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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, remove from our Senators all that is contrary to You. Take away all their doubts; cast off all resistance to Your leading. Instead, mold our lawmakers into Your image, giving them a willingness to sacrifice for others. Deliver them from anxiety. Infuse them with gratitude. Let Your peace guard their hearts and minds. May they always incline to Your will and walk in Your ways, as they dedicate themselves to the advancement of Your glory. Give them wisdom to do what is best for the safety, honor, and welfare of the Nation, that peace and happiness, truth and justice, purpose and piety may be established among us for all generations.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, 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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN 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. REID. Mr. President, this morning we will resume consideration of S. 1639, the immigration legislation. As I said yesterday, cloture was filed on the bill. Any germane first-degree amendments need to be filed today by 1 p.m.

Also, another reminder to Members about the briefing by Admiral McConnell which will take place in S–407 and will run until 11:30 this morning. I will say to everyone, we could have votes during that period of time. I announced that last night. That is very possible, that we will have votes on this immigration bill. We are under postcloture rules. We are going to finish this legislation this week. And we very much appreciate the admiral coming down here, but, of course, he did not know what our schedule would be. But others may be inconvenienced because there very well could be votes.

Let me say a couple of things before we get to immigration. I would notify the two managers that I may have to have a short quorum call because there are some changes they are making on procedural matters. I think we need a couple of minutes to get that straightened out.

I sought yesterday to move to S. 1, the ethics and lobbying reform bill. There was a reason the bill came first. From the first day, we knew that all progress would depend on renewing the peoples' faith in the integrity of this institution, the Congress. This legislation which passed here in the Senate does just that: It prohibits lobbyists and those who hire lobbyists from giving gifts to lawmakers and staff; it prevents corporations and lobbyists from paying for questionable travel for Members and staff; it requires Senators to pay fair market value for chartered flights, putting an end to abuses of corporate travel; slows the revolving door by extending the ban on lobbying by former Members of Congress and senior staffers; prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected; puts an end to the pay-to-play schemes that became notorious around here; it shines the light of day on lobbying activities by vastly increasing disclosure requirements; requires the Senate disclose all earmarks—this is the first time ever. We passed the ethics and lobbying reform bill here with overwhelming support from Senators on both sides of the aisle. The House did the same thing.

Yesterday, I asked consent to send our legislation to conference. The Republicans objected. I think it is interesting that on the same day this objection took place preventing us from moving forward to complete this legislation, there was yet another sign of how desperately needed this reform is. Yesterday, Stephen Griles, President Bush's former Interior Deputy Secretary, the No. 2 in charge, was sent to prison and fined for his corruption. This sentence came after Griles admitted to obstructing the investigation of the Senate Committee on Indian Affairs. Now Mr. Griles will face justice for his contribution to disintegrating the peoples' trust in their Government. But now we have a chance to look forward, to stop the Jack Abramoffs, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Safavians, the Neys and others and the Stephen Griles of the future before they have a chance to corrupt our system even more, to deliver to the American people a government as good and as honest as the people it represents.

I will come, before the day is out, and ask once again unanimous consent to appoint conferees in this legislation. The eyes of the country are upon us as to what we are going to do with ethics reform and lobbying reform in this Congress. Are we going to be prevented from completing this legislation? The answer is up to the minority, the Republicans.

Yesterday, I came to the floor to express appreciation to RICHARD LUGAR, the senior Senator from the State of Indiana, former chairman and current ranking member of the Foreign Relations Committee, for his comments on the tragic war in Iraq.

I have said on previous occasions that Democrats are virtually unanimous in our opposition to the war and united in our efforts to change course. But we face an obstinate President who refuses to hear the call of the American people. We face a Republican minority that has largely stood by his side as conditions in Iraq have deteriorated, and we have more than 3,500 dead Americans. I understand those who are wounded are approaching 30,000, a third of them grievously wounded.

Opposing the President of one's own party, especially on a war, is no small thing. And now Senator GEORGE VOINOVICH, another key Republican on the Foreign Relations Committee, has stepped forward along with Senator LUGAR to question what is going on in Iraq. In a letter to President Bush, Senator VOINOVICH urges the President to finally wake up to the truth so many of us already know: This war cannot be won militarily, can only be won politically, diplomatically, and economically. Senator JOHN WARNER said yesterday that he expects more Republicans to join our call for a responsible change of course.

When this war finally ends—and we are in the fifth year of this war, and it will end—this last period of time where we have had LUGAR, VOINOVICH, and WARNER speak out about the present situation in Iraq could be the turning point. This could be the moment when we break down the aisle that separates the two parties on Iraq.

So I say to my Republican colleagues who continue to follow President Bush's lead: Join with us. When I say ''us,'' we now have at least five Republicans that I know of, and I would be happy to run through the names: HAGEL, SMITH, VOINOVICH, LUGAR, and WARNER have already spoken out. Join with us. We can extricate our troops from the firing line of another country's civil war. We can begin to rebuild our battered military so they can focus on the real threats we face around the world.

Remember what the National Council of Mayors did yesterday. They also said, and voted by a majority, the war should end as soon as possible.

The first step has been taken by my Republican colleagues. We need more help. Now we need to put their brave words in action by working together to bring home our brave troops and deliver the responsible end to the war that the American people demand and deserve.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I understand the manager of the bill on the Republican side wishes to make a statement. I ask that it be made as in morning business. I ask unanimous consent that the Senator from Pennsylvania be recognized for 20 minutes and that at the conclusion of that 20 minutes, I be recognized.

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

The Senator from Pennsylvania is recognized.

IMMIGRATION

Mr. SPECTER. I thank the distinguished majority leader. I have sought recognition to comment on two subjects on the pending immigration bill.

First, it is my hope that my colleagues in the Senate will focus very closely on the extraordinary problems the United States faces today by the current status of our immigration laws and weigh very carefully, notwithstanding any objections people may have to the pending bill, the comparison of the bill with the status quo, what is in existence at the present time. The ultimate decision on whether to vote for or against the bill depends upon not what we would like to have, not what would be perfect, maybe not even what would meet the desires of the individual Members, but a comparison between what bill finally emerges and the status quo, what is happening at the present time, because what we really have in our immigration law is chaos and anarchy.

We struggled through legislation in the 109th Congress. It came through the Judiciary Committee, which I chaired in the 109th Congress, passed the Senate, and a different kind of a bill passed the House of Representatives. We could not go to conference, we did not resolve the issue, and it is back again this year. As I have said on a number of occasions on the floor, I think it probably would have been preferable to work through committee. I think at this juncture, you can strike the ''probably.'' It would have been preferable to work through committee in regular order. Whenever we leave regular order, we get into trouble.

So we structured it differently. We structured it with a hard-working group of Senators, up to 12, sometimes a rotating group, and we came up with a bill. We have been struggling with it on the Senate floor. We have found objections on all sides. We have found objections on the right that it is amnesty, and we have found objections on the left that it does not satisfy humanitarian needs and provide for family reunification, but we continue to push ahead. But I think it is plain that if the Senate does not come up with a bill, doing the best we can now, the subject will be cut off for the indefinite future. Certainly it will not come back up this year when we have a very crowded agenda on appropriations bills and patent reform and many other subjects. It is unlikely to come up next year in a Presidential and congressional election year. Then we are looking at 2009, and we have no reason to expect that the issue will be any easier in 2009 than it is today except that we would have lost more time.

We also ought to bear in mind that the Senate bill is not the final product. We will yet have a House bill, we will yet have conference, and we will yet have an opportunity to meet objections which are presently lodged against the bill.

Just a word of explanation. When I tear up, it is a result of chemotherapy; it is not a result of sadness on the current status of the immigration bill.

There is unity of judgment in both the House and the Senate, and I think broadly across America, that we need to reinstate the rule of law. We need to fix our broken borders. We need to have law enforcement against individuals who knowingly hire illegal immigrants. That is a very major part of the pending bill. The current bill provides for an increased Border Patrol from 12,000 to 18,000—6,000 new people.

It provides for additional fencing, although fencing was legislated in the 109th Congress. It provides for drones to fly overhead. It provides for fencing to protect urban areas. While you can't build an impenetrable fence of more than 2,000 miles above the border, we do cover a great deal of border protection. But no matter how secure the border is, as long as there is a magnet so people can get jobs in the United States which are better than other places, immigrants will be attracted, illegal immigrants will be attracted. That is why we have structured provisions in this bill to have foolproof identification so employers will be able to know with certainty whether an individual is a legal or an illegal immigrant. That being the case, if employers hire illegal immigrants knowing they are illegal immigrants because they are in a position to make that determination, it is fair to have sanctions, and for repeat offenders tougher

sanctions, and for repeat offenders, confirmed recidivists, to have jail time so we will provide the incentives of law enforcement on white-collar crime, which is very effective as a deterrent. I have seen that from my own experience as a prosecuting attorney.

In this bill we have issues which are agreed upon by everyone to secure our borders, to impose the rule of law, and to control illegal immigration. But that is not the end of the issue on comprehensive legislation. We have a guest worker program. In the midst of many objections which I am receiving about the bill, I am also hearing a great deal from people who say we need to have immigrant workers, that they are a vital part of our workforce. The landscapers have contacted me. The farmers have contacted me. Restauranteurs have contacted me. Hotel associations have contacted me. The agriculture needs in California have been expressed repeatedly on the floor of this body. So we do need the workers. The Chamber of Commerce and the other organizations are very forceful in articulating that need.

We have tried to balance it so we do not take away American jobs and so we are sensitive to the objections which the AFL–CIO has raised. We reduced the number of the guest worker program from 400,000 to 200,000. We tried to take into consideration the H–1B workers so that we bring in people with advanced degrees and technical knowledge to help Silicon Valley and other entities which are seeking more along that line. The bill is structured in a very sensitive way in that direction.

Then we have the 12 million undocumented immigrants. No one knows the exact number, but that is the number which we have utilized, a number which the Pew Foundation says is about right from their surveys. We have a cry that we will be giving amnesty to these 12 million individuals. We have done our best to structure a bill which requires these undocumented immigrants to earn the right to the path of citizenship. We have imposed fines. We have the requirement in the bill now, through amendment, that they have to pay back taxes. We require they learn English. We require the undocumented immigrants hold jobs for a part of our society. We have a so-called touchback provision which I am not enthusiastic about. I have grave reservations about punitive measures which do not have some substantive meaning, but that concession has been made to try to avoid the amnesty claim. We have gone about as far as we can go. Amnesty, like beauty, may be in the eye of the beholder.

One thing is plain: The 12 million undocumented immigrants are going to stay in the United States one way or another. They are going to stay here unless we find a way to identify those who are criminals and who could and should be deported, those who may be problems on terrorism. It is agreed that you can't deport 12 million undocumented immigrants. But if we can find a way to so-called ''bring them out of the shadows,'' we can identify those who ought to be deported in manageable numbers.

Secretary of Homeland Security Michael Chertoff has accurately said that the current situation, with 12 million undocumented immigrants, is silent amnesty. So they are here, one way or another, silent amnesty or amnesty. But one thing we could do if we move ahead with the legislation is to avoid the anarchy which is here at the present time.

I urge my colleagues, in formulating their judgment on the next critical cloture vote and on the issues of the point of order which will be raised, both of which will require 60 votes, to consider very carefully our best efforts at legislation which may be improved upon even more on the pending amendments, may be improved upon even more, contrasting that with the current situation, the status quo, which is totally objectionable.

I want to comment about one other subject, and that is the procedures which we are undertaking on this bill. We have come to an approach which, quite frankly, I would prefer not to have seen adopted. I would have preferred to have proceeded as we did at the start of the consideration of this bill before the majority leader took it off the calendar, where we were entertaining amendments from all sides. When the majority leader moved for cloture, I joined most of my colleagues on this side of the aisle, on the Republican side, in voting against cloture so people could have an opportunity to offer their amendments and the minority would not be stifled. I think on some occasions in the past, there have been efforts to stifle the minority and not allow them to bring up amendments. I stood with my Republican colleagues in voting against cloture.

Then we spent hours on the floor of the Senate where the objectors—really the obstructionists; well, let's call them objectors, I withdraw the comment ''obstructionists''—were exercising their rights. It is better to use a more diplomatic language and to accord all colleagues the full panoply of their rights. They were exercising their rights. But we sat around here. As the manager of the bill, I have to sit on the floor because something may happen; unlikely, but something may happen. I sat around for hours again yesterday. I don't mind hard work, but I do mind no work. But we sat around for hours on Thursday afternoon where the objectors wouldn't offer amendments, and they wouldn't allow anybody else to offer amendments. That is unacceptable, just unacceptable.

So I joined my colleagues, seven of us on the Republican side, and voted for cloture to cut off debate, and it failed. Then understandably the majority leader took the bill down. Now we have a very limited period of time, because we are about to embark on the 4th of July recess. When we come back there is a full agenda. As I said earlier, if we don't take the bill up now, it is not going to happen this year and probably won't happen next year. When we look at 2009, the same kind of problems we will face then, we face now, except they will be worse.

So a procedure has been structured now where we have 25 amendments. That is going to be the full extent. Yesterday the distinguished junior Senator from Oklahoma said he wanted an opportunity to offer amendments. I don't disagree with his philosophy, but in order to have had that opportunity, they had to have been done when we first had the bill on the floor. If the bill is to be moved along, we are going to have to proceed as we are now.

Our plan is to seek unanimous consent on these 25 amendments for a limited period of time. We have the proponents of the amendments, and opponents, and they are prepared to take a limited time agreement. Now we are equally divided. If Senators get down to business and get down to issues in an hour, you can debate the salient points. You probably aren't going to change any minds, anyway, around here, but you can have the debate in a pro forma way and get it done. But those time agreements will not proceed if there are objections to the time agreements, and we won't be able to have even limited debate.

The plan has been worked out. I don't like the plan, but it is the best we can do. It is the least of the undesirable alternatives. As a manager, I am going to move to table Democratic amendments, and Senator KENNEDY, as the manager, is going to move to table Republican amendments. So if there is no agreement on this limited time, there won't be any debate at all, and we are going to move right ahead for the disposition of the bill. If someone seeks recognition to speak with the managers controlling the floor, we will ask for unanimous consent that the speaker agree that no amendment will be offered and that there will be discussion only on the bill and for a limited period of time, a very limited period of time.

That is not the way the Senate ordinarily does business. Ordinarily if there is a request for unanimous consent on a time agreement on a pending amendment, if there is an objection, then there is no time limit and people debate it at some length, or they may filibuster it. But that is not going to happen on this bill at this time, because the day for amendments to be offered and regular order to be followed is past.

If we are to have a resolution of this issue, we are going to have to move ahead under this constricted and constrained procedure which, again, I don't like, but we are being forced to by the circumstances which we find ourselves in.

Just as we respect the rights of the objectors to raise the objections they have, we have rights, too. The way we

are proceeding is fully within the rules of the Senate. It is going to be a rough ride. We are in trench warfare, and it is going to be tough. But we are going to see the will of the Senate work one way or another. I hope, as I said earlier, my colleagues will, on the merits, take a close look at a comparison between the legislation we will produce with the unacceptable, unsatisfactory anarchy we have in immigration law today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, would the Chair report the bill, please.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid admendment No. 1934, of a perfecting nature.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I appreciate the cooperation of all Senators, those for the bill, those who have some misgivings about the legislation. I think we are at a process here now where I am going to ask unanimous consent that the time between now and 11:30 be for debate only, equally divided between the two managers, and of the minority time, there be 10 minutes for Senator DEMINT, and that following the use of all this time, at 11:30, I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object, the amendment is not yet ready. I would request that the leader keep us in morning business for the next hour. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, having heard from my friend from South Carolina, I ask unanimous consent that the time between now and 11:30 be for morning business—we can go into morning business—and the time be equally divided between the two managers; and of the minority time there be 10 minutes for Senator DEMINT—recognizing that people can talk about immigration or anything they want during this period of time—and that at 11:30 I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I want the RECORD spread with this: I have told a number of my colleagues who have some misgivings about this legislation that there are no tricks being done. We are just trying to move this legislation along as quickly as we can. If anyone has a problem—as my friend just had—if we can do that, we can always change the process. I am happy to do that. So we are now in a period of morning business with the time controlled by Senator KENNEDY and Senator SPECTER.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent—if I may have the attention of the distinguished majority leader—that of the time allocated to this side of the aisle, that 15 minutes be allocated to Senator HUTCHISON.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that 15 minutes of our time be allocated to the Senator from Virginia, Mr. WEBB.

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

IMMIGRATION

Mr. KENNEDY. Mr. President, the Senate today must make a choice. We can listen to the American people and support comprehensive immigration reform or we can ignore their voice and allow a dysfunctional immigration system to continue, at serious risk to our national security.

If we do not choose reform, we will perpetuate a system that allows 500,000 illegal immigrants to enter the United States each year, forces 12 million illegal immigrants to live in the shadows, and fosters a culture of fear and hatred against immigrants.

America demands change. Our bill provides the change the country needs. Change is not easy. There is much to criticize in this bill, but criticism is much easier than rolling up your sleeves and finding a solution.

The American people are growing impatient for a solution. Yesterday, the Washington Post reported that more than 1,000 bills have been introduced in the last year by State legislators fed up with congressional inaction.

States and cities are starting to step in and solve their immigration problems in their own way, regardless of the national interest. We cannot let that happen.

We are the guardians of the national interest. The national interest demands action on immigration. If you are for a national immigration policy, a policy that is bipartisan in spirit and determined to succeed, then support this bill.

This bill contains the toughest and most comprehensive crackdown on illegal immigration in our Nation's history. It enhances our national security through tougher border protections. It ensures that criminals do not enter this country or receive immigration benefits. It prevents undocumented workers from obtaining jobs, and cracks down on employers who defy the law by hiring them.

This bill tackles the essential problem of providing the workers our economy needs. It will allow businesses to recruit temporary immigrants as workers—workers who will return home—if American workers and legal immigrants are not available to fill needed jobs.

This bill will allow families to plan for the future by tackling the plight of 12 million people hidden in the shadows of this country. We are giving undocumented immigrants a chance to earn legal status. People deserve this chance if they pay stiff fines, work for 8 years, pay their taxes, learning English, and go to the back of the line to wait their turn.

The American dream is a story of immigrants. We now have an opportunity to write a new chapter in the story of the American dream—an opportunity to enact tough but fair measures that protect our national security, restore the rule of law, and uphold our tradition as a nation of immigrants.

I look forward to the coming debate. Let's go forward together and achieve genuine immigration reform.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator has 26 minutes, of which 15 has been dedicated to the Senator from Virginia.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I want the Senator from Virginia to have his full 15 minutes, and then, if it is agreeable, I will have what is left.

Mr. KENNEDY. Mr. President, I ask unanimous consent that following the Senator from Virginia, the Senator from California be recognized, and the remaining time on our side be allocated to her.

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

Mr. WEBB. Mr. President, I would be happy to yield, at this time, to the Senator from California, and then follow her, if she so desires.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to just take a few minutes this morning—I have spoken about this before—to address the motivations I have behind the amendment I have offered and to express my hopes that our colleagues will support this amendment. I

have offered this amendment in the hopes of helping to save the vote on this bill.

I am well aware there are a number of people in this body who would like to see this bill go down the tubes. I do not share that sentiment. There is a lot of good in this bill. We were given a briefing card yesterday, with which the Presiding Officer, I know, is also familiar, which outlines a lot of the positive aspects in this piece of legislation. It will go a long way toward toughening border security. It will, in a measurable way, toughen employer sanctions. It will create a program that, in my view, is a proper way to deal with the guest worker issue.

The difficulty I have with the present legislation, and the reason I have offered my amendment, goes to the issue of legalization and the notion of fairness in terms of how the laws of the United States are applied.

