(2) commends those hospitals, child care centers, schools, community groups, and other organizations that are—
(A) working to increase awareness of the danger of shaking young children; and
(B) educating parents and caregivers on how to help protect children from injuries caused by abusive shaking; and
(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and
(3) encourages the citizens of the United States—
(A) remember the victims of Shaken Baby Syndrome; and
(B) participate in educational programs to help prevent Shaken Baby Syndrome.

SENATE RESOLUTION 164—DESIGNATING THE WEEK BEGINNING APRIL 22, 2007, AS “WEEK OF THE YOUNG CHILD”

Mr. SALAZAR (for himself, Mr. ALKANDE, Mr. DODD, Mr. BURRE, Mr. LEVIN, Mr. COLEMAN, Mr. COCHRAN, Ms. COLLINS, Mrs. CLINTON, Mr. CORKER, Mrs. MURRAY, Mr. AKAKA, Mr. CONRAD, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. Res. 164

Whereas there are 20,000,000 children under the age of 5 in the United States;
Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low income children who have enrolled in quality, comprehensive early childhood education programs—
(1) improve their cognitive, language, physical, social, and emotional development; and
(2) are less likely to—
(A) be placed in special education; (B) drop out of school; or (C) engage in juvenile delinquency;
Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—
(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9857 et seq.);
(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and
(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);
Whereas many children eligible for, and in need of, quality early childhood education services are not served;
Whereas only about one-half of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so;
Whereas less than 5 percent of all eligible babies and toddlers in the United States receive the opportunity to participate in Early Head Start;
Whereas only about 1 out of every 7 eligible children receives assistance under section 650C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) to—
(1) enable the parents of the child to continue working; and
(2) provide the child with safe and nurturing early childhood care and education;
Whereas, although State and local government officials have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—
(1) a large unmet need for those services; and
(2) a need to improve the quality of those programs;
Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs reduce—
(1) the occurrence of students failing to complete secondary school; and
(2) future costs relating to special education and juvenile crime; and
Whereas economist and Nobel Laureate, James Heckman, and Chairman of the Board of Governors of the Federal Reserve System, Benjamin S. Bernanke, have stated that investment in childhood education is of critical importance to the future of the United States: Now, therefore, be it
Resolved, That the Senate—
(1) designates the week beginning April 22, 2007, as “Week of the Young Child”;
(2) encourages the citizens of the United States to celebrate—
(A) young children; and
(B) the citizens who provide care and early childhood education to the young children of the United States;
(3) urges the citizens of the United States to recognize the importance of—
(A) quality, comprehensive early childhood education programs; and
(B) the value of those services for preparing children to—
(i) anticipate future educational experiences; and
(ii) enjoy lifelong success.

AMENDMENTS SUBMITTED AND PROPOSED

SA 902. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 902. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy, which was ordered to lie on the table.

TITLE VI—SKILL ACT OF 2007
SEC. 1001. SHORT TITLE.
This title may be cited as the “Securing Knowledge, Innovation, and Leadership Act of 2007” or the “SKIL Act of 2007”.

Subtitle A—Access to High Skilled Foreign Workers

SEC. 1611. H-1B VISA HOLDERS.
(a) IN GENERAL.—Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended—
(1) in subparagraph (B)—
(A) by striking “nonprofit research” and inserting “nonprofit”;
(B) by inserting “Federal, State, or local” before “governmental”; and
(C) by striking “or” at the end;
and
(2) in subparagraph (C)—
(A) by striking “a United States institution of higher education” as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)),” and inserting “an institution of higher education in a foreign country” and
(B) by striking the period at the end and inserting a semicolon;
(3) by adding at the end, the following new subparagraphs:
“(D) has earned a master’s or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or
“(E) has been awarded medical specialty certification based on post-doctoral training and experience in the United States.”;
(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any petition for an alien’s application for adjustment of status under section 245(a) of the Act, or under section 245 of the Act as in effect before the date of the enactment of this Act and any petition for or visa application filed on or after such date.

SEC. 1612. MARKET-BASED VISA LIMITS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended—
(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A), by striking “(beginning with fiscal year 1992)”;
and
(B) in subparagraph (A)—
(i) in clause (vi) by striking “and”;
(ii) in clause (vii), by striking “each succeeding fiscal year; or” and inserting “each of fiscal years 2004, 2005, 2006, and 2007”; and
(iii) by adding after clause (vii) the following:
“(E) has been awarded medical specialty certification based on post-doctoral training and experience in the United States; and
“(F) has been awarded a medical specialty certification based on post-doctoral training and experience in a foreign country.”;
and
(2) in paragraph (5), by adding at the end—
(A) by striking “September 30, 2006,” and inserting “September 30, 2007,” and
(B) by striking “(5) by inserting after paragraph (8) the following:
“(9) If the numerical limitation in paragraph (11)(A)—
“(A) is reached during the previous 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 previous fiscal year; or
“(B) is not reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the previous fiscal year.”;
and
(2) in paragraph (8), by adding at the end—
(A) by striking “the number calculated under paragraph (9) in each fiscal year after the fiscal year described in clause (vii); or”;
(B) in paragraph (9), as added by section 106(a), in the matter preceding subparagraph (A), by inserting “(101(a)(15)H(b)(1))” and “section” after “paragraph (4)”; and
(C) in paragraph (10), by adding at the end—
“(11) (1) a large unmet need for those services; and
(2) future costs relating to special education; and
(3) the occurrence of students failing to complete secondary school; and
(4) is reached during the previous 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 previous fiscal year; or
“(B) is not reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the previous fiscal year.”;
Subtitle B—Retaining Foreign Workers Educated in the United States

