a Committee report “Updgrading Nuclear Security Standards: How Long Can the Department of Energy Afford To Wait?”; followed by a hearing entitled “Looking a Gift Horse in the Mouth: A Post-Katrina Review of International Disaster Assistance,” 10 a.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information-Sharing, and Terrorism Risk Assessment, hearing entitled “Protection of Privacy in the DHS Intelligence Enterprise,” 9 a.m., 311 Cannon.

Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology, executive, briefing on the implementation plan for the President’s National Strategy for Pandemic Influenza, 1:30 p.m., Cannon.

Committee on House Administration, to mark up H.R. 4975, Lobbying Accountability and Transparency Act of 2006, 2 p.m., 1310 Longworth.

Committee on International Relations, to mark up the following: H.R. 4681, Palestinian Anti-Terrorism Act of 2006; and H. Res. 697, Congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy, 1 p.m., 2172 Rayburn.

Subcommittee on Africa, Global Human Rights and International Operations, hearing on An End to Impunity: Investigating the 1993 Killing of Mexican Archbishop Juan Jesus Posadas Ocampo; and to mark up the following: H.R. 4423, Ethiopia Consolidation Act of 2006; and H. Res. 608, Condemning the escalating levels of religious persecution in the People’s Republic of China, 2 p.m., 2200 Rayburn.

Subcommittee on International Terrorism and Nonproliferation, hearing on Cutting Terrorism at the Border, 10 a.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing on the Iraqi Documents: A Glimpse Into the Regime of Saddam Hussein, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing entitled “The United States Department of Justice,” 9 a.m., 2141 Rayburn.


Subcommittee on Fisheries and Oceans, hearing on the following bills: H.R. 138, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P; H.R. 479, To replace a Coastal
Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida; H.R. 1656, To correct maps depicting Unit T–10 of the John H. Chafee Coastal Barrier Resources System; H.R. 3280, To exempt certain coastal barrier areas in Florida from Limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; and H.R. 4165, to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL–64P, 2 p.m., 1324 Longworth.

Subcommittee on National Parks, oversight hearing on Visitation Trends in the National Park System, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing entitled “Protecting Sacramento/San Joaquin Bay-Delta Water Supplies and Responding to Catastrophic Failures in California Water Deliveries,” 10 a.m., 1334 Longworth.

Committee on Science, Subcommittee on Energy, hearing on Assessing the Goals, Schedule and Costs of the Global Nuclear Energy Partnership, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing entitled “Can Small Healthcare Groups Feasibly Adopt Electronic Medical Records Technology?” 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on H.R. 4650, National Levee Safety Program Act of 2005, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing on the following measures: H.R. 23, Belated Thank You to the Merchant Marines of World War II Act of 2005; H.R. 601, Native American Veterans Cemetery Act of 2005; H.R. 2188, To amend title 38, United States Code, to authorize the placement in a national cemetery of memorial markers for the purpose of commemorating servicemembers or other persons whose remains are interred in an American Battle Monuments Commission cemetery; H.R. 2965, Dr. James Allen Disabled Veterans Equity Act; H.R. 4845, Veterans’ Compensation Cost-of-Living Adjustment Act of 2006; H.R. 5037, Respect for America’s Fallen Heroes Act; and H.R. 5038, To amend title 38, United States Code, to extend and expand the application of the Department of Veterans Affairs benefit for Government markers for marked graves of veterans buried in private cemeteries and to provide Government markers or memorial headstones for deceased dependent children of veterans whose remains are unavailable for burial, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on health information technology (IT), 2 p.m., 1100 Longworth.

Subcommittee on Oversight, hearing on the 2006 tax return filing season, the Internal Revenue Service budget for fiscal year 2007, and other issues in tax administration, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, Briefing on Global Updates/Hotspots, 9 a.m., and, executive, Briefing entitled “Use of Strategic Communications by al-Qaeda,” 2 p.m., H–405 Capitol.
Next Meeting of the SENATE
9:30 a.m., Thursday, April 6

Senate Chamber
Program for Thursday: Senate will continue consideration of S. 2454, Securing America’s Borders Act, with a vote on the motion to invoke cloture on Specter/Leahy Amendment No. 3192 to occur at approximately 10:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, April 6

House Chamber
Program for Thursday: Begin consideration of H. Con. Res. 376—Concurrent Resolution on the Budget for FY 2007 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE
Costa, Jim, Calif., E521
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April 5, 2006

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