The second problem I have with this bill is the issue of practicality, when you look at what are called the touchback provisions. We do have, by all estimates, between 12 million and 20 million people who are here without papers. We need to be able to say, openly and honestly, the situation these people are in is a result of the fact they are here in contradiction of American law.

The average American believes very strongly in the notion of fairness when it comes to how we enforce our laws. Of those 12 million to 20 million people, as I have said for more than a year, there are a significant number who have—during a period of lax immigration laws—come to this country, become part of their community, put down roots, and deserve a path toward legalizing their status and toward citizenship.

But to draw the line arbitrarily at the end of last year, to include every single person—with a few exceptions—who was here in this country as of the end of last year, I think violates the notion of fairness among a lot of people in this country. It is one of the reasons we have had such a strong surge of resentment toward the legislation as it now exists.

Under my proposal, those who have lived in the United States for at least 4 years prior to the enactment of the bill can apply to legalize their status. I would like to point out that a year ago, people in this body were agreeing to a 5-year residency requirement. This bill is more generous than the legislation a lot of people in this body and also immigrants rights groups were supporting a year ago.

We then would move into objective measurable criteria which would demonstrate that the people who were applying have actually put roots down in their community through a work history, through payments of Federal and State income taxes, the knowledge of English, immediate family members in the United States. These are not all inclusive. They are the sorts of criteria which would help to advance the legalization process.

I believe this is fair. I believe people in this country—who traditionally would be supporting fair immigration policies but who are worried about the legalization process in this bill—would come forward and support this bill. We need that support in this country if we actually are going to solve this problem and move forward.

The second part of this amendment goes to the practicality of the present legislation. It strikes the bill's unrealistic touchback requirement. For those who meet the test of having roots in their community and move forward, it removes the requirement that they have to go back to their country of origin in order to apply for legal status.

We know the difficulty a lot of families would have if their principal breadwinner had to leave his or her employment, go back to Manila, or wherever, file papers, leave their family here, and interrupt their job. That is simply impracticable. In many ways, it is a totally unnecessary obstacle.

So this amendment would reduce the scope of people who were allowed legalization to those who have put down roots in their communities in a very fair way that I think Americans will understand, but also would remove the unnecessary impediment of requiring people to go back to their country of origin.

I have heard loudly and clearly from not only Virginians but from people across this country—when I have talked to people about this issue over the past couple of years—that this Congress should find a fair system that, on the one hand, protects American workers and, also, respects the rule of law. This amendment is the fairest method I know to do so, and to do so realistically in order to truly reform our broken immigration system.

I am hopeful this amendment will get support. If this amendment succeeds, I am happy to support the final legislation. As I said, there are many good provisions in this legislation. But under the present circumstances, I think there are many people in this body who have a very difficult time, on the notions of fairness, with the widely embracing notion of all the people who are involved.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to have an opportunity to speak on the bill. I know then Senator HUTCHISON will offer her amendment, and I will have an opportunity at that time, hopefully, to speak against the amendment.

Mr. President, there has been one inescapable truth in all of this. Year after year——

Mrs. HUTCHISON. Mr. President, will the Senator from California——

Mrs. FEINSTEIN. Mr. President, I say to the Senator, I am sorry, I cannot hear you.

Mrs. HUTCHISON. Mr. President, will the Senator from California yield for a question?

How long does she expect to speak on the bill itself before talking about the amendment?

Mrs. FEINSTEIN. For the remainder of the time we have on this side, which is——

The PRESIDING OFFICER. Eighteen minutes.

Mrs. FEINSTEIN.—18 minutes.

Mrs. HUTCHISON. I thank the Senator.

Mr. KENNEDY. Mr. President, parliamentary inquiry: Isn't some of that time Senator WEBB's time?

Mrs. FEINSTEIN. He just spoke.

The PRESIDING OFFICER. He concluded his remarks and left the remainder of the time he had taken.

Mr. KENNEDY. I thank the Senator.

Mrs. FEINSTEIN. For the 14 years I have served on the Immigration Subcommittee of the Judiciary Committee, I have become more and more convinced that what we have is a broken system. To me, the word ''comprehensive'' means fixing a broken system. The system is broken in many different directions.

In one direction, every year, year in, year out, 700,000 to 800,000 people cross the border looking for hope, opportunity, work, or to reunite with family. They come into this country in an illegal status, and they disappear. There is a portion of our economy that welcomes immigrant labor. They are able to find work. They are able to hide. They are able to falsify documents.

I have personally gone to Alvarado Street in Los Angeles and seen where, in 20 minutes, you can obtain a green card, a driver's license, a Social Security card. You cannot tell the difference between a real and a fraudulent document. The border is broken in that we cannot protect it.

Secondly, it is estimated that 40 percent of the people here illegally are visa overstays. Some go back after awhile. Some never go back. What does this constitute? It constitutes a silent amnesty because these people exist in America. They are able to work in America. Most are never found by authorities. Those who are found are similar to the Munoz family in San Diego.

A few weeks ago, a mother and a father were deported in the middle of the night. They have three American children, the oldest of which is 16. They own their home. They both work. They own their furniture. In the middle of the night, Immigration Naturalization Service comes in, picks up the parents and deports them. This is an actual case—the house is gone, the furniture is gone, the three children are living with an aunt in San Diego. Why? Because they could be found, or because perhaps somebody reported them, but they could be found. But the dominant number of people here illegally cannot be found.

What this bill tries to do is fix the broken border. We fix it with infrastructure. We say this new infrastructure, whether it is UAVs or vehicle barriers or fencing, has to be in place before anything else is done. The bill mandates $4.4 billion upfront in spending for border enforcement. This money will be used to carry out the enforcement triggers. That is one part of the fix.

A second part of the fix——

Mr. KENNEDY. Mr. President, would the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. KENNEDY. From what the Senator said, therefore, what we are doing on the border is the most extensive border security in the history of this country, No. 1; No. 2, with the—am I not correct on that, that this will be the most extensive—extensive paid-for border security in the history of this country? Am I correct?

Mrs. FEINSTEIN. Through the Chair to the Senator from Massachusetts, there is no question about it.

Mr. KENNEDY. Secondly, if this legislation doesn't go through, we are not going to have that provision; is that not correct as well?

Mrs. FEINSTEIN. Through the Chair to the Senator from Massachusetts, that is absolutely true. We will have a continuation of what is, in effect, a silent amnesty.

Mr. KENNEDY. All right. Thirdly, is the Senator saying this is not only an issue on border security, but it is an issue with regard to national security because we don't know who those people are and they disappear into our country, and those who have spoken about national security in this country have urged us to take this action?

Mrs. FEINSTEIN. That is absolutely true. We have no idea who is in this country and who comes into this country illegally. We have no idea who is in this country overstaying their visas.

These are the 12 million people who remain unidentified. This is what we are trying to do: First, fix the border as it has never been fixed before. Second, hire the additional Border Patrol, bringing the total number of agents up to 20,000. Third, fix interior enforcement. Fourth, provide for employer verification documents. No more fraudulent documents. Everybody will have biometric documents to be able to prove they are, in fact, who they are.

One of the big problems is in a category called OTMs, ''Other Than Mexicans,'' coming across the border. Because it is so easy to come in, more and more people from other countries are going to Mexico first and coming up through that border, particularly countries from the Middle East. This represents a serious national security issue.

Mr. KENNEDY. Could the Senator yield for 2 quick questions?

Mrs. FEINSTEIN. I will.

Mr. KENNEDY. So we are talking about not only national security and border security, but the Senator is also talking about worksite security. We don't have any worksite security at the present time. That is the problem with the 1986 act. We hear a lot of talk about it, but that is the problem.

Is the Senator telling us we will have the most extensive not only border security but worksite security; and beyond that we are going to have 1,000 inspectors to make sure the new security is going to work; and beyond that, for the first time, we are going to have a tamperproof card that will finally give us the opportunity to get control of our immigration system?

Mrs. FEINSTEIN. The Senator from Massachusetts is absolutely correct. This bill has three huge chapters called titles that are devoted to enforcement. It is extraordinarily important, and it isn't going to get done if this bill doesn't pass.

Now, in addition to that, it says—because there is no way to find and deport these individuals because they live in the shadows and because an overwhelming number of them live a life of hard work and want to continue to work and want some hope and opportunity for their family—that if they go through an extensive process—not an easy process, not a process of amnesty in any way, shape or form—as a matter of fact, they feel the process may be too tough because they must go through an extensive period of paying fines. For one person, the fines amount to $8,500 over the first 8 years. They must learn English. They must show work documents. They must do this periodically. They must pay taxes. They must show documents that they have paid taxes. This is not a pushover by a long shot.

If they can comply with this, they receive something called a Z visa. That Z visa eventually, between 8 and 13 years into the future, will enable them, after everyone now in the green card line—after that green card line is expunged—to get a green card. It is hard. There are many hoops they will jump through. The fines are heavy. But they say they will do it. The dominant majority say they will do it. That means they will be documented. That means the national security problem will end.

Additionally, we are requiring US–VISIT to track people leaving our country so we will know if somebody who is here on a visa actually leaves the country when their visa expires. There is a penalty. If they come back illegally, they will be held and do some jail time prior to deportation.

The bottom line is this bill also incorporates two other bills. One is a bill that has been negotiated between farmers and growers and organizations representing farm labor, such as the United Farm Workers, over a substantial period of time. The reason for this portion of the bill is because agriculture in America is dominantly—perhaps 90 percent—undocumented illegal workers. The reason it is that way is because American workers will not do the job. I know that in California because we have tried over the years to get American workers to do these jobs.

One day I went out to the Salinas Valley, and I watched row crops being picked. What I saw was the degree to which this is stooped labor in the hot Sun but with a skill. These people bring a skill. Agriculture workers have a skill: the way they pick, the way they sort, the way they pack, the way they prune. If you watch them, you see they go from crop to crop. They are not American citizens. They come from other countries. They are the labor that puts our food on the table in the United States of America.

What this bill does is incorporate a closely negotiated bill called AgJOBS, which would allow these workers to become documented and, at the end of 8 years, if they carry out their requirements to continue their agricultural work for an additional number of years, they are then eligible to be first in this line for a green card.

The final part of the bill is the DREAM Act, which recognizes that children, for example, such as the three Munoz children, or other children who are brought here illegally and go to school and earn a degree in college or serve in our military, can earn a green card.

So the bill is a compromise bill as well. People on the other side of the aisle wanted certain things in this bill. People on our side of the aisle wanted certain things in this bill. It was negotiated and the bill was put together. Is the bill a perfect bill? No. Is it a good bill? I absolutely believe that it is. I absolutely believe this Nation will be better off with this bill. Will the Judiciary Committee have to practice oversight? We have Senator KENNEDY, we have the Presiding Officer, and members of the Judiciary Committee. I believe very strongly what we should do is have bimonthly hearings, oversight hearings into the operation and mechanics of the bill, so that as the bill is carried out, if there are tweaks that need to be made, we can make them.

But to fail, at this point in time, is to continue this situation where 12 million remain unidentified, where they pose a serious risk to national security, where 700,000 to 800,000 people will enter our country illegally or overstay their visas over 10 years, with 7 million to 8 million additional people here in undocumented capacity, where 400 to 500 people die every year trying to cross the Mexican border, and where 4 million people will continue to wait for a green card. We take these problems and we try to solve them in this bill.

Now, people who are opposed to the bill say: I don't like this. I am going to vote against the bill. I don't like that. I am going to vote against the bill. Yes, they can do that. Yes, they are entitled to do it, but know what you are doing when you do it. There will be no $4.4 billion to enforce the border. There will be no additional Border Patrol.

There will be no electronic verification. There will be no biometric documents, and the flow and the silent amnesty will, in fact, continue.

This is our chance. We should not squander it.

Mr. KENNEDY. Mr. President, would the Senator yield for a further question?

Mrs. FEINSTEIN. Certainly. I would be happy to.

Mr. KENNEDY. First of all, I thank her for an excellent review of where we are. This is a continuing process.

The Senator mentioned earlier about the fines and the fees that are going to be charged to the population if they are going to be on the track. After all those who have waited in line gain entrance into the United States, they would be at least on the track toward a green card. That amounts to $55 billion, is what it comes to?

Mrs. FEINSTEIN. That is correct.

Mr. KENNEDY. That is going to be used in terms of border security. That will be used for border security, worksite security, the development of the biometric card; and $6 billion of that $55 billion is going to be used to help to assist States to offset any of the burdens they have in terms of health care and education—$6 billion is going into that.

Does the Senator agree with me that if this legislation does not go through, that $55 billion disappears and Americans are still going to want to try and make some progress on that line and it is going to be the taxpayer who is going to pick up the burden? Could the Senator comment on that.

Mrs. FEINSTEIN. I would be happy to. Through the Chair to the Senator from Massachusetts, he is dead right. This is $55 billion where the people affected by the bill pay for the costs. That is a big thing: $55 billion will flow to do what needs to be done, whether it is the biometric cards, whether it is the US–VISIT Program, whether it is the infrastructure at the border, whether it is the 5,000 additional Border Patrol; whatever it is in the bill, the fines are very heavy in this bill. Many people—and a reason why much of the immigrant community has become concerned about the bill—is because of the size of the fines. Nonetheless, we can make the argument that this bill will pay for itself, by and large. The fines are stiff to do that.

Mr. KENNEDY. Mr. President, I thank the Senator. Would the Senator also agree with me that the initial bill, without some of the recent amendments—we actually find out through CBO that immigrants add to the economy, and their conclusion—this is the CBO, which is a governmental agency charged to review it—is actually those immigrants contribute $25 billion more than using over this period of time as well. I am wondering because there has been a lot of talk about whether immigrants add to the country and our society through the payment of taxes. We have the independent Congressional Budget Office which made that judgment which is included in the record.

Does the Senator not agree with me, in representing a State that has both the wonderful opportunities of people who have worked and contributed to that State, that it is an important contribution that these workers provide for our society?

Mrs. FEINSTEIN. Mr. President, there is no question that that is the case, certainly, in California. We have the largest number of undocumented immigrants, people estimated at between 2 million and 3 million. California is an expanding economy. When you get your gas filled in your tank, when you are served a meal in a restaurant, when you look at who is doing the dishes, the person who is changing the beds in the hotel where you stay, who transports patients in the hospital, who does landscaping in the gardens, sweeping the streets, picking the crops, pruning the crops, working in the canning factories that dot our State, you see people who are among those 2 million or 3 million people. No question about it.

Mr. KENNEDY. Mr. President, I see the Senator——

The PRESIDING OFFICER. The time controlled by the majority leader has expired.

Mr. KENNEDY. I understand the other half hour is for the Senator from Pennsylvania. The Senator from Pennsylvania intended to yield to the Senator from Texas. I think I can yield 15 minutes to her on his behalf. I think the Senator can probably get more when Senator SPECTER gets back.

The PRESIDING OFFICER. Fifteen minutes have been allocated to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to use 10 minutes. The Senator from California said she wanted to speak against my amendment. I would like to reserve 5 minutes of my time for after her argument, so I can close the discussion on my amendment. I ask unanimous consent that I be allowed to do that.

The PRESIDING OFFICER. The Senator from California no longer has time.

Mrs. HUTCHISON. Mr. President, in that case, I am going to speak on my amendment——

Mrs. FEINSTEIN. Reserving the right to object, is the Chair saying I will not be able to have time to speak against the amendment?

The PRESIDING OFFICER. The Senator's time between now and 11:30 has expired.

Mrs. FEINSTEIN. I see. After 11:30, I would be able to speak against the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. After Senator REID.

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that at some point between 11:30 and the time we vote, I be allowed to speak for 5 minutes after Senator FEINSTEIN.

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

Mrs. HUTCHISON. Mr. President, I rise to talk about probably the most important bill we are going to address maybe in my time in the Senate, certainly in the last 25 years, and in the next 25 years, from a domestic policy standpoint.

There are some good features of this bill. I think we have run into many problems, one of which is it didn't go through committee, which I think everybody agrees has caused there to be so many conflicts and rewrites, and when you adopt an amendment, it changes something else. That should have been done in committee. Another is that this issue hits so close to so many people. So we see objections from all different types of groups, Democrats and Republicans, business groups and labor groups. So it is something that I think now is on the radar screen of the American people. It is something that I think is good that we are discussing because I do believe it is Congress's responsibility to fix this problem. It is a problem that was made in a 1986 act of Congress when amnesty was granted and the law was not enforced. There was no guest worker program that was going forward, so we had illegal behavior and there was a blind eye turned.

Now it is 20 years later, after 1986, and we find ourselves having to deal with the inability to know who is in our country because we have not enforced the laws and we have not had a workable program to provide the jobs that would grow the economy of our country. So here we are, trying to pass a bill that will fix the problems of the past but also to set a standard that says we are not going to have the going-forward capability for someone to come into our country illegally and stay long enough that they will be able to become legal without applying through the processes from their home country.

There are good parts of the bill. I give those who have worked so hard on this bill credit for significant border security increases, for an effort to end chain migration. In most countries in the world, the guest worker green card equivalent ratio is two-thirds workers, one-third family. It is the opposite in America; it is two-thirds family, one-third worker, which is why we have this crisis of needing more workers but not having the capability to bring them in legally in a process that will work. So that effort was made in this bill, and it is one of the important good points of the bill. So I recognize there are good parts of the bill.

The problems in the bill must be fixed if we are going to do this right and deal with the people who are here illegally in a responsible and rational and pragmatic way but also set the

standard that we start now, and will be set through the future, that you must apply from your home country to come into this country to work legally. If we don't set that standard in the bill, we will have another disaster 20 years from now that a future Congress will be trying to fix.

My problem with the bill is the amnesty. Anyone who tries to say it is not amnesty is not being realistic. If you can come to this country, stay, never have to go home and go into the process of legalization and going into our Social Security program, which is allowed in the underlying bill, that is amnesty. So I have an amendment going forward that will try to take the amnesty out of this bill. That is one of the major things I think we can do to make this a bill that could be supported. My amendment would provide that all adult work-eligible illegal people in this country would have the ability to come forward, and they would have 1 year to do it, for a temporary permit while the processing is done on that person's background, and then a temporary card would be given, after which a person would have 2 years to go back to their home country and apply and come in legally to get that Z visa, or that ZA, which is the ag worker visa, legally in our country. It was important.

One of the things we did in my amendment that I think is so important is we treat every work-eligible adult the same way. Whether it is an ag worker, restaurant worker or someone working in a hotel, everyone would be treated the same way if they are in the Z–1 category or ZA category—the workers we are trying to regularize would have the same requirements.

Now, there will be an amendment later that will say just the heads of households would have to go home. That was my original thought. But then how can I say the working spouse of a head of a household could stay here, but the head of household could not? So we set the 2-year timeframe for the people who are adult, work-eligible people illegally in our country—we set 2 years after they have signed up for their temporary permit for them to go home and get regularized, get that final stamp before they come back, and if they do have a homestead here with children, they would have 2 years so that one spouse at a time could go home. To me, that says we are setting the standard today. It will be the standard that we ask people, if they want to have the privilege of working in our country, to do; and we will ask people who want the privilege 10 years from now and 25 years from now to do the same, so that we send the major message, which was the problem we had that created the crisis, that you cannot come to our country and stay illegally and eventually get regularized without ever having to apply, according to the law from your home country. That is what my amendment does.

We do have a modification of the amendment as it applies to agricultural workers because we don't intend to change the sort of different requirements for an ag worker to keep their ag worker visa the same. We have modified our amendment so the basic requirements for agricultural workers, which is somewhat different from the restaurant workers, would stay the same, but the ag workers would have the same requirements that the restaurant worker has, and that is they would have to go home within the 2-year period after they have signed up as illegal and apply from home, or have the ability, if the Secretary designates another consulate as able, to return home to the consulate to take that application that would be done. So we have the SAFE ID, which is going to be the basis of the worker verification system, which will be a tamperproof ID that will have a picture and a biometric signal that can be picked up easily by an employer. It will be an online verification system so the employer can, with ease, determine that the person working is eligible to work.