SEC. 1621. UNITED STATES EDUCATED IMMIGRANTS.

(a) IN GENERAL.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:
“(F) Aliens who have earned a master’s or higher degree from an accredited United States university.
“(G) Aliens who have been awarded medical specialty certification based on post-doctoral training and experience in the United States preceding their application for an immigrant visa under section 203(b).
“(H) Aliens who will perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(15)(H)(i)(b1) or section 212(a)(15)(H)(ii)(b)).
“(I) Aliens who have earned a master’s degree or higher in science, technology, engineering, or mathematics and are working in a related field in the United States in a nonimmigrant status during the 5-year period preceding their application for an immigrant visa under section 203(b).

“(J) 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)(B).

“(K) The spouse and minor children of an alien admitted as an employment-based immigrant under section 203(b).”

(b) LABOR CERTIFICATIONS.—Section 212(a)(5)(A)(i) of the Immigration and Nationality Act (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 inserting “; or”;

(3) by adding at the end the following:

“(III) is a member of the professions and has a master’s degree or higher from an accredited United States university or has been awarded medical specialty certification based on post-doctoral training and experience in the sciences leading to a doctorate degree or higher;

“(IV) who—

“(a) is engaged in temporary employment for optional practical training related to the alien’s area of study following completion of the course of study described in subparagraph (C) for a period or periods of not more than 24 months;

“(b) has a bona fide student qualification to pursue a full course of study and, who seeks to enter the United States temporarily for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary, on consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

“(c) is engaged in temporary employment for optional practical training related to such alien’s area of study following completion of the course of study described in subparagraph (C) for a period or periods of not more than 24 months;”.

(c) CONFORMING AMENDMENT.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting “(F),” before “(L)” (and “(V),” before “(V)”).

(d) CONFORMING AMENDMENT.—Section 214(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

“(a) ADJUSTMENT OF STATUS.

(i) In general.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended to read as follows:

“(a) ELIGIBILITY.—

“(i) In general.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for the alien’s immigrant status under section 204(a)(15), (A)(i), (B)(ii), or (B)(iii) of section 204(a) may be adjusted by the Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney General under such regulations as the Secretary or Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence.

“(II) The alien makes an application for such adjustment;

“(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

“(C) an immigrant visa is immediately available to the alien at the time the application is filed.

“(2) SUPPLEMENTAL FEES.—An application under paragraph (1) that is based on a petition approved or approvable under subparagraph (A), or (B) of section 204(a)(15) may be filed without regard to the limitation set forth in paragraph (1)(C) if a supplemental fee of $500 is paid by the principal alien at the time the application is filed. A supplemental fee may not be required for any dependent alien accompanying or following to join the principal alien.

“(D) VISA AVAILABILITY.—An application for adjustment filed under this paragraph may not be approved until such time as an immigrant visa become available.

“(E) FILING FEES.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting before the period at the end “and the fees collected under section 286a”.

Subtitle C—Reform Through Immigration Reform

SEC. 1631. STREAMLINING THE ADJUDICATION PROCESS FOR ESTABLISHED EMPLOYERS.

Section 214(c) of the Immigration and Nationality Act (8. U.S.C. 1184) is amended by adding at the end the following new paragraph:

“(15) Not later than 180 days after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2007, the Secretary of Homeland Security shall establish and collect a fee for premium processing of employment-based immigrant petitions and the fees collected under section 286a.

Subtitle D—Business Facilitation Through Immigration Reform

SEC. 1632. PROVIDING PREMIUM PROCESSING OF EMPLOYMENT-BASED VISA PETITIONS.

(a) IN GENERAL.—Pursuant to section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), the Secretary of Homeland Security shall establish and collect a fee for premium processing of employment-based immigrant petitions.

(b) APPEALS.—Pursuant to such section 286(u), the Secretary of Homeland Security shall establish and collect a fee for premium processing of an administrative appeal of any decision on a permanent employment-based immigrant petition.
certification for aliens pursuant to part 656 of title 20, Code of Federal Regulation (or any successor regulation). The Secretary may not delegate this function to any agency of a State.

(2) SCHEDULE FOR DETERMINATION.—Except as provided in paragraph (3), the Secretary of Labor shall provide a response to an employer's request for wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary fails to reply during such 20-day period, then the wage proposed by the employer shall be the valid prevailing wage rate.