If we can do this and take the amnesty out of the bill, it is so very important that we set the standard now, so that everybody who wishes to have the privilege to work in this great country will know what the rules are and will know that the rules are going to be enforced. That is the purpose of my amendment.

I believe if we can pass this amendment, it would add a major component to this piece of legislation that would say not only are we going to have border security measures and this effort to end chain migration, have the merit-based system, take care of the H–1Bs and technical workers we want to come in and to attract into our country, that all these things would be done that are good.

But in addition, we are setting the standards today and into the future that if you want to work here, you come in through the system, applying from outside the country.

I hope my amendment will be able to be passed. Having the 2 years after the first year would allow the process to work. Anyone who says we cannot do the processing with all of the consulates that are available in the countries, most of whom are going to be in Mexico or Central or South America—and easily accessible—and also Canada, anyone who says we cannot do that over a 3-year period, I think, is raising a red herring.

I believe it is possible, if we are committed to doing it and committed to the laws of our country that would be adhered to by everyone who comes in.

We must know who is in our country. We must have a guest worker program going forward that will work and accommodate the economy that does need these work jobs that are not being filled.

I hope we can come to an agreement on this bill that we can all support and know that it is right for our country today and it will be right for our country 25 years from now and that future Congresses will not look back and say: What were they thinking? Why didn't they do what was right for our country? I hope we can do that, Mr. President.

I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WEBB). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to clarify where we are right now. It is my understanding in the unanimous consent agreement with respect to morning business that the next 15 minutes belongs to the Republican side; that Senator DEMINT has 10 minutes reserved of that time, and then the remaining 5 minutes of that time can be accorded however the Republican side wishes to do; and that the majority leader is coming back on the floor at 11:30 a.m.

The PRESIDING OFFICER. The Senator is correct, 11:30.

Mrs. FEINSTEIN. I thank the Chair.

Mrs. HUTCHISON. Mr. President, let me add for clarification, however, that after 11:30 a.m., I have 5 minutes following Senator FEINSTEIN to discuss as in morning business my amendment.

Mrs. FEINSTEIN. Mr. President, if I may respond to the Senator, it is my understanding that is correct; that following the majority leader, then I will have 5 minutes to respond to Senator HUTCHISON and then she will have 5 minutes to respond to me.

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, as has been noted, I control 10 minutes of the last 15 minutes.

I ask unanimous consent that Senator VITTER be allowed to control the time of the remaining 5 minutes on the Republican side.

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

Mr. DEMINT. Mr. President, I think it would be a good idea that we create a national warning system to tell Americans when we decide we need to do something, even if it is wrong. A few weeks ago, we decided we needed to do something about immigration. A few of the Senators announced on a Thursday that we had reached this delicate compromise and nothing could be changed from this bill. We all found out a few days later that the bill had not been written yet, but over the weekend one version was written, and by Monday, another version had been written. We were told we needed to vote on that bill by Friday.

This bill has been a moving target since it began. It is hard to tell on any given day what is actually in the bill. We were able to convince our leadership to at least go to a second week. But when many of us came down to offer our amendments, consistently there was objection to bringing up additional amendments. When finally the

original bill came to its final day, there were three cloture votes that failed. This bill was put down.

Now we have brought it back. We brought back a bill, just yesterday, a new bill in which we have already found significant flaws the writers didn't know were there. We have problems in the underlying bill, and yesterday we were all waiting down on the floor to get this new amendment, this amendment that is almost as big as the original bill, 373 pages. We were all waiting, and we received it later in the afternoon.

What actually happened was, when we asked that the amendment be read, we had to recess the Senate and go finish writing the bill. But we finally got the bill. It was warm from the copier, 373 pages, after a couple of hours of delay.

When we asked that it be read so we would understand what was in it, we finally got the majority leadership to agree we could have the night to review it, which we greatly appreciate.

Now we have come to the floor, got here at 10 today because we understood the majority leader was going to divide this amendment in this grand clay-pigeon procedure to divide this amendment, only to find out the amendment is being changed, but it hasn't been written. We are waiting on the floor again to get a new version of this amendment, but we don't know what is going to be in it.

It is amazing that something so important that has been talked about on the floor of the Senate, something we have to do, is continuously being revised and rewritten every day. Instead of stopping and getting this amendment in some form we can work with, we continue to press the whole process forward.

Some of us who are critics have been called obstructionists because we don't think this process is fair or that the underlying bill is right for America. We have been called a lot of names, but we can't even get started with a fair process, and we can't start to fix it with amendments if we don't even have it written yet. It is hard to know what the amendments should even be if we don't see what is actually in the bill.

So here we are again. It is going to be offered sight unseen, just as yesterday, when not one Member of the Senate had read it when it was offered. We are going to get a new amendment, probably 400 pages today, that not one Member of the Senate will have read, that we will be expected to bring up and to vote on.

Mr. President, I wish to ask a couple unanimous consent requests. First, we need to stop this moving target and know what we are working with. I ask unanimous consent that it be in order at this time to order the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, then maybe it would be fair to ask unanimous consent that after Senator REID modifies the amendment, that the modification be read.

The PRESIDING OFFICER. Is that a unanimous consent request?

Mr. DEMINT. That is a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

Mr. DEMINT. Mr. President, it is extraordinary that we are using Senate procedures to actually keep a 400-page amendment from being read.

I ask unanimous consent that when the amendment is modified, when it is broken into these clay-pigeon pieces, that I be recognized to request the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. I am asking for votes. Let's not say later on that we are trying to stop votes.

I also ask unanimous consent that when the Senate resumes consideration of the bill, the pending amendment be temporarily set aside and that all the filed amendments be called up en bloc and that the Senate then return to the consideration of the Reid amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, what I have done in these requests is to show that there is no intent to let this body actually see what we are voting on, which is incredible with such a complex bill; that we are going to bring up an amendment we haven't read, and when we ask that it be read, that request is denied. When we ask for a vote on the underlying amendment, that is denied. When we ask for the yeas and nays, which means you can't voice it, that means eventually we are going to get a vote on the amendment that will be offered today, that is denied.

I wish to make it clear that those of us who don't think this process is fair or that this bill is good for this country, that we have not wanted it to be voted on. But the intent is for these to be modified, just as they have been throughout this process. All these 26-some-odd amendments will be modified minute by minute, hour by hour, so when we come to vote on these amendments, nobody is actually going to know what is in them.

I heard Members say, it is like what we were talking about a couple weeks ago, but we found out this morning when we asked questions about the new amendment that it isn't like what we were talking about a few weeks ago. In fact, there were important amendments that were passed that we were told would be in this bill which have been eliminated by the amendments that have been offered.

We can talk more about this as the process goes forward, but right now I wish to reserve the remainder of my time and yield to Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I truly find this process amazing. We have been told by the master crafters of this bill, who have developed this grand compromise in a relatively small group, that this is a delicate compromise and nothing can be allowed to upset it, certainly not allowing our amendments to reach the floor this week to be debated. So it has to stay exactly like it is.

For that reason, our amendments are being blocked en masse. But at the same time, these crafters of the compromise are changing their bill every half hour. It is a constantly moving target. Just a few days ago, we were presented with a brandnew underlying bill that is 761 pages. In addition, yesterday we were given a huge amendment, really 26 amendments put together, that is 373 pages. We had the audacity to ask that we be allowed to read the amendment and understand it.

After making the clerk read the amendment out loud for some period, Senator REID finally acknowledged that, yes, maybe it would be fair to let us read the amendment. So we recessed for the night. Great. The trouble is, that amendment is out the window. They are now working on a brandnew version that they are trying to present soon. We have no idea what changes are being made to yesterday's amendment to make it today's amendment. It is probably going to be over 373 pages. So our study last night is basically for nought.

That process is not fair. It is patently unfair. We have the right to understand what is before the Senate. We have the right to read it. That is exactly what Senator DEMINT's unanimous consent requests all went to. They were all shot down. They were all denied by the majority. I think it is a patently unfair process.

Let me ask this unanimous consent to at least allow us to digest this brandnew mega amendment, and that is, when Senator REID offers his modified version of this amendment, which we expect will contain many changes from yesterday, including serious and substantive changes, that we have 5 hours as in morning business so that we are allowed to digest the contents of this new amendment. That is the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object, Mr. President, but before I do, I wish to respond. This is not a new bill, this so-called 700 pages. These are amendments packaged together which are subsequently divided. These are amendments which have been around for a substantial period of time. It is true some of them have been modified. Senator HUTCHISON is modifying her amendment. However, we

have had an opportunity to know that and see it and can speak to it. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Reclaiming the remainder of my time, Mr. President, I think this is amazing. We are going to be presented with a brandnew mega amendment fairly soon. It is going to be at least 373 pages, maybe 400 pages, and we are not going to be allowed to read it before this Senate forges ahead debating and possibly voting on it.

I don't understand why we are not offered the opportunity to digest this brandnew mega amendment. Senator REID stood on this floor yesterday and acknowledged it was only right and only fair to give us an opportunity to digest his mega amendment yesterday. The problem is, come this morning, that is out the window. There is a new mega amendment. We have no idea what line has been changed, what paragraph has been changed, what is new language, what is old language. We need a reasonable opportunity to independently digest that amendment, not simply take other people's summaries and word for it when we are presented with this brandnew 400-page amendment.

I will be happy to yield to the majority leader on this point, reserving the remainder of my time.

Mr. REID. Mr. President, I am sorry, I was in a briefing with Admiral McConnell. It is my understanding the distinguished Senator from Louisiana said that minor changes have been made since he looked at the legislation, which I assume he finished this morning sometime. He wants to take a look and see what changes have been made; is that right?

Mr. VITTER. Mr. President, yes, but to do that we have to read the whole new mega amendment, I suggest to the majority leader. It is in that vein and in that spirit that I offered the unanimous consent request, that once the new mega amendment is presented, once that happens, we be in morning business for 5 hours so we may be allowed to read it.

Mr. REID. Mr. President, I object to that.

I would say to my friend, however, that we would be happy to have our staff—they are relatively simple amendments, some with simple word changes—that we would be happy to have our staff, with his staff, show what those changes are. There would be no need to read the whole bill. If you read the whole bill, few changes have been made, and it would be very apparent. So I am sure we can do that, and we can do that with little trouble.

It is my understanding, Mr. President, that the time for morning business has ended.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

COMPREHENSIVE IMMIGRATION REFORM ACT—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mrs. FEINSTEIN. Objection.

Mr. DEMINT. Parliamentary inquiry.

The PRESIDING OFFICER. A parliamentary inquiry is not in order during a quorum call.

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

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. VITTER. Mr. President, I renew my unanimous consent request that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object.

Mr. REID. Mr. President, he can either object or not object.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. VITTER. Mr. President, I remove my objection.

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

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the distinguished Senator from South Carolina thought they had 5 minutes left; is that right?

I would ask unanimous consent that he be allowed to speak, and this would be for debate only. Following the using of 7 minutes, I will take the floor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DEMINT. Mr. President, I would like to yield my time to other Senators. I will give 1 minute to Senator VITTER and 4 minutes to Senator SESSIONS.

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

The Senator from Louisiana is recognized for 1 minute.

Mr. VITTER. Mr. President, with the majority leader on the floor, I want to use my brief minute to follow up on my inquiries and frustrations.

Very soon, we are going to be presented with a brandnew version of this mega-amendment, 400 pages or whatever it is. I would like to be allowed some reasonable opportunity to independently study that mega-amendment without having to depend on other people's summaries, and it is for that reason I made the unanimous consent request that we be in morning business for 5 hours once that brandnew mega-amendment is presented.

With that explanation and background, given that the distinguished majority leader recognized that right of ours yesterday, when we were allowed to read the old version of the amendment, I would like to make that unanimous consent request.

The PRESIDING OFFICER. The Senator has used his 1 minute.

Mr. REID. Mr. President, I object. I will use my own time in response to him.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. So as not to use the time of the Senator from South Carolina, Mr. President, there have been a few changes made, but they are very minor. As I indicated to my friend, this is not a new mega-amendment. This is the same amendment which was laid down last night, and people on both sides have had ample opportunity to read this. As I indicated, we would be happy to talk with him and/or his staff, with individual Senators and/or their staff to indicate where the changes have been made and what the purposes of those were. If that is not sufficient, I don't know how I can be more fair than that.

So I will now turn it over——

Mr. VITTER. Mr. President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No, but I just want to make sure it is still under the same time agreement we had before. We add 30 seconds to the time we had given.

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

Mr. VITTER. I would suggest, through the Chair to the distinguished

majority leader, that I have a real problem with depending on basically the other side's summary of these changes which are being made as we speak. So I would propound a new unanimous consent request, that if we have to do that, if that summary is lacking or inaccurate in any way, that all subsequent votes and actions of the Senate which are agreed to have no effect because we have depended on the other side's information and it could turn out to have been incomplete or inaccurate.

Mr. REID. Mr. President, again using my time, I object to this, but let me just say that it wasn't a hard piece of reasoning to come up with to object to this.

The reason we are going through this process here is people—mostly on the other side of the aisle because we on this side are satisfied with the bill the way it was written, but mostly on the other side of the aisle and some Democrats—said, OK, if you are going to do this, we will do that. We are doing this to make people happy, so they have an opportunity to talk about this bill some more. This is a process.

I have really tried to be fair. I have not tried to take advantage of anyone. I have tried to be as candid with people who support the bill as those who oppose the bill, not trying to take advantage of them. The process here in the Senate wasn't invented yesterday; it has been going on for 220 years. I am working my way through the rules, making sure we follow every jot and tittle in these complicated rules, but they are not that complicated. We simply want to work on an issue that is important to the American people—immigration.

I acknowledge, as has my friend, that the system of immigration in our country is broken. We need to try to fix it, and this is our way of trying to fix it. Perfect? No. Good? Yes. The American people deserve our attention to this problem we have in our country. We have people of good will, Democrats and Republicans, who are trying to do this.

We have this occasion, for once in recent memory, where we are working with the President on this side trying to get this done. I have said publicly that I appreciate the President's advocacy on this issue. If we are able to pass this bill, and I hope we can, it will be a shot in the arm for the system, the political system which has been so generous to our country for so many years, and I think people will look and say: You know, those people in Washington who are always yelling and screaming at each other were able to get something done.

The American people know that whatever we come up with here is not going to solve every problem with immigration, but they also know it will solve many of the problems. The No. 1 problem it is going to solve that the American people want solved is border security. This amendment has $4.4 billion which will go directly to that border.

I am, by profession, a trial lawyer, and I know people have the ability to be advocates, as my friend from Louisiana who is speaking—and I see on the floor today my friend from Alabama, whom I have told publicly and privately that I appreciate his advocacy. But my friend from Alabama is a lawyer, just as I am, and we should do everything we can to present our case. Then, when the case is over, we walk out of this shaking hands, as advocates, as Senators, and as friends. So I have no resentment or ill-will toward anyone who is trying to move this legislation in a way different than I am, but I think the time has come where we have to fish or cut bait, as they say.

I know we still have some speaking time—5 minutes has been allocated.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 4 minutes.

Mr. SESSIONS. Mr. President, I know Senator REID has assured people of what is in the bill, but he hasn't read what is in this amendment—neither has any Senator in this body, I suggest. Only a few staffers have, and there have been tremendous errors made already in the previous amendment they offered. And just to say there have been nothing but minor changes is not something I think Senators ought to rely on.

My good friend, Senator REID, has always been courteous to me, but we disagree on this issue. He said he wants to make people happy. How about making the American people happy? They oppose this bill overwhelmingly, and yet the leadership here continues to use every parliamentary tactic that we have ever used, and new tactics never before used, to limit debate and move this bill to final passage. I object to that.

I think about our former colleagues, Senator Paul Wellstone and Senator Helms. I wonder how they would feel if it was said: Well, this is unprecedented, we are going to eliminate debate, but I have talked to the leader on the other side, and we two leaders have just decided, since it is bipartisan, we will do that.

Make no mistake about what is being done here, Mr. President. There is no dispute whatsoever. Amendments will not be allowed to be voted on that the majority leader does not personally sign off on. The power to control this process is in the majority leader's hands, and he has met with a group of people who are interested in this legislation and they have agreed to control this process. It has never been done like this before in the history of the Senate to eliminate these amendments. It is not right.

My colleagues, I urge you to understand this is an unprecedented step. It is a step by which the leadership is creating a new tactic that will eliminate the power, the ability of individual Senators to offer amendments and engage in debate.

This is a body of 100. Yes, we have leaders. They have significant authority and we understand that. But that is a limited power and we have always celebrated the great potential of this body that any one Senator can raise an objection, any one Senator can have an amendment voted on.

I tried to offer amendments when the bill was up before. Time and time again they were objected to. Other Senators objected. Why? Because they were able to object to making those amendments pending. Then, when cloture is filed, they are not able to be voted on because they have never been made pending, although they were filed.

This is not a small matter. I do not think our colleagues understand. I see Senator SPECTER here. He will stand by himself on an issue in which he believes. There are other Senators here who share those same independent views. We do not need to go down this path. I think it is a big mistake.

I would say this: The majority leader said the people want one thing, they want border security. What do we know about this legislation? It does not give us border security. The Congressional Budget Office, our own analysis team, has looked at this bill and concluded in the next 20 years we will have another 8.7 million people in our country illegally. It will only reduce illegal immigration by 13 percent. That is what our own staff, under the majority leader's control, has told us.

The PRESIDING OFFICER. Two minutes remain to the Senator from South Carolina.

Mr. DEMINT. I yield the final 2 minutes to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I think that is the fundamental thing. I am flabbergasted and amazed our leaders keep telling us this bill is essential to have security. You have to have this amnesty. You have to give up and we will have amnesty. In exchange for that, we will have a legal system that will work in the future.

But it will not work. That is what they said in 1986. Senator GRASSLEY noted on the floor, people in this body do not even say there will not be another amnesty anymore, as they did in 1986, because they know this bill will not create a legal system. There will be 8.7 million more people in our country illegally and the same group will be here, asking for amnesty again. It is a failed system.

Let me add one thing. One thing I have learned in this debate, we can make this immigration system lawful and we can make it work. We ought not to be having a 13-percent reduction in illegality, as the Congressional Budget Office says. We can get to 90, 95 percent reduction of illegality. We can create a system of immigration that serves our national interests. It is within our power to do so. This bill will not do it. We must not go forward with it because it will not work.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1934, AS MODIFIED

Mr. REID. Mr. President, I modify my amendment with the changes now at the desk.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, the amendment is so modified, I understand.

I now ask the amendment be divided as indicated at the desk.

The PRESIDING OFFICER. The Senator has that right and the amendment is divided.

The amendment, as modified and divided, is as follows:

TITLE __—NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

Subtitle A—Z Nonimmigrants

SEC. __00. REPEAL OF TITLE VI.

Title VI of this Act is repealed and the amendments made by title VI of this Act are null and void.

SEC. __01. Z NONIMMIGRANTS.

(a) IN GENERAL.—Notwithstanding section 244(h) of the Immigration and Nationality Act (8 U.S.C. 1254a(h)), the Secretary may permit an alien, or a dependent of such alien, described in this section, to remain lawfully in the United States under the conditions set forth in this title.

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following:

''(Z) subject to title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

''(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services, or education;

''(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and such alien—

''(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

''(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who is described in clause (i) or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) such spouse has been battered or subjected to extreme cruelty by such alien; or

''(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and was born to or legally adopted by at least one parent who is at the time of application described in clause (i) or (ii).''.

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not present in lawful status in the United States on January 1, 2007, under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) CONTINUOUS PRESENCE.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days, or more than 180 days in the aggregate, shall constitute a break in continuous physical presence.

(d) OTHER CRITERIA.—

(1) GROUNDS OF INELIGIBILITY.—

(A) IN GENERAL.—An alien is ineligible for Z nonimmigrant status if the Secretary determines that the alien—

(i) is inadmissible to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), provided that to be deemed inadmissible, nothing in this paragraph shall require the Secretary to have commenced removal proceedings against an alien;

(ii) subject to subparagraph (B), is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(iii) subject to subparagraph (B), is described in or is subject to section 241(a)(5) of such Act (8 U.S.C. 1231(a)(5));

(iv) has 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;

(v) is an alien—

(I) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense (as described in section 101(h) of such Act (8 U.S.C. 1101(h))) outside the United States before arriving in the United States; or

(II) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States;

(vi) has been convicted of—

(I) a felony;

(II) an aggravated felony (as defined in section 101(a)(43) of such Act);

(III) 3 or more misdemeanors under Federal or State law; or

(IV) a serious criminal offense (as described in section 101(h) of such Act);

(vii) has entered or attempted to enter the United States illegally on or after January 1, 2007; or

(viii) is an applicant for Z–2 nonimmigrant status, or is under 18 years of age and is an applicant for Z–3 nonimmigrant status, and the principal Z–1 nonimmigrant or Z–1 nonimmigrant status applicant is ineligible.

(B) WAIVER.—The Secretary may, in the Secretary's discretion, waive ineligibility under clause (ii) or (iii) of subparagraph (A) if the alien has not been physically removed from the United States and if the alien demonstrates that the alien's departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child.

(C) CONSTRUCTION.—Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

(2) GROUNDS OF INADMISSIBILITY.—

(A) IN GENERAL.—In determining an alien's admissibility under paragraph (1)(A)(i)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of such Act (relating to criminals);

(II) section 212(a)(3) of such Act (relating to security and related grounds);

(III) with respect to an application for Z nonimmigrant status, section 212(a)(6)(C)(i) of such Act;

(IV) paragraph (6)(A)(i) of section 212(a) of such Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II) of such Act; or

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of such Act (relating to polygamists, child abductors, and unlawful voters); and

(iii) the Secretary may, in the Secretary's discretion, waive the application of any provision of section 212(a) of such Act not listed in clause (ii) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of such Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(1) ELIGIBILITY.—The alien does not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien is not inadmissible as a nonimmigrant to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided in subsection (d)(2) of this section, regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for Z–1 nonimmigrant status, Z–2 nonimmigrant status, or Z–3 nonimmigrant status, the alien shall—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be, on January 1, 2007, and on the date of application for Z nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking Z–1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z–1 nonimmigrant status.

(5) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) IN GENERAL.—An alien making an initial application for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(ii) FEE FOR EXTENSION APPLICATION.—An alien applying for extension of the alien's Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but not more than $1,500 for a single Z nonimmigrant.

(B) PENALTIES.—

(i) IN GENERAL.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) DERIVATIVE STATUS.—An alien making an initial application for Z–1 nonimmigrant

status shall be required to pay a $500 penalty for each alien seeking Z–2 nonimmigrant status or Z–3 nonimmigrant status derivative to such applicant for Z–1 nonimmigrant status.

(iii) CHANGE OF Z NONIMMIGRANT CLASSIFICATION.—An alien who is a Z–2 nonimmigrant or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by subsection (w) of such section 286, as added by section 402.

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by subsection (x) of such section 286.

(6) HOME APPLICATION.—

(A) IN GENERAL.—An alien granted probationary status under subsection (h) shall not be eligible for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status until the alien has completed the following home application requirements:

(i) SUBMISSION OF SUPPLEMENTAL CERTIFICATION.—An alien awarded probationary status who seeks Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall, within 2 years of being awarded a secure ID card under subsection (j), perfect the alien's application for such nonimmigrant status at a United States consular office by submitting a supplemental certification in person in accordance with the requirements of this subparagraph.

(ii) CONTENTS OF SUPPLEMENTAL CERTIFICATION.—An alien in probationary status who is seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall certify, in addition to any other certifications specified by the Secretary, that the alien has during the period of the alien's probationary status remained continuously employed in accordance with the requirements of subsection (m) or the requirements in Section __31, as applicable, and has paid all tax liabilities owed by the alien pursuant to the procedures set forth in section 602(h). The probationary status of an alien making a false certification under this subparagraph shall be terminated pursuant to subsection (o)(1)(G).

(iii) PRESENTATION OF SECURE ID CARD.—The alien shall present the alien's secure ID card at the time the alien submits the supplemental certification under clause (i) at the United States consular office. The alien's secure ID card shall be marked or embossed with a designation as determined by the Secretary of State and the Secretary of Homeland Security to distinguish the card as satisfying all requirements for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status.

(iv) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall file the supplemental certification described in clause (ii) at a consular office in the alien's country of origin. A consular office in a country that is not the alien's country of origin as a matter of discretion may, or at the direction of the Secretary of State shall, accept a supplemental certification from such an alien.

(B) EFFECT OF FAILURE TO COMPLY.—The probationary status of an alien seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to complete the requirements of this paragraph shall be terminated in accordance with subsection (o)(1)(G).

(C) EXEMPTION.—Subparagraph (A) shall not apply to an alien who, on the date on which the alien is granted a secure ID card under subsection (j), is exempted from the employment requirements under subsection (m)(1)(B)(iii).

(D) FAILURE TO ESTABLISH LAWFUL ADMISSION TO THE UNITED STATES.—Unless exempted under subparagraph (C), an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to depart and reenter the United States in accordance with subparagraph (A) may not be issued a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant visa under this section.

(E) DEPENDENTS.—An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status shall be awarded such status upon satisfaction of the requirements set forth in subparagraph (A) by the principal Z–1 or Z–A nonimmigrant. An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status and whose principal Z–1 or Z–A nonimmigrant fails to satisfy the requirements of subparagraph (A) may not be issued a Z–3 or minor Z–A dependent nonimmigrant visa under this section unless the principal Z–1 alien is exempted under subparagraph (C).

(7) INTERVIEW.—An applicant for Z nonimmigrant status shall appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610, the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning not more than 180 days after the date of the enactment of this Act. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may, in the Secretary's discretion, extend the period for accepting applications by not more than 1 year.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status shall submit biometric data in accordance with procedures established by the Secretary.

(4) HOME APPLICATION.—No alien may be awarded Z nonimmigrant status until the alien has completed the home application requirements set forth in subsection (e)(6).

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary shall create an application form that an alien shall be required to complete as a condition of obtaining probationary status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including—

(i) information concerning the alien's physical and mental health;

(ii) complete criminal history, including all arrests and dispositions;

(iii) gang membership or renunciation of gang affiliation;

(iv) immigration history;

(v) employment history; and

(vi) claims to United States citizenship.

(B) STATUS.—An alien applying for Z nonimmigrant status shall be required to specify on the application whether the alien ultimately seeks to be awarded Z–1, Z–2, or Z–3 nonimmigrant status.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not award Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) shall be granted probationary status in the form of employment authorization pending final adjudication of the alien's application;

(B) may, in the Secretary's discretion, receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY STATUS.—No alien may be granted probationary status until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY CARD.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in that paragraph. The Secretary may by regulation establish procedures for the

issuance of documentary evidence of probationary status and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire not later than 6 months after the date on which the Secretary begins to issue secure ID cards under subsection (j).

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of the enactment of this Act and the date on which the period for initial registration closes under subsection (f)(2), and the alien is able to establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of a secure ID card, as described in subsection (j), to an applicant for Z nonimmigrant status who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under subsection (x) of section 286 of the Immigration and Nationality Act, as added by section 402, shall within 90 days of the enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of the Internal Revenue Code of 1986, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (A) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center; and

(v) remittance records.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of subparagraph (A), the term ''applicable Federal tax liability'' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been met; or

(iii) 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.

(4) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(5) DENIAL OF APPLICATION.—

(A) IN GENERAL.—An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have the alien's application denied and may not file additional applications.

(B) FAILURE TO SUBMIT INFORMATION.—An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except if the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have the alien's application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) SECURE ID CARD EVIDENCING STATUS.—

(1) IN GENERAL.—Documentary evidence of status shall be issued to each Z nonimmigrant.

(2) FEATURES OF SECURE ID CARD.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that may be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title III; and

(E) shall be issued to the Z nonimmigrant by the Secretary promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years beginning on the date on which the alien is first issued a secure ID card under subsection (j).

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a). The alien may make up to 3 attempts to demonstrate such understanding and knowledge, but shall satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirements of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to meet the requirements of such subclauses;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 nonimmigrant status or Z–3 nonimmigrant status, an alien shall demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent period of authorized admission as of the date of application.

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that shall be completed to the satisfaction of the Secretary before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.—

(i) IN GENERAL.—An extension of a period of authorized admission under this paragraph, or a change of status to another Z nonimmigrant status under subsection (l), may not be approved for an applicant who failed to maintain Z nonimmigrant status or if such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized admission expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized admission expired, if it is demonstrated at the time of filing that—

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated the alien's Z nonimmigrant status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z–1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z–1 nonimmigrant, and who is changing to Z–1 nonimmigrant status, may be exempted by the Secretary, in the Secretary's discretion, from the requirements under subsection (m) for a period of up to 180 days; and

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a Z nonimmigrant shall not be eligible to extend such nonimmigrant status if—

(i) the alien has violated any term or condition of the alien's Z nonimmigrant status, including failing to comply with the change of address reporting requirements under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305);

(ii) the period of authorized admission of the Z nonimmigrant has been terminated for any reason; or

(iii) with respect to a Z–2 nonimmigrant or a Z–3 nonimmigrant, the principal alien's Z–1 nonimmigrant status has been terminated.

(l) CHANGE OF STATUS.—

(1) CHANGE FROM Z NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A Z nonimmigrant may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to another nonimmigrant status, except another Z nonimmigrant status or status under subparagraph (U) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(B) CHANGE FROM Z–A STATUS.—A Z–A nonimmigrant may change status to Z nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigration and Nationality Act, as added by section 631.

(C) LIMIT ON CHANGES.—A Z nonimmigrant may not change status more than one time per 365-day period. The Secretary may, in the Secretary's discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO Z NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to Z nonimmigrant status.

(m) EMPLOYMENT.—

(1) Z–1 AND Z–3 NONIMMIGRANTS.—

(A) IN GENERAL.—Z–1 nonimmigrants and Z–3 nonimmigrants shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this title shall not apply to an alien who is under 16 years or over 65 years of age. A Z–1 nonimmigrant or Z–3 nonimmigrant between 16 and 65 years of age, or an alien in probationary status between 16 and 65 years of age who is seeking to become a Z–1 or Z–3 nonimmigrant, shall remain continuously employed full time in the United States as a condition of such nonimmigrant status, except if—

(i) the alien is pursuing a full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has been temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) Z–2 NONIMMIGRANTS.—Z–2 nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a Z nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—An alien who has been issued a secure ID card under subsection (j) and who is in probationary status or is a Z nonimmigrant—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if—

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of Z nonimmigrant status that satisfies the conditions set out in subsection (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY.—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status shall establish that such alien is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant or an applicant for Z nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of this Act have been exhausted or waived by the alien;

(B)(i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);

(ii) the alien becomes inadmissible under section 212 of such Act (8 U.S.C. 1227) (except as provided in subsection (d)(2)); or

(iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa, in probationary status, or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a Z–1 nonimmigrant or Z–3 nonimmigrant, the employment or study requirements under subsection (m) have been violated;

(F) with respect to an alien in probationary status, the alien's application for Z nonimmigrant status is denied; or

(G) with respect to an alien awarded probationary status who seeks to become a Z nonimmigrant or a Z–A nonimmigrant, the alien fails to complete the home application requirement set forth in subsection (e)(6) within 2 years of receiving a secure ID card.

(2) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.

(3) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's Z–2 nonimmigrant or Z–3 nonimmigrant dependents, shall depart the United States immediately.

(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(p) REVOCATION.—If, at any time after an alien has obtained status under this section, but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary of Homeland Security may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under this section, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2-year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z nonimmigrant classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top 5 principal languages, as determined by the Secretary in the Secretary's discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) DEFINITIONS.—In this title:

(1) Z NONIMMIGRANT.—The term ''Z nonimmigrant'' means an alien admitted to the

United States under subparagraph (Z) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), as added by subsection (b). The term does not include aliens granted probationary benefits under subsection (h) or whose applications for nonimmigrant status under such subparagraph (Z) have not yet been adjudicated.

(2) Z–1 NONIMMIGRANT.—The term ''Z–1 nonimmigrant'' means an alien admitted to the United States under clause (i) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(3) Z–A NONIMMIGRANT.—The term ''Z–A nonimmigrant'' means an alien admitted to the United States under subparagraph (Z-A) of section 101(a)(15) of the Immigration and Nationality Act, as added by section 631.

(4) Z–2 NONIMMIGRANT.—The term ''Z–2 nonimmigrant'' means an alien admitted to the United States under clause (ii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(5) Z–3 NONIMMIGRANT.—The term ''Z–3 nonimmigrant'' means an alien admitted to the United States under clause (iii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

SEC. __02. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) Z–1 NONIMMIGRANTS.—

(1) PROHIBITION ON IMMIGRANT VISA.—A Z–1 nonimmigrant may not be issued an immigrant visa pursuant to sections 221 and 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202).

(2) ADJUSTMENT.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–1 nonimmigrant may be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence.

(3) REQUIREMENTS.—A Z–1 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, including the merit requirements set forth in section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502, the following requirements:

(A) STATUS.—The alien must be in valid Z–1 nonimmigrant status.

(B) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(C) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a) of such Act, except for those grounds previously waived under subsection (d)(2) of section 601.

(D) FEES AND PENALTIES.—In addition to the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for adjustment of status, a Z–1 nonimmigrant who is the head of household shall pay a $4,000 penalty at the time of submission of any immigrant petition on the alien's behalf, regardless of whether the alien submits such petition on the alien's own behalf or the alien is the beneficiary of an immigrant petition filed by another party.

(b) Z–2 AND Z–3 NONIMMIGRANTS.—

(1) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—An application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence of a Z–2 nonimmigrant or a Z–3 nonimmigrant who is under 18 years of age may not be approved before the adjustment of status of the alien's principal Z–1 nonimmigrant.

(2) ADJUSTMENT OF STATUS.—

(A) ADJUSTMENT.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–2 nonimmigrant or Z–3 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(B) REQUIREMENTS.—A Z–2 nonimmigrant or Z–3 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, the following requirements:

(i) STATUS.—The alien must be in valid Z–2 nonimmigrant or Z–3 nonimmigrant status.

(ii) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the merit-based evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(iii) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except for those grounds previously waived under subsection (d)(2) of section 601.

(iv) FEES.—The alien must pay the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for an immigrant visa.

(c) MAINTENANCE OF WAIVERS OF INADMISSIBILITY.—The grounds of inadmissibility not applicable under subsection (d)(2) of section 601 shall also be considered inapplicable for purposes of admission as an immigrant or adjustment pursuant to this section.

(d) APPLICATION OF OTHER LAW.—In processing applications under this section on behalf of aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply—

(1) the provisions under section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)); and

(2) the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(e) BACK OF THE LINE.—An alien may not adjust status to that of a lawful permanent resident under this section until 30 days after an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153) that were filed before May 1, 2005.

(f) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted under this section shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

(g) MEDICAL EXAMINATION.—An applicant for earned adjustment shall undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

(h) PAYMENT OF INCOME TAXES.—

(1) IN GENERAL.—Not later than the date on which status is adjusted under this section, the applicant shall satisfy any applicable Federal tax liability accrued during the period of Z nonimmigrant status by establishing that—

(A) no such tax liability exists;

(B) all outstanding liabilities have been paid; or

(C) the applicant has entered into, and is in compliance with, an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to—

(A) the applicant, upon request, to establish the payment of all taxes required under this subsection; or

(B) the Secretary, upon request, regarding the payment of Federal taxes by an alien applying for a benefit under this section.

(i) DEPOSIT OF FEES.—Fees collected under this paragraph shall be deposited into the Immigration Examination Fee Account and shall remain available as provided under subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(j) DEPOSIT OF PENALTIES.—Penalties collected under this paragraph shall be deposited into the Temporary Worker Program Account and shall remain available as provided under subsection (w) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 402.

SEC. __03. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—

(1) EXCLUSIVE REVIEW.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) ADMINISTRATIVE APPELLATE REVIEW.—Except as provided in subsection (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under this Act.

(3) STANDARD FOR 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 newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) SELF-INITIATED REMOVAL.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection (h) of section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as added by subsection (c), as though the order

of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (II) of subsection 601(d)(1)(A)(vi) because the alien has been convicted of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))) may be placed forthwith in proceedings pursuant to section 238(b) of such Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (I), (III), or (IV) of section 601(d)(1)(A)(vi) may be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION, OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall be final for purposes of subsection (h)(3)(C) of section 242 of the Immigration and Nationality Act, as added by subsection (c), and shall represent the exhaustion of all review procedures for purposes of subsection (h) or (o) of section 601, notwithstanding subsection (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection the alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or Attorney General's decision whether to consider any such motion is committed to the discretion of the Secretary or the Attorney General, as appropriate.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER THE SECURE BORDERS, ECONOMIC OPPORTUNITY AND IMMIGRATION REFORM ACT OF 2007.—

''(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, including, without limitation, a denial, termination, or rescission of such status.

''(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 beyond the period for receipt of such applications established by section __01(f) of that Act. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

''(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS.—A denial, termination, or rescission of status under section __01 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that—

''(A) the venue provision set forth in subsection (b)(2) shall govern;

''(B) the deadline for filing the petition for review in subsection (b)(1) shall control;

''(C) the alien has exhausted all administrative remedies available to the alien as of right, including the timely filing of an administrative appeal pursuant to section __03(a) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

''(E) notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing a denial, termination, or rescission of status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

''(F) an alien may file not more than 1 motion to reopen or to reconsider in proceedings brought under this section.

''(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary of Homeland Security's denial, termination, or rescission of status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 relating to any alien shall be based solely upon the administrative record before the Secretary when the Secretary enters a final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

''(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

''(A) IN GENERAL.—Any claim that title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement such title, violates the Constitution of the United States or is otherwise in violation of law, is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under such title from asserting that an action taken or decision made by the Secretary with respect to the applicant's status under such title was contrary to law in a proceeding under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and subsection (b)(2) of this section.

''(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph—

''(i) shall, if it asserts a claim that title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement such title violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the date of the publication or promulgation of the challenged regulation, policy, or directive or, in cases challenging the validity of such Act, not later than 1 year after the date of the enactment of such Act; and

''(ii) shall, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

''(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with the Class Action Fairness Act of 2005 (Public Law 109–2; 119 Stat. 4), the amendments made by that Act, and the Federal Rules of Civil Procedure.

''(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of this Act.''.

SEC. __04. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section __01 and __02, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury 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 by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section __01 and __02 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections __01 and __02, any application to extend such status under section __01(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section __02, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section __02, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections __01 or __02 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections __01 or __02, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section __01 or __02 are references to sections __01 and __02 of this Act and the amendments made by those sections.

SEC. __05. EMPLOYER PROTECTIONS.

(a) IN GENERAL.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for Z nonimmigrant status shall not be used in a prosecution or investigation (civil or criminal) of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title ____, or under the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. __06. 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 prompt enumeration of a social security account number after the Secretary has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. __07. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following:

''(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

''(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. __08. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) PROCEDURES.—The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in section __01(e)(5)(B) and section __02(a)(3)(D) through an installment payment plan.