(3) USE OF SURVEYS.—The Secretary of Labor may use a wage survey provided by the employer unless the Secretary determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(b) PLACEMENT OF JOB ORDER.—The Secretary of Labor shall establish a website with links to the official website of each workforce agency of a State, and such official website shall contain instructions on the filing of a job order in order to satisfy the job order requirements of section 656.17(e)(1) of title 20, Code of Federal Regulation (or any successor regulation).

(c) CORRECTIONS.—The Secretary of Labor shall maintain a website that the Secretary of Labor not later than 60 days after the date of enactment of this Act, the Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(d) ADMINISTRATIVE APPEALS.—Motions to reconsider any administrative appeals of a denial of a permanent labor certification application, shall be decided by the Secretary of Labor not later than 60 days after the date of the filing of such motion or such appeal.

(e) APPLICATIONS UNDER PREVIOUS SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall process and issue decisions on all applications for permanent alien labor certification that were filed prior to March 28, 2000.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 90 days after the date of enactment of this Act, regardless of whether the Secretary of Labor has amended the regulations at part 656 of title 20, Code of Federal Regulation to implement such changes.

Subtitle D—Miscellaneous

SEC. 1641. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 108 of the Immigration and Nationality Act (8 U.S.C. 1321) is amended by adding at the end the following new subsection:

"(i) REQUIREMENT FOR BACKGROUND CHECKS.—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and assembled by the Secretary with jurisdiction to grant or issue the benefit or documentation, on an in camera basis as may be necessary with respect to classified, law enforcement, or other information that cannot be disclosed publicly, the Secretary of Homeland Security, the Attorney General, or any court may not:

"(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 court.

"(j) REQUIREMENT TO RESOLVE FRAUD ALLEGATIONS.—Notwithstanding any other provision of law, any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to:

"(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 court.

"(k) PROHIBITION OF JUDICIAL ENFORCEMENT.—Notwithstanding any other provision of law, no court may require any act described in subsection (i) or (j) to be completed by a certain time or award any relief for the failure to complete such acts."

SEC. 1642. VISA REVALIDATION.

(a) IN GENERAL.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1312) is amended by adding at the end the following:

"(1) VISA REVALIDATION.—The Secretary of State shall permit an alien granted a nonimmigrant visa under subparagraph E, H, I, L, O, or P of section 101(a)(15) to apply for a renewal of such visa within the United States if—

"(1) such visa expired during the 12-month period ending on the date of such application;

"(2) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

"(3) the alien has complied with the immigration laws and regulations of the United States.

(b) CONFORMING AMENDMENT.—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by inserting "and except as provided under subsection (i)" after "Act."

SEC. 1643. SEVERABILITY.

If any provision of this title, any amendment to this title, 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 title, the amendments made by this title, and the applications of such to any other person or circumstance shall not be affected by such holding.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Melanie Roberts, who is a fellow in my office; Mr. Kevin Eckerle, a fellow in the Commerce Committee; Dr. Steve Leherman, a fellow in Senator Pryor's office; and Mr. Craig Robinson, a fellow in Senator Lieberman's office, all be granted the privilege of the floor during the pendency of S. 761 and any votes that occur on this bill.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Jack Wells, a fellow on my staff, be granted floor privileges for the duration of the debate on S. 761, the America COMPETES Act.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations are considered and confirmed as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

PUBLIC HEALTH SERVICE

PN388 PUBLIC HEALTH SERVICE nominations (2) beginning Sunnee R. Danielson, and ending Mary E. Evans, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 2007.

PN429 PUBLIC HEALTH SERVICE nominations (8) beginning Arturo H. Castro, and ending Allyson M. Alvarado, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

PN430 PUBLIC HEALTH SERVICE nominations (3) beginning Daniel S. Miller, and ending Darin S. Wiegers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

APPOINTMENTS

The ACTING PRESIDENT pro tempore. The Chair announces on behalf of the President, pursuant to Public Law 96–388, as amended by Public Law 97–35, the President appoints the following Senators to the United States Holocaust Memorial Council for the 110th Congress: the Senator from Utah (Mr. Hatch) and the Senator from Minnesota (Mr. Coleman).

The Chair announces on behalf of the Republican leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–292, appoints the following Senators to the United States Holocaust Memorial Council for the 110th Congress: the Senator from Utah (Mr. Hatch) and the Senator from Minnesota (Mr. Coaleman).

The Chair announces on behalf of the Senate on the nominations (337) beginning Daniel S. Miller, and ending Allyson M. Alvarado, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

The Chair announces on behalf of the Senate on the nominations (388) beginning Arturo H. Castro, and ending Allyson M. Alvarado, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

The Chair announces on behalf of the Senate on the nominations (388) beginning Arturo H. Castro, and ending Allyson M. Alvarado, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

The Chair announces on behalf of the Senate on the nominations (388) beginning Arturo H. Castro, and ending Allyson M. Alvarado, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.