(b) USE.—Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) Such penalties shall be credited as offsetting collections to appropriations provided pursuant to section __11 for the fiscal year in which this Act is enacted and the subsequent fiscal year.

(2) Such penalties shall be deposited and remain available as otherwise provided under this title.

SEC. __09. LIMITATIONS ON ELIGIBILITY.

(a) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud, or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) PROSECUTION.—An alien who commits a violation of section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for eligibility for an immigration benefit described in subsection (a) may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. __10. RULEMAKING.

(a) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule within 6 months of the date of the enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset 2 years after issuance unless the Secretary issues a final rule within 2 years of the issuance of the interim final rule.

(b) EXEMPTION.—The exemption provided under this section shall sunset not later than 2 years after the date of the enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. __11. AUTHORIZATION OF APPROPRIATIONS.

(a) The first $4,400,000,000 of such penalties shall be deposited into the general fund of the Treasury as repayment of funds transferred into the Immigration Security Account under section 286(z)(1) of the Immigration and Nationality Act.

(b) Penalties in excess of $4,400,000,000 shall be deposited and remain available as otherwise provided under this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections __01 and __02.

Subtitle B—Dream Act

SEC. __20. SHORT TITLE.

This subtitle may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. __21. 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. __22. 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 of Homeland Security may beginning on the date that is 3 years after the date of the enactment of this Act adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be

eligible for or has been granted probationary or Z nonimmigrant status if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of the enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) subject to paragraph (2), the alien has not abandoned the alien's residence in the United States;

(D) the alien has—

(i) 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; or

(ii) 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; and

(F) the alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(2) ABANDONMENT.—The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(b) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has been granted probationary or Z nonimmigrant status and has satisfied the requirements of paragraphs (A) through (F) of subsection (a)(1) shall beginning on the date that is 8 years after the date of the enactment of this Act be considered to have satisfied the requirements of section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1427(a)(1)).

(c) 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 adjustment of status.

(d) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of the 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) INTERIM, 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.

SEC. __23. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. __24. HIGHER EDUCATION ASSISTANCE.

(a) INAPPLICABILITY OF OTHER LAWS.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who has been granted probationary or Z nonimmigrant status.

(b) ASSISTANCE.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section 622(a)(1), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV, subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV, subject to the requirements of such part.

(3) Services under such title IV, subject to the requirements for such services.

SEC. __25. DELAY OF FINES AND FEES.

(a) IN GENERAL.—Payment of the penalties and fees specified in section __01(e)(5) shall not be required with respect to an alien who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section __22(a)(1) until the date that is 6 years and 6 months after the date of the enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section __22(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section __22(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section __01(e)(5) consistent with the procedures set forth in section __08 within 90 days.

(b) REFUNDS.—With respect to an alien who meets the eligibility criteria set forth in subparagraphs (A) and (F) of section __22(a)(1), but not the eligibility criteria in section __22(a)(1)(B), the individual who pays the penalties specified in section __01(e)(5) shall be entitled to a refund when the alien makes all the demonstrations specified in section __22(a)(1).

SEC. __26. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section __22;

(2) the number of aliens who applied for adjustment of status under section __22; and

(3) the number of aliens who were granted adjustment of status under section __22.

SEC. __27. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary of Homeland Security shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

Subtitle C—Agricultural Workers

SEC. __30. SHORT TITLE.

This subtitle may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2007'' or the ''AgJOBS Act of 2007''.

PART I—ADMISSION

SEC. __31. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z–A NONIMMIGRANT VISA CATEGORY.—

(1) ESTABLISHMENT.—Paragraph (15) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section __01(b), is further amended by adding at the end the following new subparagraph:

''(Z–A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A; or

''(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.''.

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following:

''SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

''(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(4) QUALIFIED DESIGNATED ENTITY.—The term 'qualified designated entity' means—

''(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

''(B) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by such Act.

''(5) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(6) TEMPORARY.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

''(7) WORK DAY.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

''(8) Z–A DEPENDENT VISA.—The term 'Z–A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(ii).

''(9) Z–A VISA.—The term 'Z–A visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(i).

''(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

''(1) IN GENERAL.—An alien issued a Z–A visa or a Z–A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

''(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is issued a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

''(3) AUTHORIZED TRAVEL.—An alien who is issued a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

''(c) QUALIFICATIONS.—

''(1) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, issued a Z–A visa to an alien if the Secretary determines that the alien—

''(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, 2006;

''(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 the enactment of this Act;

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

''(D) has not 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; and

''(E) meets the requirements of paragraph (3).

''(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall issue a Z–A dependent visa to an alien who is—

''(A) described in section 101(a)(15)(Z–A)(ii);

''(B) meets the requirements of paragraph (3); and

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

''(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

''(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

''(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

''(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

''(B) WAIVER OF OTHER GROUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

''(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

''(iii) CONSTRUCTION.—Nothing in this subparagraph 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 PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

''(d) APPLICATION.—

''(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse of child of the alien.

''(2) SUBMISSION.—Applications for a Z–A visa under paragraph (1) may be submitted—

''(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

''(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

''(3) PROOF OF ELIGIBILITY.—

''(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

''(B) DOCUMENTATION OF WORK HISTORY.—

''(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (j) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

''(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

''(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

''(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

''(A) REQUIREMENTS.—Each qualified designated entity shall agree—

''(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

''(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

''(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

''(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

''(5) APPLICATION FEES.—

''(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

''(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

''(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

''(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

''(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order.

''(7) TREATMENT OF APPLICANTS.—

''(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependent visa, on the date described in subparagraph (B)—

''(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

''(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

''(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and

''(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which the alien's application for a Z–A visa is denied.

''(B) TIMING OF PROBATIONARY BENEFITS.—

''(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under this subsection, including any evidence required under this subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

''(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

''(II) the end of the next business day after the date that the Secretary receives the alien's application for a Z–A visa.

''(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

''(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may, by regulation, establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided

herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

''(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

''(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

''(A) BEFORE APPLICATION PERIOD.—Beginning on the date of the enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z–A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for Z–A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(e) NUMERICAL LIMITATIONS.—

''(1) Z–A VISA.—The Secretary may not issue more than 1,500,000 Z–A visas

''(2) Z–A DEPENDENT VISA.—The Secretary may not count any Z–A dependent visa issued against the numerical limitation described in paragraph (1).

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—

''(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z–A visa or a Z–A dependent visa.

''(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z–A visa or a Z–A dependent visa—

''(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

''(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

''(C) shall serve as a valid travel and entry document for an alien granted a Z–A visa or a Z–A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

''(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

''(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z–A visa or a Z–A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

''(g) FINE.—An alien granted a Z–A visa shall pay a fine of $100 to the Secretary.

''(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

''(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien issued a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

''(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien issued a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

''(3) TERMS OF EMPLOYMENT.—

''(A) PROHIBITION.—No alien issued a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

''(B) TREATMENT OF COMPLAINTS.—

''(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens issued a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

''(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

''(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for 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 reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of 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 findings.

''(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is issued a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

''(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

''(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is 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 not 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 judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

''(4) RECORD OF EMPLOYMENT.—

''(A) IN GENERAL.—Each employer of an alien who is issued a Z–A visa shall annually—

''(i) provide a written record of employment to the alien; and

''(ii) provide a copy of such record to the Secretary.

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien issued a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

''(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

''(i) TERMINATION OF A GRANT OF Z–A VISA.—

''(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa issued to an alien only if the Secretary determines that the alien is deportable.

''(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

''(A) the Secretary finds, by a preponderance of the evidence, that the issuance of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

''(iv) in the case of an alien issued a Z–A visa, fails to perform the agricultural employment described in subsection (j)(1)(A)

unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

''(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien issued a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5-year work period, which may include submission of an application pursuant to this subsection.

''(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

''(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien issued a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

''(A) QUALIFYING EMPLOYMENT.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

''(I) 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 the enactment of the AgJOBS Act of 2007; or

''(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of enactment.

''(ii) FOUR-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 workdays during 3 years of those 4 years and at least 100 workdays during the remaining year, during the 4-year period beginning on such date of enactment.

''(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

''(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

''(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

''(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

''(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

''(i) the record of employment described in subsection (h)(4); or

''(ii) such documentation as may be submitted under subsection (d)(3).

''(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

''(i) apply for adjustment of status; or

''(ii) renew the alien's Z visa status as described in section 601(k)(2).

''(D) FINE.—The alien pays to the Secretary a fine of $400.

''(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z–A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

''(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z–A visa or a Z–A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

''(A) the Secretary finds by a preponderance of the evidence that grant of the Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

''(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 serious bodily injury, or harm to property in excess of $500.

''(4) GROUNDS FOR REMOVAL.—Any alien granted Z–A visa status who does not apply for adjustment of status or renewal of Z status under section __01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 prior to the expiration of the application period described in subsection (c)(1)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

''(5) PAYMENT OF TAXES.—

''(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all such outstanding tax liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

''(6) ENGLISH LANGUAGE.—

''(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or renewed under section __01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, a Z–A nonimmigrant who is 18 years of age or older shall pass the naturalization test described in paragraph (1) and (2) of section 312(a).

''(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z–A nonimmigrant status—

''(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

''(ii) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

''(iii) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

''(7) PRIORITY OF APPLICATIONS.—

''(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 that were filed before May 1, 2005 (referred to in this paragraph as the 'processing date').

''(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

''(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z–A nonimmigrant status under this section shall be afforded confidentiality as provided under section __04 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(l) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—Any person who—

''(A) applies for a Z–A visa or a Z–A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–54) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (b) or an adjustment of status under subsection (j).

''(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z–A visa shall be such as is provided under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z–A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.''.

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by this Act, is further amended—

(A) in subparagraph (A), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (N)''; and

(B) by adding at the end the following:

''(N) Aliens issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.''.

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of such Act (8 U.S.C. 1152) is amended by adding at the end the following:

''(6) SPECIAL RULE FOR Z–A NONIMMIGRANTS.—An immigrant visa may be

made available to an alien issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.''.

(d) 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 214 the following:

''Sec. 214A. Admission of agricultural workers.''.

SEC. __32. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A.

''(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking nonimmigrant status under section 101(a)(15)(Z–A) or for processing applications made by such an alien who is seeking an adjustment of status.

''(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.''.

SEC. __33. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle and the amendments made by this subtitle, including any sums needed for costs associated with the initiation of such implementation.

SEC. __34. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(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 inserting after subparagraph (C) the following:

''(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

SEC. ____. ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.

(a) IN GENERAL.—Section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by section 601(b), is amended to read as follows:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

''(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(II) is employed, and seeks to continue performing labor, services, or education; and

''(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

''(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

''(bb) the amount of cumulative time the applicant has lived in the United States;

''(cc) whether the applicant owns property in the United States;

''(dd) whether the applicant owns a business in the United States;

''(ee) the extent to which the applicant knows the English language;

''(ff) the applicant's work history in the United States;

''(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

''(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

''(ii) whether the applicant has been convicted of criminal activity in the United States; and

''(jj) whether the applicant certifies his or her intention to ultimately become a United States citizen;

''(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

''(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

''(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).''.

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary shall use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by subsection (a).

(c) ADDITIONAL Z NONIMMIGRANT ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any provision of section 601(e), an alien is not eligible for Z–1 or Z–2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I) of the Immigration and Nationality Act unless—

(A) the alien was physically present in the United States on the date that is 4 years before the date of the enactment of this Act and has maintained physical presence in the United States since that date; and

(B) the alien was, on the date that is 4 years before the date of the enactment of this Act, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) TREATMENT OF APPLICANTS.—Notwithstanding any provision of section 601(h), an alien who files an application for Z nonimmigrant status shall submit sufficient evidence that the alien resided in the United States for not less than 4 years before the date of the enactment of this Act before receiving any benefit under section 601(h).

(3) APPLICATION.—Notwithstanding any provision of section 602(a)(1), a Z–1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

SEC. ____. PROHIBITION ON ADJUSTMENT OF STATUS FOR Z NONIMMIGRANTS.

Notwithstanding any provision of section 602—

(1) a Z nonimmigrant may not be issued an immigrant visa pursuant to section 221 or 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202); and

(2) the status of a Z nonimmigrant may not be adjusted to that of an alien lawfully admitted for permanent residence.

SEC. ____. FAMILY-SPONSORED IMMIGRANTS.

(a) PREFERENCE CATEGORIES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c) of this Act, is further amended to read as follows:

''(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted immigrant visas as follows:

''(1) PARENTS OF A CITIZEN OF THE UNITED STATES IF THE CITIZEN IS AT LEAST 21 YEARS OF AGE.—Qualified immigrants who are the parents of a citizen of the United States if the citizen at least 21 years of age shall be allocated immigrant visas in a number not to exceed the sum of—

''(A) 90,000; and

''(B) the number of visas not required for the classes specified in paragraph (3).

''(2) SPOUSES OR CHILDREN OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR A NATIONAL.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States (as defined in section 101(a)(22)(B)) who is resident in the United States shall be allocated immigrant visas in a number not to exceed the sum of—

''(A) 87,000; and

''(B) the number of visas not required for the class specified in paragraph (1).

''(3) FAMILY-SPONSORED IMMIGRANTS WHO ARE BENEFICIARIES OF FAMILY-BASED VISA PETITIONS FILED BEFORE MAY 1, 2005.—Immigrant visas totaling 440,000 shall be allotted as follows:

''(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

''(i) 70,400; and

''(ii) the number of visas not required for the class specified in subparagraph (D).

''(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an

alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the sum of—

''(i) 110,000; and

''(ii) the number of visas not required for the class specified in subparagraph (A).

''(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

''(i) 70,400; and

''(ii) the number of visas not required for the classes specified in subparagraphs (A) and (B).

''(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the sum of—

''(i) 189,200; and

''(ii) the number of visas not required for the classes specified in subparagraphs (A), (B), and (C).''.

(b) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b) of this Act, is amended to read as follows:

''(s) PARENT VISITOR VISAS.—

''(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

''(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

''(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

''(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeited if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

''(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

''(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

''(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

''(B) shall, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

''(C) may not be issued employment authorization by the Secretary or be employed.

''(4) PERMANENT BARS FOR OVERSTAYS.—

''(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

''(i) asylum under section 208(a);

''(ii) withholding of removal under section 241(b)(3); or

''(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

''(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

''(ii) the alien has not otherwise violated his or her nonimmigrant status.

''(5) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y–1 nonimmigrant sponsor of an alien—

''(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

''(B) who remains in the United States beyond his or her authorized period of admission,

shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y–1 nonimmigrant sponsor, shall have his Y–1 nonimmigrant status terminated.

''(6) CONSTRUCTION.—Except as specifically provided in this subsection, nothing in this subsection may be construed to make inapplicable—

''(A) the requirements for admissibility and eligibility; or

''(B) the terms and conditions of admission as a nonimmigrant under section 101(a)(15)(B).''.

SEC. ____. REDUCING CHAIN MIGRATION AND PERMITTING PETITIONS BY NATIONALS.

(a) PREFERENCE CATEGORIES.—Section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c), is further amended—

(1) by striking ''not to exceed'' and inserting ''equal to''; and

(2) by adding at the end the following: ''If the number of visas issued pursuant to this paragraph is fewer than 87,000, such unused visas may be available for visas issued pursuant to paragraph (1).''.

(b) PARENT VISITOR VISAS.—Section 214(s)(4) of the Immigration and Nationality Act, as added by section 506(b), is amended by striking ''7 percent'' each place it appears and inserting ''5 percent''.

SEC. ____. EFFECT OF EXTENDED FAMILY ON MERIT-BASED EVALUATION SYSTEM.

Section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502(b)(1), is amended by striking the merit-based evaluation system set forth in all the matter relating to ''Extended family'' and insert the following:

Extended family	Adult (21 or older) son or daughter of a United States citizen – **10 points**.	**15**
	Adult (21 or older) son or daughter of a legal permanent resident – **10 points**.	.....
	Sibling of a United States citizen or legal permanent resident – **10 points**.	.....
	If an alien had applied for a family visa in any of the above categories after May 1, 2005 – **5 points**.	.....
Total	.....	**105**

SEC. ____. IDENTIFICATION CARD STANDARDS.

(a) REPEAL.—Section 306 of this Act is repealed.

(b) LIMITATION.—Notwithstanding any other provision of this Act or the amendments made by this Act—

(1) no Federal agency may require that a driver's license or personal identification card meet the standards specified under the REAL ID Act of 2005 (division B of Public Law 109–13) to establish employment authorization or identity in order to be hired by an employer; and

(2) no Federal funds may be provided under this Act to assist States to meet such standards to establish employment authorization or identity in order to be hired by an employer.

TITLE ____—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. __01. REPEAL OF TITLE III.

Title III of this Act is repealed and the amendments made by title III of this Act are null and void.

SEC. __02. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

''SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

''(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 reckless disregard for the fact 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 individual for employment in the United States, unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing, or with reckless disregard for the fact that, the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—

''(A) IN GENERAL.—It is unlawful for an employer to obtain, or continue to obtain, the labor of an alien through a contract, subcontract, or exchange knowing that the alien is, or has become, an unauthorized alien with respect to such employment

''(B) REBUTTABLE PRESUMPTION.—There shall be a rebuttable presumption that the employer has violated subparagraph (A) if the employer fails to terminate such contract or subcontract upon written or electronic notice from the Secretary that such alien is, or has become, an unauthorized alien with respect to such employment.

''(C) NOTIFICATION.—The Secretary shall establish procedures to permit the notification of employers under subparagraph (B).

''(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 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 participating in such System 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 the employer certify 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 60 days after the date an employer receives a request for a certification under paragraph (1) 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 under paragraph (1) and for specific recordkeeping 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 a fee, an individual for employment in the United States, shall verify that the individual is eligible for such employment by meeting the following requirements:

''(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 a document described in subparagraph (B).

''(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

''(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

''(i) in the case of an individual who is a national of the United States—

''(I) a United States passport, or passport card issued pursuant to the Secretary of State's authority under the first section of the Act of July 3, 1926 (44 Stat. 887, Chapter 772; 22 U.S.C. 211a); or

''(II) a 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—

''(aa) contains a photograph of the individual and other identifying information, including the individual's name, date of birth, gender, and address; and

''(bb) contains security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use;

''(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary that meets the requirements of items (aa) and (bb) of clause (i)(II);

''(iii) in the case of an alien who is authorized to be employed in the United States, an employment authorization card, as specified by the Secretary that meets the requirements of such items (aa) and (bb); or

''(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that meets the requirements of such items (aa) and (bb).

''(C) 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 is being used fraudulently to an unacceptable degree, the Secretary shall 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.

''(2) ATTESTATION OF EMPLOYEE.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized to be hired, or to be 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.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraphs (1) and (2) and make such attestations available for inspection 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 referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 5 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) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

''(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

''(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(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.

''(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') to determine whether—

''(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary, the Secretary of State, the Commissioner of Social Security, or the official of a State responsible for issuing drivers' licenses and identity cards; and

''(B) such individual is eligible for employment in the United States.

''(2) REQUIREMENT FOR PARTICIPATION.—

''(A) NEW EMPLOYEES.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is not later than 18 months after the date of enactment of this section.

''(B) OTHER EMPLOYEES.—Not later than 3 years after such date of enactment, the Secretary shall require all employers to verify through the System the identity and employment eligibility of any individual who—

''(i) the Secretary has reason to believe is unlawfully employed based on the information received under section 6103(l)(21) of the Internal Revenue Code of 1986; and

''(ii) has not been previously verified through the System.

''(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

''(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

''(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of this section—

''(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

''(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

''(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of

employers in writing regarding the requirement for participation in the System under paragraph (2) or (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(iv).

''(5) 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 or permitted to submit information with respect to an employee under this subsection.

''(6) ADDITIONAL GUIDANCE.—A registered employer 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 facilitate compliance with—

''(A) the attestation requirement in subsection (c); and

''(B) the employment eligibility verification requirements in this subsection.

''(7) 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—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

''(8) DESIGN AND OPERATION OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

''(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

''(B) INITIAL INQUIRY.—

''(i) INFORMATION REQUIRED.—A registered employer shall with respect to hiring or recruiting or referring for a fee any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

''(I) the individual's name and date of birth;

''(II) the individual's social security account number;

''(III) the identification number contained on the document presented by the individual pursuant to subsection (c)(1)(B); and

''(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

''(ii) SUBMISSION TO SYSTEM.—A registered 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 earlier than the date of hire and no later than the first day of employment, or recruiting or referring for a fee, of the individual (as the case may be); or

''(II) in the case of an employee hired before such employer was required to participate in the system, at such time as the Secretary shall specify.

''(C) 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 confirmation notice; or

''(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

''(D) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under subparagraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

''(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under subparagraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

''(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(ii) not later than 10 days after receiving the notice from the individual's employer.

''(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii) or a final confirmation notice or final nonconfirmation notice is issued through the System.

''(vi) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

''(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of error or fraud; or

''(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

''(vii) PROHIBITION ON TERMINATION.—An employer may not terminate such employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of such employment for any reason other than such tentative nonconfirmation.

''(viii) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

''(ix) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall immediately terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the 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).

''(E) RESPONSIBILITIES OF THE SECRETARY.—

''(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

''(I) 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; and

''(II) a determination of whether the individual is authorized to be employed in the United States.

''(ii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

''(iii) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

''(I) information about the reason for such notice;

''(II) the right to contest such notice;

''(III) contact information for the appropriate agency and instructions for initiating such contest; and

''(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

''(iv) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

''(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

''(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(I) and transmit to the Secretary the related photographic image or other identifying information.

''(H) RESPONSIBILITIES OF A STATE.—The official responsible for issuing drivers' licenses and identity cards for a State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(II) and transmit to the Secretary the related photographic image or other identifying information.

''(9) 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.

''(10) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 30 days after the date of such termination, file an appeal of such notice.

''(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

''(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine whether the final nonconfirmation notice issued for the individual was the result of—

''(i) the decision rules, processes, or procedures utilized by the System;

''(ii) a natural disaster, or other event beyond the control of the government;

''(iii) acts or omissions of an employee or official operating or responsible for the System;

''(iv) acts or omissions of the individual's employer;

''(v) acts or omissions of the individual; or

''(vi) any other reason.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was caused by a negligent, reckless, willful, or malicious act of the government, and was not due to an act or omission of the individual, the Secretary, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under this paragraph and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a confirmation described in subparagraph (C).

''(11) JUDICIAL REVIEW.—

''(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 30 days after the date of such decision, or such further time as the Secretary may allow.

''(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

''(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under paragraph (10) and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a reversal described in clause (i).

''(12) COMPENSATION FOR LOSS OF EMPLOYMENT.—For purposes of paragraphs (10) and (11)—

''(A) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was not present in, or was ineligible for employment in, the United States.

''(B) AUTHORIZATION OF APPROPRIATION OF FUNDS.—There is authorized to be appropriated such sums as may be necessary to provide the compensation or reimbursement provided for under such paragraphs. An appropriation made pursuant to this authorization shall be in addition to any funds otherwise authorized to be appropriated to the Department of Homeland Security.

''(13) LIMITATION ON COLLECTION AND USE OF DATA.—

''(A) LIMITATION ON COLLECTION OF DATA.—

''(i) IN GENERAL.—The Secretary shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

''(I) information necessary to register employers under paragraph (5);

''(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

''(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

''(IV) information necessary to detect and prevent employment-related identity fraud; and

''(V) such other information the Secretary determines is necessary, subject to a 180-day notice and comment period in the Federal Register.

''(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined $1,000 for each violation.

''(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

''(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

''(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

''(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

''(14) 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 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. The Secretary shall minimize the collection and storage of paper documents and maximize the use of electronic records, including electronic signatures.

''(15) 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, efficiency, integrity, and impact of the System.

''(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of this section, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each 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 each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

''(ii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

''(iii) An assessment of the effects of the System on the employment of unauthorized aliens.

''(iv) An assessment of the effects of the System, including the effects of tentative confirmations on unfair immigration-related employment practices, and employment discrimination based on national origin or citizenship status.

''(v) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

''(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 such complaints that the Secretary determines are appropriate to investigate; and

''(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) 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 regarding 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.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), 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 section.

''(3) 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 concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) specify the amount of fines or other penalties to be imposed;

''(iv) disclose the material facts which establish the alleged violation; and

''(v) 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) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines 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, or agreement to participate in, the System, if not otherwise required.

''(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, 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.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of $5,000 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 $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 $25,000 for each unauthorized alien with respect to each such violation.

''(iv) If the employer has previously been fined more than 2 times 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 $75,000 for each unauthorized alien with respect to each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3)(C) shall be fined $75,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of $1,000 for each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $2,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of $5,000 for each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph, pay a civil penalty of $15,000 for each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3) shall be fined $15,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of 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 criminal penalty described in subsection (f).

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 30 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. 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 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 to enforce compliance with the final determination, not earlier than 31 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS 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 (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

''(2) ENJOINING 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 a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) ADJUSTMENT FOR INFLATION.—All penalties in this section shall be increased every 4 years beginning January 2011 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

''(h) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referral of an individual, to require the individual to post a bond or security, to pay or 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 referral of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity 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 $10,000 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, to the general fund of the Treasury.

''(i) 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 is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of a Federal contract, grant, or cooperative agreement for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. 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 Procurement and Nonprocurement Programs for a period of the debarment.

''(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.

''(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 subject to debarment from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies or departments 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 not more than 2 years.

''(C) WAIVER.—After consideration of the views of all agencies or departments that

hold 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 nor more than 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.

''(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) DETERMINATION OF REPEAT VIOLATORS.—Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

''(j) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible 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 (other than aliens lawfully admitted for permanent residence).

''(2) PREEMPTION.—The provisions of this section preempt any State or local law—

''(A) imposing civil or criminal sanctions upon those who hire, or recruit or refer for a fee, unauthorized aliens for employment; or

''(B) requiring the use of the System for any unauthorized purpose, or any authorized purpose prior to the time such use is required or permitted by Federal law.

''(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the general fund of the Treasury.

''(l) DEFINITIONS.—In this section:

''(1) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(2) 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 under any other provision of law.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—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) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(ii) 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. 1360 note) is repealed.

(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 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 Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking ''274A(h)(3)'' and inserting ''274A''.

(2) DOCUMENT REQUIREMENTS.—Section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(c) and (d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(c)''.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) EEVS DETERMINATIONS.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following:

''(I)(i) The Commissioner of Social Security shall, subject to the provisions of section __01(f)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

''(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner;

''(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

''(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

''(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

''(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

''(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall—

''(i) to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary of Homeland Security;

''(ii) in all cases, record, verify, and maintain an electronic record of the alien identification or authorization number issued by the Secretary and utilized by the Commissioner in assigning such social security account number; and

''(iii) upon the issuance of a social security account number, transmit such number to the Secretary of Homeland Security for inclusion in such alien's record maintained by the Secretary.''.

(2) AGREEMENT.—Section 205(c)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(i)) is amended by adding at the end the following: ''Any State that utilizes a social security account number for such purpose shall enter into an agreement with the Commissioner to allow the Commissioner to verify the name, date of birth, and the identity number issued by the official the State responsible for issuing drivers' licenses and identity cards. Such agreement shall be under the same terms and conditions as agreements entered into by the Commissioner under paragraph 205(r)(8).''.

(3) DISCLOSURE OF DEATH INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

''(9) Notwithstanding this section or any agreement entered into thereunder, the Commissioner of Social Security is authorized to disclose death information to the Secretary of Homeland Security to the extent necessary to carry out the responsibilities required under subsection (c)(2) and section 6103(l)(21) of the Internal Revenue Code of 1986.''.

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY THE SOCIAL SECURITY ADMINISTRATION TO THE DEPARTMENT OF HOMELAND SECURITY.—

''(A) IN GENERAL.—Upon written request by the Secretary of Homeland Security, the Commissioner of Social Security or the Secretary shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

''(i) DISCLOSURE OF EMPLOYER NO MATCH NOTICES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains—

''(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of section 6051) or any recipient (within the meaning of section 6041(a)) that could not be matched to the records maintained by the Commissioner of Social Security, or

''(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) or recipients (within the meaning of section 6041(a)) with the same taxpayer identifying number,

and the taxpayer identity of each such employee or recipient.

''(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE TAXPAYER IDENTIFYING INFORMATION OF EMPLOYEES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051) or a recipient (within the meaning of section 6041(a))—

''(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

''(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

''(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year,

''(IV) who is not authorized to work in the United States, according to the records so maintained, or

''(V) who is not a national of the United States, according to the records so maintained,

and the taxpayer identity of each such employee or recipient.

''(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) which the Commissioner of Social Security or the Secretary, as the case may be, has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

''(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) hired and recipients (within the meaning of section 6041(a)) retained after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) and recipients (within the meaning of section 6041(a)) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—The taxpayer identity of each person participating in the System and the taxpayer identity of all employees (within the meaning of section 6051) of such person hired and all recipients (within the meaning of section 6041(a)) of such person retained during the period beginning with the later of—

''(I) the date such person begins to participate in the System, or

''(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

''(B) RESTRICTION ON DISCLOSURE.—The taxpayer identities disclosed under subparagraph (A) may be used by officers, employees, and contractors of the Department of Homeland Security only for purposes of, and to the extent necessary in—

''(i) preventing identity fraud;

''(ii) preventing unauthorized aliens from obtaining employment in the United States;

''(iii) establishing and enforcing employer participation in the System;

''(iv) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act; and

''(v) the civil operation of the Alien Terrorist Removal Court.

''(C) REIMBURSEMENT.—The Commissioner of Social Security and the Secretary shall prescribe a reasonable fee schedule based on the additional costs directly incurred for furnishing taxpayer identities under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

''(D) INFORMATION RETURNS UNDER SECTION 6041.—For purposes of this paragraph, any reference to information returns required by reason of section 6041(a) shall only be a reference to such information returns relating to payments for labor.

''(E) FORM OF DISCLOSURE.—The taxpayer identities to be disclosed under paragraph (A) shall be provided in a form agreed upon by the Commissioner of Social Security, the Secretary, and the Secretary of Homeland Security.

''(F) TERMINATION.—This paragraph shall not apply to any request made after the date which is 5 years after the date of the enactment of this paragraph.''.

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—Section 6103(p) of such Code is amended by adding at the end the following:

''(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

''(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(B) agrees to conduct an on-site review every 3 years (midpoint review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

''(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

''(D) certifies to the Secretary, for the most recent annual period, that such contractor is in compliance with all such requirements, by submitting the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: ''The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).''.

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking ''or (17)'' both places it appears and inserting ''(17), or (21)''; and

(ii) by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(D) Section 6103(p)(8)(B) of such Code is amended by inserting ''or paragraph (9)'' after ''subparagraph (A)''.

(E) Section 7213(a)(2) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent funds are appropriated, in advance, to cover the Commissioner's full costs in carrying out such responsibilities. 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.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. __03. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of United States Immigration and Customs Enforcement personnel during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by United States Immigration and Customs Enforcement personnel is used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

SEC. __04. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. __05. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d),'' after ''the individual for employment''; and

(B) in subparagraph (B), by striking ''in the case of a protected individual (as defined in paragraph (3)),''; and

(2) by striking paragraph (3) and inserting the following:

''(3) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(A) IN GENERAL.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

''(i) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(ii) to use the verification system for screening of an applicant prior to an offer of employment;

''(iii) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first day of employment, unless a waiver is provided by the Secretary of Homeland Security for good cause, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

''(iv) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).

''(B) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in subparagraph (A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.''.

(b) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)) is amended in subparagraph (B)(iv)—

(1) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(2) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(3) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(4) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(c) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2008 through 2010'' before the period at the end.

(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 violations occurring on or after such date.

SEC. ___. DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern of California;

(4) 2 additional district judges for the northern district of California;

(5) 4 additional district judges for the middle district of Florida;

(6) 2 additional district judges for the southern district of Florida;

(7) 1 additional district judge for the district of Minnesota;

(8) 1 additional district judge for the district of New Mexico;

(9) 3 additional district judges for the eastern district of New York;

(10) 1 additional district judge for the western district of New York;

(11) 1 additional district judge for the eastern district of Texas;

(12) 2 additional district judges for the southern district of Texas;

(13) 1 additional district judge for the western district of Texas; and

(14) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona;

(B) 1 additional district judge for the central district of California;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the middle district of Florida;

(E) 1 additional district judge for the southern district of Florida;

(F) 1 additional district judge for the district of Idaho; and

(G) 1 additional district judge for the district of New Mexico.

(2) VACANCIES.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

''Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide appropriate space and facilities for the judicial positions created under this section.

(f) FUNDING.—Notwithstanding any other provision of law, the Attorney General shall transfer, for each of the fiscal years 2008 through 2017, $8,000,000 from the Department of Justice Assets Forfeiture Fund to the general fund of the Treasury to carry out this section.

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

''(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

''(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

''(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

''(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

''(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

''(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

''(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

''(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

''(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

''(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

''(B) contains recommendations for adjusting the methods used to make the estimates.

''(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

''(g) GAO EVALUATION AND REPORT.—

''(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

''(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

''(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

''(C) such recommendations as the Comptroller General determines appropriate.

''(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

''(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act that are transmitted to Congress on or after January 1, 2007.

SEC. ___. IMMIGRATION ENFORCEMENT IMPROVEMENTS.

(a) VISA EXIT TRACKING SYSTEM.—In addition to the border security and other measures described in paragraphs (1) through (6) of section 1(a), the certification required under section 1(a) shall include a statement that the Secretary of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act at designated ports of entry or designated United States consulates abroad.

(b) PROMPT REMOVAL PROCEEDINGS.—Subject to the availability of appropriations, the Secretary of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien admitted into the United States under subparagraph (B) (admitted under the terms and conditions of section 214(s)), (H)(ii) (as amended by title IV), or (Y) of section 101(a)(15) of the Immigration and Nationality Act, and who exceeds the alien's period of authorized admission or otherwise violates any terms of the alien's nonimmigrant status. In conducting such removal proceedings, the Secretary shall give priority to aliens who may pose a threat to the national security, and those convicted of criminal offenses.

(c) REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days before the Secretary of Homeland Security submits a written certification under section 1(a), the Secretary shall submit a report to the governors of the States that share a land border with Mexico that—

(A) describes the progress made in establishing, funding, and implementing the border security and other measures described in subsection (a) and section 1(a); and

(B) indicates the date on which the Secretary intends to submit a written certification under subsection (a) and section 1(a).

(2) GOVERNOR'S RESPONSE.—Not later than 60 days after receiving a report from the Secretary under paragraph (1), a governor may submit a report to Congress that—

(A) analyzes the accuracy of the information received by the Secretary;

(B) indicates whether the governor agrees with the Secretary that the border security and other measures described in subsection (a) and section 1(a) will be established, funded, and operational before the Secretary's certification is submitted; and

(C) makes recommendations regarding new border enforcement policies, strategies, and additional programs needed to secure the border.

(3) CONSULTATION.—The Secretary shall consult with any governor who submits a report under subsection (2) before submitting written certification under section 1(a).

(d) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(1) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—In each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 1,250

the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in United States Immigration and Customs Enforcement—

(A) to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States;

(B) to investigate immigration fraud; and

(C) to enforce workplace violations.

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

(3) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

(e) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 of the Immigration and Nationality Act, as amended by section 111(a), is further amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by striking subsection (c), as added by section 111(a)(3), and inserting the following:

''(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—The Secretary of Homeland Security shall require an alien entering and departing the United States to provide biometric data and other information relating to the alien's immigration status.

''(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall require an alien who was admitted to the United States under subparagraph (B) (under the terms and conditions of section 214(s)), (H)(ii), or (Y) of section 101(a)(15) to record the alien's departure at a designated port of entry or at a designated United States consulate abroad.

''(2) FAILURE TO RECORD DEPARTURE.—If an alien does not record the alien's departure as required under paragraph (1), the Secretary, not later than 48 hours after the expiration of the alien's period of authorized admission, shall enter the name of the alien into a database of the Department of Homeland Security as having overstayed the alien's period of authorized admission.

''(3) INFORMATION SHARING WITH LAW ENFORCEMENT AGENCIES.—Consistent with the authority of State and local police to assist the Federal Government in the enforcement of Federal immigration laws, the information in the database described in paragraph (2) shall be made available to State and local law enforcement agencies pursuant to the provisions of section 240D.''.

(f) EFFECTIVE DATE OF AGGRAVATED FELONY SECTION.—

(1) IN GENERAL.—Notwithstanding section 203(b), and except as provided under paragraph (2), the amendments made by section 203(a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any conviction that occurred on or after the date of the enactment of this Act.

(2) APPLICATION WITH RESPECT TO CONVICTIONS FOR SEXUAL ABUSE OF A MINOR.—Notwithstanding paragraph (1), the amendment made by section 203(a)(2) related to the sexual abuse of a minor shall apply to any conviction for sexual abuse of a minor that occurred before, on, or after the date of the enactment of this Act.

(3) APPLICATION OF IIRAIRA AMENDMENTS.—In accordance with section 203(b)(2) of this Act, the amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 11 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

(g) INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2)(K) of the Immigration and Nationality Act, as added by section 205(a)(1), is amended by inserting ''or 2 convictions for driving under the influence under Federal or State law,'' after ''imprisonment,''.

(2) DEPORTABILITY.—Section 237(a)(2)(F) of the Immigration and Nationality Act, as added by section 205(a)(2), is amended by inserting ''or 2 convictions for driving under the influence under Federal or State law,'' after ''imprisonment,''.

(h) DEFINITION OF CRIMINAL GANG.—Section 101(a)(52)(B)(iv) of the Immigration and Nationality Act, as added by section 204(a), is amended by striking ''which is punishable by a sentence of imprisonment of 5 years or more,''.

(i) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2)(F) of the Immigration and Nationality Act, as added by section 204(b), is amended to read as follows:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—An alien is inadmissible if—

''(I) a consular officer, the Secretary of Homeland Security, or the Attorney General knows, or has reason to believe, that the alien is a member of a criminal gang; or

''(II) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe that the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

''(ii) WAIVER.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's inadmissibility under clause (i).''.

(2) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act, as added by section 204(c), is amended to read as follows:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—An alien is deportable if—

''(I) there is a preponderance of the evidence to believe the alien is a member of a criminal gang; or

''(II) there is reasonable ground to believe the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

''(ii) WAIVER.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's deportability under clause (i).''.

(j) TEMPORARY PROTECTED STATUS.—Section 244(c)(2)(B) of the Immigration and Nationality Act, as amended by section 204(d), is further amended—

(1) in clause (ii), by striking ''or'' at the end and inserting a semicolon;

(2) in clause (iii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) the alien is a member of a criminal gang.''.

(k) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendments made by subsections (i) and (j) of this section and subsections (b), (c), and (d) of section 204 shall apply to—

(1) all aliens required to establish admissibility on or after such date of enactment; and

(2) all aliens in removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(l) DETENTION PENDING DEPORTATION OF ALIENS WHO OVERSTAY.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226)is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) DETENTION OF ALIENS WHO EXCEED THE ALIEN'S PERIOD OF AUTHORIZED ADMISSION.—

''(1) CUSTODY.—An alien shall be arrested and detained by the Secretary of Homeland Security pending a decision on whether the alien is to be removed from the United States for willfully exceeding, by 60 days or more, the period of the alien's authorized admission or parole into the United States.

''(2) WAIVER.—The Secretary of Homeland Security may waive the application of paragraph (1) if the Secretary determines that the alien exceeded the alien's period of authorized admission or parole as a result of exceptional circumstances beyond the control of the alien or the Secretary determines a waiver is necessary for humanitarian purposes.''.

SEC. ___. WORKSITE ENFORCEMENT.

(a) NOTIFICATION OF EXPIRATION OF ADMISSION.—Notwithstanding any other provision of this Act, an employer or educational institution shall notify an alien in writing of the expiration of the alien's period of authorized admission not later than 14 days before such eligibility expires.

(b) UNLAWFUL EMPLOYMENT OF ALIENS.—

(1) IN GENERAL.—Section 274A(a) of the Immigration and Nationality Act, as amended by section 302(a), is further amended—

(A) in paragraph (3), by striking subparagraphs (B) and (C) and inserting the following:

''(B) The Secretary may establish procedures by which an employer may obtain confirmation from the Secretary that the contractor or subcontractor has registered with the EEVS and is utilizing the EEVS.

''(C) The Secretary may establish such other requirements for employers using contractors or subcontractors as are necessary to prevent knowing violations of this paragraph after rulemaking pursuant to section 553 of title 5, United States Code. The Secretary may issue widely disseminated guidelines to clarify and supplement the regulations issued hereunder and disseminate the guidelines broadly in coordination with the Private Sector Office of the Department of Homeland Security.''; and

(B) by striking paragraph (6) and inserting the following:

''(6) A rebuttable presumption is created that an employer has acted with knowledge or reckless disregard if the employer is shown by clear and convincing evidence to have materially failed to comply with written standards, procedures or instructions issued by the Secretary. Standards, procedures or instructions issued by the Secretary shall be objective and verifiable.''.

(2) DEFINITIONS.—Section 274A(b) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by striking paragraph (2) and inserting the following:

''(2) DEFINITION OF EMPLOYER.—In this section, the term 'employer' means any person or entity hiring, recruiting, or referring an individual for a fee for employment in the

United States. Franchised businesses that operate independently do not constitute a single employer solely on the basis of sharing a common brand.

''(3) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this section, the term 'critical infrastructure' means agencies and departments of the United States, States, their suppliers or contractors, and any other employer whose employees have access as part of their jobs to a government building, military base, nuclear energy site, weapon site, airport, or seaport.''.

(3) MANAGEMENT OF EEVS.—Section 274A(d)(9)(E)(v) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by adding at the end the following: ''The Secretary shall further study the feasibility of providing other alternatives for employers that do not have Internet access.''.

(4) REPEAT VIOLATOR.—Section 274A(h)(1) of the Immigration and Nationality Act, as amended by section 302(a), is amended by adding at the end the following: ''The Secretary shall define 'repeat violator', as used in this subsection, in a rulemaking that complies with the requirements of section 553 of title 5, United States Code.''.

(5) PREEMPTION.—Section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a), is amended by striking paragraph (2) and inserting the following:

''(2) PREEMPTION.—The provisions of this section shall preempt any State or local law that requires the use of the EEVS in a fashion that—

''(A) conflicts with Federal policies, procedures or timetables;

''(B) requires employers to verify whether or not an individual is authorized to work in the United States; or

''(C) imposes civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding the matter preceding subparagraph (A) of section 310(a)(1), there are authorized to be appropriated to the Secretary of Homeland Security, in each of the 2 fiscal years beginning after the date of the enactment of this Act, such sums as may be necessary to annually hire not less than 2,500 personnel of the Department of Homeland Security, who are to be assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS. These personnel shall perform the compliance and monitoring activities described in subparagraphs (A) through (O) of section 310(a)(1).

SEC. ___. TEMPORARY WORKER PROGRAM.

(a) H–1B STREAMLINING AND SIMPLIFICATION.—Section 214(g) of the Immigration and Nationality Act, as amended by this Act, is further amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''; and

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by title IV, is further amended—

(A) by striking paragraph (6), as redesignated by section 409 of this Act, and inserting the following:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 20,000, has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States;

''(B) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 40,000, 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); and

''(C) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 50,000—

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965; 20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization.''; and

(B) by adding at the end the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment-authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or greater than 15 percent of the number of such full-time employees, may file not more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1)(A) shall apply to any petition or visa application pending on the date of the enactment of this Act and any petition or visa application filed on or after such date.

(B) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established under section 502(d).

(c) DOCUMENT REQUIREMENT.—Section 212(n)(1) of the Immigration and Nationality Act, as amended by section 420, is further amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking '', and'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) will provide to the H–1B nonimmigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(2) by adding at the end the following:

''(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.''.

(d) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall, subject to the availability of appropriations, submit to Congress a fraud risk assessment of the H–1B visa program.

(e) GROUNDS OF INADMISSIBILITY.—Section 218A(f) of the Immigration and Nationality Act, as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) WAIVER.—For a Y nonimmigrant, the Secretary of Homeland Security may waive those provisions of section 212(a) for which the Secretary had discretionary authority to waive before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007.''.

(f) TERMINATION.—Section 218A(j) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) EXCEPTION.—The period of authorized admission of a Y nonimmigrant shall not terminate for unemployment under paragraph (1)(D) if the alien attests under the penalty of perjury and submits documentation to the satisfaction of the Secretary of Homeland Security that establishes that such unemployment was the result of—

''(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

''(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

''(C) any other period of temporary unemployment that is the direct result of a force majeure event.

''(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall immediately depart the United States.''.

(g) REGISTRATION OF DEPARTURE.—Section 218A(k) of the Immigration and Nationality Act, as added by section 402(a), is amended by striking the subsection heading and inserting the following:

''(k) LEAVING THE UNITED STATES.—

''(1) REGISTRATION OF DEPARTURE.—

''(A) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure or designated United States consulate abroad in a manner to be prescribed by the Secretary of Homeland Security.

''(B) EFFECT OF FAILURE TO DEPART.—If an alien described in subparagraph (A) fails to depart the United States or to register such

departure as required under subsection (j)(3), the Secretary of Homeland Security shall—

''(i) take immediate action to determine the location of the alien; and

''(ii) if the alien is located in the United States, remove the alien from the United States.

''(C) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in subparagraph (A) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates. The Secretary shall ensure that the invalidation of such documentation is recorded in the employment eligibility verification system described in section 274A.

''(2) VISITS OUTSIDE THE UNITED STATES.—''.

(h) OVERSTAY.—Section 218A(o) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraph (2) and inserting the following:

''(2) Except as provided in paragraph (3) or (4), any alien, other than a Y nonimmigrant, who, after the date of the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is permanently barred from any future benefits under Federal immigration law.''.

SEC. ___. IMMIGRATION BENEFITS.

(a) NUMERICAL LIMITS.—Section 201(d)(1)(A) of the Immigration and Nationality Act, as amended by section 501(b), is further amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''Section 502(d) of the [Insert title of Act].'' and inserting ''section 502(d) of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007;''; and

(3) by adding at the end the following:

''(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1) on January 1, 2007; and

''(iv) the remaining visas shall be allocated as follows:

''(I) In fiscal years 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.''.

(b) MERIT-BASED IMMIGRANTS.—Section 203(b)(1) of the Immigration and Nationality Act, as amended by section 502(b)(1) of this Act, is further amended by adding at the end the following:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under subparagraph (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary shall collect applications and petitions not later than July 1 of each fiscal year and shall adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit-based threshold is insufficient for the number of visas available that year, the Secretary may continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

(c) EFFECTIVE DATE FOR PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Notwithstanding the provisions under section 502(d)(2)—

(1) petitions for an employment-based visa filed for classification under paragraphs (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (as such paragraphs existed on the date before the date of the enactment of this Act) that were filed before the date on which this Act was introduced and were pending or approved on the effective date of this section, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa;

(2) the beneficiary, who has been classified as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed;

(3) the application for adjustment of status filed under paragraph (2) shall not be approved until an immigrant visa becomes available; and

(4) aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(d) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b), is amended—

(1) in paragraph (2)(B), by striking ''$1,000, which shall be forfeit'' and inserting ''$2,500, which shall be forfeited''; and

(2) in paragraph (3), by amending subparagraph (A) to read as follows:

''(A) may not stay in the United States, within any calendar year—

''(i) in the case of a spouse or child sponsored by a nonimmigrant described in section 101(a)(15)(Y)(i), for an aggregate period in excess of 30 days; and

''(ii) in the case of a parent sponsored by a United States citizen child, for an aggregate period in excess of 100 days;''.

SEC. ___. Z NONIMMIGRANT STATUS.

(a) APPLICATION AND BACKGROUND CHECKS.—Notwithstanding any provision of section 601(g) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) the application forms created pursuant to section 601(g)(1) of this Act and section 214A(d) of the Immigration and Nationality Act shall request such information as the Secretary determines necessary and appropriate, including information concerning the alien's—

(A) physical and mental health;

(B) complete criminal history, including all arrests and dispositions;

(C) gang membership;

(D) immigration history;

(E) employment history; and

(F) claims to United States citizenship; and

(2) the Secretary shall utilize fingerprints and other biometric data provided by the alien pursuant to section 601(g)(3)(A) and any other appropriate information to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under section 601 of this Act or section 214A of the Immigration and Nationality Act; and

(3) appropriate background checks conducted pursuant to paragraph (2) for applicants determined to be from countries designated as state sponsors of terrorism or for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States shall include—

(A) other appropriate background checks involving databases operated by the Department of State and other national security databases; and

(B) other appropriate procedures used to conduct terrorism and national security background investigations.

(b) PROBATIONARY BENEFITS.—Notwithstanding any provision of section 601(h) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) no probationary benefits described in section 601(h)(1) of this Act or section 214A(d)(7) of the Immigration and Nationality Act may be granted to any alien unless the alien passes all appropriate background checks under such section;

(2) an alien awaiting adjudication of the alien's application for probationary status under such sections shall be considered authorized to work pending the granting or denial of such status; and

(3) the term unauthorized alien, for purposes of such section, has the meaning set forth in section 274A(b) of the Immigration and Nationality Act, as added by section 302(a) of this Act.

(c) RETURN HOME REQUIREMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of title VI, an alien who is applying for a Z–1 nonimmigrant visa under section 601 shall not be eligible for such status until the alien, in addition to the requirements described in such section, has completed the following requirements:

(A) The alien shall demonstrate that the alien departed from the United States and received a home return certification of such departure from a United States consular office in order to complete the alien's application for Z status. The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop an appropriate certification for such purposes.

(B) The certification provided under subparagraph (A) shall be obtained not later than 3 years after the date on which the alien was granted probationary status. Failure to obtain such certification shall terminate the alien's eligibility for Z status for a Z–1 applicant and the eligibility of the applicant's derivative Z–2 or Z–3 applicants pursuant to section 601.

(C) Unless otherwise authorized, an applicant for a Z–1 nonimmigrant visa shall file a home return supplement to the alien's application for Z status at a consular office in the alien's country of origin. The Secretary of State may direct a consular office in a country that is not a Z nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, if the Z nonimmigrant's country of origin is not contiguous to the United States, to the extent made possible by consular resources.

(2) RULEMAKING.—The Secretary of Homeland Security shall promulgate regulations to ensure a secure means for Z applicants to fulfill the requirements under paragraph (1).

(3) CLARIFICATION.—Notwithstanding any other provision of this Act, The return home requirement described in paragraph (1) shall be the sole return home requirement for Z–1 nonimmigrants.

(d) ELECTRONIC SYSTEM FOR PREREGISTRATION OF APPLICANTS FOR Z AND Z–A NONIMMIGRANT STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security may establish an online registration process allowing applicants for Z and Z–A nonimmigrant status to provide, in advance of submitting the application described in section 601(f), such biographical information and other information as the Secretary shall prescribe—

(A) for the purpose of providing applicants with an appointment to provide fingerprints and other biometric data at a facility of the Department of Homeland Security;

(B) to initiate background checks based on such information; and

(C) for other purposes consistent with this Act.

(2) MANDATORY DISCLOSURE OF INFORMATION.—The provisions of section 604 shall apply to the information provided pursuant to the process established under this section.

(e) PERJURY AND FALSE STATEMENTS.—Notwithstanding any other provision of this Act, all application forms for immigration benefits, relief, or status under this Act (including application forms for Z non-immigrant status) shall bear a warning to the applicant and to any other person involved in the preparation of the application that the making of any false statement or misrepresentation on the application form (or any supporting documentation) will subject the applicant or other person to prosecution for false statement, fraud, or perjury under the applicable laws of the United States, including sections 1001, 1546, and 1621 of title 18, United States Code.

(f) FRAUD PREVENTION PROGRAM.—Notwithstanding any other provision of this Act, the head of each department responsible for the administration of a program or authority to confer an immigration benefit, relief, or status under this Act shall, subject to available appropriations, develop an administrative program to prevent fraud within or upon such program or authority. Such program shall provide for fraud prevention training for the relevant administrative adjudicators within the department and such other measures as the head of the department may provide.

(g) ELIGIBILITY FOR MILITARY SERVICE.—In addition to the benefits described in subparagraphs (A) through (D) of section 601(h)(1), an alien described in such section shall be eligible to serve as a member of the Uniformed Services of the United States.

SEC. ____. GOVERNMENT CONTRACTS.

(a) GOVERNMENT CONTRACTS.—Section 274A(h) of the Immigration and Nationality Act, as amended by section 302 of this Act, is further amended by striking paragraphs (1) and (2) and inserting the following:

''(1) EMPLOYERS.—

''(A) IN GENERAL.—If an employer who does not hold Federal contracts, grants, or cooperative agreements 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 shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.

''(2) CONTRACTORS AND RECIPIENTS.—

''(A) IN GENERAL.—If an employer who holds Federal contracts, grants, or cooperative agreements 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 shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.''.

(b) LIMIT ON PERCENTAGE OF H–1B AND L EMPLOYEES.—Subparagraph (I) of section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as added by section 420(d), is amended to read as follows:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(c) WAGE DETERMINATION FOR H–1B NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(p)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(3)) is amended by adding at the end the following: ''The wage rate required under subsections (n)(1)(A)(i)(II) and (t)(1)(A)(i)(II) shall be determined and issued by the Secretary of Labor, pursuant to a request from an employer filing a labor condition application with the Secretary for purposes of those subsections and as part of the adjudication of such application. The Secretary shall respond to such a request within 14 days. If the wage determination is not issued within 14 days of the request, the employer shall determine the prevailing wage pursuant to section 212(n)(1)(A)(i) and submit this determination to the Secretary. This determination shall be treated as an attestation pursuant to section 212(n)(1).''.

(2) LABOR CONDITION APPLICATIONS.—

(A) Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended—

(i) in clause (1), by striking ''and'' at the end;

(ii) by redesignating clause (ii) as clause (iv); and

(iii) by inserting after clause (i) the following new clauses:

''(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate;

''(iii) is not as its primary business using the nonimmigrant for purposes of entering into a job shop arrangement where the employer outplaces the nonimmigrant to a second employer and receives compensation for the labor service provided, nor as its primary business entering into a virtual job shop arrangement with a second employer, where the nonimmigrant performs work outsourced from the second employer to the first employer, and the first employer receives compensation for the labor provided; and''.

(B) Section 212(n) of such Act, as amended by this Act is further amended by adding at the end the following:

''(I) No later than six months after enactment, the Secretary of Labor shall promulgate rules, after notice and a period for comment, to implement Section 212(n)(1)(A)(iii) regarding job shop arrangements and virtual job shop arrangements.''.

(3) NONIMMIGRANT PROFESSIONALS; LABOR ATTESTATIONS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended in paragraph (1)(A) of the first subsection (t) (as added by section 402(b)(2) of Public Law 108–77 (117 Stat. 941))—

(A) in clause (i), by striking ''and'' at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) inserting after clause (i) the following new clause:

''(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate; and''.

(4) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by section 421, is further amended by adding at the end the following: ''During the first calendar year in which an employer pays more than 30 percent of the employer's H–1B nonimmigrant employees wages equivalent to the lowest wage level under section 212(p)(4), the Secretary shall conduct a compliance audit of the employer.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(d) PROHIBITION ON OUTPLACEMENT OF H–1B NONIMMIGRANTS.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this Act, is further amended—

(A) in paragraph (1), by amending subparagraph (F), as amended by section 420, to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer where there are indicia of an employment relationship between the nonimmigrant and such other employer unless the employer of the alien has been granted a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E), as amended by section 420, to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(ii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iii) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(e) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(f) WAGE DETERMINATION FOR L NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time greater than one year shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the prevailing wage level for the occupational classification in the area of employment; or

''(bb) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(3) REGULATIONS.—The Secretary shall promulgate rules, after notice and a period for comment, to implement the requirements of this subsection. In promulgating these rules, the Secretary shall take into consideration any special circumstances relating to intracompany transfers.

(g) PROHIBITION ON OUTPLACEMENT OF L NONIMMIGRANTS.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by this section, is further amended by adding at the end the following:

''(M)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time greater than one year shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer where there are indicia of an employment relationship between the alien and such other employer unless the employer of the alien has been granted a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(II) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(c)(2)(M)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

(h) PROHIBITION ON JOB SHOPS.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by this section, is further amended by adding at the end the following:

''(N)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not as its primary business use the nonimmigrant for purposes of entering into a job shop arrangement where the employer outplaces the nonimmigrant to a second employer and receives compensation for the labor service provided, nor as its primary business entering into a virtual job shop arrangement with a second employer, where the nonimmigrant performs work outsourced from the second employer to the first employer, and the first employer receives compensation for the labor services provided.

''(ii) No later than six months after enactment, the Secretary of Labor shall promulgate rules, after notice and a period for comment, to implement this subparagraph.''

SEC. ____. H–1B PROVISIONS.

(a) REPEAL OF CERTAIN TEMPORARY WORKER PROVISIONS.—The following amendments are null and void and have no effect:

(1) The amendments to subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) made by subsection (c) of section 418 of this Act.

(2) The amendments to subsection (h) of such section 214 made by subsection (d) of such section 418.

(3) The amendments to subsection (g) of such section 214 made by subsection (a) of section 419 of this Act.

(4) The amendments to paragraph (2) of subsection (i) of such made by subsection (b) such of section 419.

(b) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

(c) H–1B AMENDMENTS.—Subsection (g) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous

fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;'';

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(d) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) 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)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(e) EMPLOYER REQUIREMENT.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amended to add the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) for aliens under section 101(a)(15)(H)(i)(b) who are counted under subsection (g)(1)(A) in any fiscal year.''.

(f) APPLICABILITY.—The amendment made by subsection (d) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subsection (e) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act is fully eliminated.

(g) DOCUMENT REQUIREMENT.—Paragraph (1) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by this Act, is further amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting a semicolon and ''and''; and

(C) by adding at the end the following:

''(iii) will provide to the H-1B non-immigrant—

''(I) a copy of each application filed on behalf of the n nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.'';

(2) by adding at the end the following:

''(L) An H-1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.''.

(h) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H-1B visa program.

(i) MERIT-BASED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 11519(d)), as amended by section 501(b) to is amended to read as follows:

''(d) WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—

''(1) IN GENERAL.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection for a fiscal year—

''(A) for the first five fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) of this Act for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which—

''(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y);

''(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of section 502(d) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1)(as of January 1, 2007); and

''(iv) the remaining visas be allocated as follows:

''(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.''.

(j) AMENDMENTS TO MERIT-BASED IMMIGRANT PROVISIONS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as amended by section 502(b), is further amended in paragraph (1) by adding at the end the following new subparagraphs:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

(k) EFFECTIVE DATE.—

(1) REPEAL.—Paragraph (2) of section 502(d) is null and void and shall have no effect.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Petitions for an employment-based visa filed for classification under section 203(b)(1), (2), or (3) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of section 502) that were pending or approved at the time of the effective date of section 502, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available. Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

SEC. ___. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The certification submitted under section 1(a) shall include a statement that the Secretary of Homeland Security has promulgated a regulation stating that no person, agency, or Federal, State, or local government entity may prohibit a law enforcement officer from acquiring information regarding the immigration status of any individual if the officer seeking such information has probable cause to believe that the individual is not lawfully present in the United States.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) may be construed—

(1) to limit the acquisition of information as otherwise provided by law; or

(2) to require a person to disclose information regarding an individual's immigration status prior to the provision of medical or education services.

SEC. ___. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other

applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a) of the Immigration and Nationality Act;

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a) of such Act;

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for employment eligibility verification.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SEC. ___. INCLUSION OF PROBATIONARY BENEFITS IN TRIGGER PROVISION.

Notwithstanding section 1(a), no probationary benefit authorized under section 601(h) may be issued to an alien until after section 1 has been implemented.

SEC. ___. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) EFFECT OF MASS LAYOFF.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) EXEMPTION.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

TITLE __—STRENGTHENING AMERICAN CITIZENSHIP

SEC. __01. SHORT TITLE.

This title may be cited as the ''Secure Borders, Economic Opportunity and Immigration Reform Act of 2007''.

SEC. __02. DEFINITION.

In this title, 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 subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section __31(a)(2).

Subtitle A—Learning English

SEC. __11. ENGLISH FLUENCY.

(a) EDUCATION GRANTS.—

(1) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the ''Chief'') shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

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

SEC. __12. SAVINGS PROVISION.

Nothing in this subtitle shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section __31(b)).

Subtitle B—Education About the American Way of Life

SEC. __21. AMERICAN CITIZENSHIP GRANT PROGRAM.

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

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

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

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

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

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section __22(a), for grants under this section.

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

SEC. __22. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the ''Foundation''), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

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

(2) 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) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

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

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

(2) 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 United States Citizenship and Immigration Services.

(c) GIFTS.—

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

(2) 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 mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

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

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

SEC. __23. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this subtitle may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. __24. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

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

(2) an evaluation of the extent to which grants received under this subtitle and subtitle A successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this subtitle and subtitle A.

Subtitle C—Codifying the Oath of Allegiance

SEC. __31. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking ''under section 310(b) an oath'' and all that follows through ''personal moral code.'' and inserting ''under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e).''; and

(2) by adding at the end the following:

''(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

''(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

''(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

''(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

''(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

''(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

''(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

''(4) 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 superior to those arising from any human relation; and

''(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

''(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.''.

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

(c) 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—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

Subtitle D—Celebrating New Citizens

SEC. __41. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

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

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. __42. 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 section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SEC. ___. EMPLOYER OBLIGATION TO DOCUMENT COMPARABLE JOB OPPORTUNITIES.

(a) IN GENERAL.—Section 218B(b) of the Immigration and Nationality Act, as added by section 403 of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and insert ''; and''; and

(C) by adding at the end the following:

''(E) documenting that for a period of not less than 90 days before the date an application is filed under subsection (a)(1), and for a period of 1 year after the date that such application is filed, every comparable job opportunity (including those in the same occupation for which an application for a Y–1 worker is made, and all other job opportunities for which comparable education, training, or experience are required), that becomes available at the employer is posted to the designated State employment service agency, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, and the designated State agency has been authorized—

''(i) to post all such job opportunities on the Internet website established under section 414 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, with local job banks, and with unemployment agencies and other referral and recruitment sources pertinent to the job involved; and

''(ii) to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1), the following:

''(2) PENALTY FOR FAILURE TO DOCUMENT COMPLIANCE.—The failure of an employer to document compliance with paragraph (1)(E) shall result in the employer's ineligibility to make a subsequent application under subsection (a)(1) during the 1-year period following the initial application. The Secretary of Labor shall routinely publicize the requirement under paragraph (1)(E) in communications with employers, and encourage State agencies to also publicize such requirement, to help employers become aware of and comply with such requirement in a timely manner.''.

(b) DEFINITION OF EMPLOYER.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), as amended by subsection (a) of the first section 302 (relating to unlawful employment of aliens), is further amended by striking paragraph (2).

SEC. ___. TREATMENT OF CERTAIN NATIONALS OF IRAQ.

(a) REQUIREMENT FOR REHEARING OF CERTAIN CLAIMS DENIED ON BASIS OF CHANGED COUNTRY CONDITIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for rehearing before an immigration judge of an application for asylum or withholding of removal if the alien—

''(A) is a religious minority from Iraq whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

''(B) has remained in the United States as of the date of the enactment of this paragraph.''.

(b) CONSIDERATION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of

Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that he or she is a member of a religious minority group in Iraq; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SEC. ___. PREEMPTION.

In section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a) of this Act, strike paragraph (2) and insert the following:

''(2) PREEMPTION.—This section preempts any State or local law that—

''(A) requires the use of the EEVS in a manner that—

''(i) conflicts with any Federal policy, procedure, or timetable; or

''(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

''(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

''(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority; or

''(ii) shall carry out any other activity to facilitate the employment by others of—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority.''.

SEC. ___. CLARIFYING AMENDMENTS REGARDING THE USE OF SOCIAL SECURITY CARDS.

(a) USE OF SOCIAL SECURITY CARDS TO ESTABLISH IDENTITY AND EMPLOYMENT AUTHORIZATION.—Section 274A of the Immigration and Nationality Act, as amended by section 302, is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(III), by striking ''; or'' and inserting a semicolon;

(ii) in clause (iii), by striking the end period and inserting ''; or''; and

(iii) by adding at the end the following:

''(iv) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 716(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 716(f)(1) of such Act.''; and

(B) in subparagraph (D)(i), by striking ''may'' and inserting ''shall, not later than the date on which the report described in section 716(f)(1) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, is submitted,''; and

(2) in subsection (d)(9)(B)(v)(I), by striking ''as specified in (D)'' and inserting ''as specified in subparagraph (D), including photographs and any other biometric information as may be required''.

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2)(I)(i) of the Social Security Act, as added by section 308, is further amended by inserting at the end of the flush text at the end the following new sentence: ''As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act, the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.''

(c) INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.—Notwithstanding any other provision of this Act, section 305 of this Act is repealed.

(d) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(e) ADDITIONAL DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—In accordance with the responsibilities of the Commissioner of Social Security under section 205(c)(2)(I) of the Social Security Act, as added by section 308, the Commissioner—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) in consultation with the Secretary of Homeland Security, shall issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(f) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(c)(1) of the Immigration and Nationality Act, should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (d)(1), and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended—

(1) by striking subsections (c) and (d), as added by section 607, and inserting the following:

''(c) The criterion specified in this subsection is that the individual, if not a citizen or national of the United States—

''(1) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements under subclause (I) or (III) of section 205(c)(2)(B)(i); or

''(2) at the time any such quarters of coverage are earned—

''(A) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

''(B) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)); and

''(C) the business engaged in, or service as a crewman performed, is within the scope of the terms of such individual's admission to the United States.

''(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).''.

(b) BENEFIT COMPUTATION.—Section 215(e)(3) of such Act, as added by section 607(b)(3), is amended—

(1) by inserting ''who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007'' after ''earnings of an individual'';

(2) by striking ''for any year''; and

(3) by striking ''section 214(c)'' and inserting ''section 214(d)''.

(c) EFFECTIVE DATE.—Notwithstanding section 607(c), the amendments made by this section and by section 607 shall take effect on the date of the enactment of this Act.

SEC. ___. PROTECTION FOR SCHOLARS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) of the Immigration and Nationality Act is amended by striking subparagraph (W), as added by section 401(a)(4), and inserting the following:

''(W) subject to section 214(s), an alien—

''(i) who the Secretary of Homeland Security determines—

''(I) is a scholar; and

''(II) is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity; or

''(ii) who is the spouse or child of an alien described in clause (i) who is accompanying or following to join such alien;''.

(b) CONDITIONS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act, is further amended by adding at the end the following:

''(s) REQUIREMENTS APPLICABLE TO PERSECUTED SCHOLARS.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—An alien is eligible for nonimmigrant status under section 101(a)(15)(W)(i) if the alien demonstrates that the alien is a scholar in any field who is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity.

''(B) CONSULTATION.—In determining eligibility of aliens under subparagraph (A), the Secretary of Homeland Security shall consult with nationally recognized organizations that have not less than 5 years of experience in assisting and funding scholars needing to escape dangerous conditions.

''(2) NUMERICAL MINIMUMS.—The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(W) in any fiscal year may not be less than 2,000, unless the Secretary determines that less than 2,000 aliens who are qualified for such status are seeking such status during the fiscal year.

''(3) CREDIBLE EVIDENCE CONSIDERED.—In acting on any application filed under this subsection, the consular officer or the Secretary of Homeland Security, as appropriate, shall consider any credible evidence relevant to the application, including information received in connection with the consultation required under paragraph (1)(B).

''(4) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of an alien who qualifies for status under section 101(a)(15)(W) to seek any other immigration benefit or status for which the alien may be eligible.

''(5) DURATION OF STATUS.—

''(A) INITIAL PERIOD.—The initial period of admission of an alien granted status as a nonimmigrant under section 101(a)(15)(W) shall be not more than 2 years.

''(B) EXTENSION OF PERIOD.—The period of admission described in subparagraph (A) may be extended for 1 additional 2-year period.''.

SEC. ___. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(d) INFORMATION SHARING.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et. seq.) is amended by adding after section 240D, as added by section 223(a) of this Act, the following:

''SEC. 240E. INFORMATION SHARING WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

''(a) AUTHORITY.—Consistent with the authority of State and local law enforcement agencies and political subdivisions to assist the Federal Government in the enforcement of Federal immigration laws, the Secretary of Homeland Security or the Attorney General may make available information collected and maintained pursuant to any provision of this Act. Nothing in this section may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

''(b) 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 or arrest 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) 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 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 is not lawfully present in the United States—

''(i) take the illegal alien 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 or transport 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.

''(c) REIMBURSEMENT.—

''(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, incurred by the State or political subdivision in the detention and transportation of an 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 equal to—

''(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 transmittal of the request described in subsection (b) and the time of transfer into Federal custody.

''(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 law 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 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 (b), into Federal custody.

''(f) CONTRACT AUTHORITY.—

''(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 if appropriate, the 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 may 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.

''(g) PROVISION OF INFORMATION TO 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 by an immigration judge, whose period for departure has expired under subsection

(a)(3) or (b)(2) of section 240B or who has violated a condition of a voluntary departure agreement under section 240B;

''(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

''(D) whose visa has been revoked.

''(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally 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, shall develop and implement 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 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.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and for each subsequent fiscal year for the detention and removal of aliens who are not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

(f) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (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 237(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;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting the following: ''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 waives the application of this paragraph; or''.

(3) 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 ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.''.

(g) PENDING PROCEEDINGS.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''A petition may not be 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 denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(h) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) of the Immigration and Nationality Act (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) of such Act (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.

(i) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) of the Immigration and Nationality Act (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: ''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.''.

(j) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 of the Immigration and Nationality Act (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).''.

(k) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 of the Immigration and Nationality Act (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.''.

(l) DISTRICT COURT JURISDICTION.—Section 336(b) of the Immigration and Nationality Act (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.''.

SEC. ___. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 26 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a).

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

TITLE ____—MISCELLANEOUS

Subtitle A—Other Matters

SEC. ___. MEDICAL SERVICES IN UNDERSERVED AREAS.

(a) FEDERAL PHYSICIAN WAIVER PROGRAM.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b), is further amended by adding at the end the following:

''(5) In administering the Federal physician waiver program authorized under paragraph (1)(C), the Secretary of Health and Human Services shall accept applications from—

''(A) primary care physicians and physicians practicing specialty medicine; and

''(B) hospitals and health care facilities of any type located in an area that the Secretary has designated as having a shortage of physicians, including—

''(i) a Health Professional Shortage Area (as defined in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)));

''(ii) a Mental Health Professional Shortage Area;

''(iii) a Medically Underserved Area (as defined in section 330I(a)(4) of the Public Health Service Act (42 U.S.C. 254c–14(a)(4)));

''(iv) a Medically Underserved Population (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

''(v) a Physician Scarcity Areas (as identified under section 1833(u)(4) of the Social Security Act (42 U.S.C. 13951(u)(4))).

''(6) Any employer shall be deemed to have met the requirements under paragraph (1)(D)(iii) if the facility of the employer is located in an area listed in paragraph (5)(B).''.

(b) RETAINING AMERICAN-TRAINED PHYSICIANS IN PHYSICIAN SHORTAGE COMMUNITIES.—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) Alien physicians who have completed service requirements under section 214(l).''.

SEC. ___. REPORT ON PROCESSING OF VISA APPLICATIONS.

Not later than February 1, 2008, and each year thereafter through 2011, the Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and

the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the fiscal year preceding the report, the length of time between the submission of a request for a personal interview for a nonimmigrant visa and the date of the personal interview of the applicant exceeded, on average, 30 days:

(1) The number of visa applications submitted in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory Opinion or similar specialized review.

(4) The average length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new procedure or program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives or outreach undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant, and the impact of those factors on the quality of the review of the application.

(11) Specific recommendations as to any additional facilities, personnel, information systems, or other requirements that would allow the personal interview to occur not more than 30 days following the submission of a visa application.

SEC. ____. REPEAL OF SPECIAL RULE FOR ALIENS TO PROVIDE MEDICAL SERVICES.

The amendments made by paragraph (3) of section 425(h) are null and void and shall have no effect.

SEC. ____. TECHNICAL CORRECTION TO QUALIFICATIONS FOR CERTAIN IMMIGRANTS.

(a) REPEAL OF TECHNICAL AMENDMENT.—The amendment made by paragraph (6) of subsection (e) of the first section 502 (relating to increasing American competitiveness through a merit-based evaluation system for immigrants) is null and void and shall have no effect.

(b) REPEAL OF LABOR CERTIFICATION REQUIREMENT.—Paragraph (5) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. ____. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ATHLETES, ARTISTS, ENTERTAINERS, AND OTHER ALIENS OF EXTRAORDINARY ABILITY.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (6)(D)—

(A) by striking ''Any person'' and inserting the following:

''(i) Except as provided in clause (ii), any person''; and

(B) by adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien described in subparagraph (O) or (P) of section 101(a)(15) not later than 30 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.''.

SEC. ____. REPORTS ON BACKGROUND AND SECURITY CHECKS.

(a) REPEAL OF REPORT REQUIREMENT.—The requirement set out in subsection (c) of section 216 that the Director of the Federal Bureau of Investigation shall submit the report described in such subsection is null and void and shall have no effect.

(b) REPORTS ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States, in conjunction with the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the background and security checks conducted by the Federal Bureau of Investigation.

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

(A) a description of the background and security check program;

(B) an analysis of resources devoted to the name check program, including personnel and support;

(C) a statistical analysis of the background and security check delays associated with different types of name check requests, such as those requested by United States Citizenship and Immigration Services or the Office of Personnel Management, including—

(i) the number of background checks conducted on behalf of requesting agencies, by agency and type of requests (such as naturalization or adjustment of status); and

(ii) the average time spent on each type of background check described under subparagraph (A), including the time from the submission of the request to completion of the check and the time from the initiation of check processing to the completion of the check;

(D) a description of the obstacles that impede the timely completion of such background checks;

(E) a discussion of the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days; and

(F) a plan for the automation of all investigative records related to the name check process.

(3) ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.—Not later than the end of each fiscal year, the Attorney General shall submit to the appropriate congressional committees a report containing, with respect to that fiscal year—

(A) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(B) the average time taken to complete each type of background check;

(C) a description of efforts made and progress by the Attorney General in addressing any delays in completing such background checks; and

(D) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

SEC. ____. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH VOLUME PORTS.

Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest number of foreign visitors arriving annually, as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of the enactment of this Act.

SEC. ____. REPEAL OF ENGLISH LEARNING PROGRAM.

The requirements of section 711 are null and void and such section shall have no effect.

SEC. ____. REPEAL OF AUTHORIZATION OF ADDITIONAL PORTS OF ENTRY.

The requirements of the first section 104 (relating to ports entry) are null and void and such section shall have no effect.

SEC. ____. LIMITATION ON SECURE COMMUNICATION REQUIREMENT.

Notwithstanding section 123, the Secretary may develop and implement the plan described in such section only subject to the availability of appropriations for such purpose.

SEC. ____. DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.

Notwithstanding clause (ii) of subsection (e)(6)(E) of the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), the fees collected under subparagraph (C) of subsection (e)(6) of such section 601 shall be deposited in the State Impact Assistance Account established under the first subsection (x) (relating to the State Impact Assistance Account) of section 286 of the Immigration and Nationality Act, as added by subsection (b) of the first section 402 (relating to admission of nonimmigrant workers), and used for the purposes described in such section 286(x).

SEC. ___. ADDITIONAL REQUIREMENTS FOR THE BORDER PATROL TRAINING CAPACITY REVIEW.

(a) ADDITIONAL COMPONENT OF REVIEW.—The review conducted under subsection (a) of section 128 shall include an evaluation of the positive and negative impacts of privatizing border patrol training, including an evaluation of the impact of privatization on the quality, morale, and consistency of border patrol agents.

(b) CONSIDERATIONS.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consider—

(1) the report by the Government Accountability Office entitled ''Homeland Security: Information on Training New Border Patrol Agents'' and dated March 30, 2007;

(2) the ability of Federal providers of border patrol training, as compared to private providers of similar training, to incorporate time-sensitive changes based on the needs of an agency or changes in the law;

(3) the ability of a Federal agency, as compared to a private entity, to defend the Federal agency or private entity, as applicable, from lawsuits involving the nature, quality, and consistency of law enforcement training; and

(4) whether any other Federal training would be more appropriate and cost efficient for privatization than basic border patrol training.

(c) CONSULTATION.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consult with—

(1) the Secretary of Homeland Security;

(2) the Commissioner of the Bureau of Customs and Border Protection; and

(3) the Director of the Federal Law Enforcement Training Center.

SEC. ___. Y–2B VISA ALLOCATION BETWEEN THE FIRST AND SECOND HALVES OF EACH FISCAL YEAR.

(a) NUMERICAL LIMITATIONS.—Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 409(1), is further amended in subparagraph (D) by striking ''101(a)(15)(Y)(ii)(II)'' and inserting ''101(a)(15)(Y)(ii)''.

(b) TECHNICAL CORRECTION.—

(1) REPEAL.—The amendment made by paragraph (3) of section 409 shall be null and void and shall have no effect.

(2) CORRECTION.—Paragraph (10)(A) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by paragraph (2) of section 409, is amended by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''.

(c) ALLOCATION.—Paragraph (11) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409(2), is amended—

(1) by inserting ''(A)'' before ''The''; and

(2) by adding at the end the following:

''(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.''.

SEC. ___. H–2A STATUS FOR FISH ROE PROCESSORS AND TECHNICIANS.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''for employment as a fish roe processor or fish roe technician or'' before ''to perform agricultural labor or services''.

SEC. ___. AUTHORITY FOR ALIENS WITH PROBATIONARY Z NONIMMIGRANT STATUS TO SERVE IN THE ARMED FORCES.

An alien who files an application for Z nonimmigrant status shall under the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), upon submission of any evidence required under paragraphs (f) and (g) of such section 601 and after the Secretary of Homeland Security has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible shall be eligible to serve as a member of the Armed Forces of the United States.

SEC. ___. CONSULTATION WITH CONGRESS.

Notwithstanding subsection (a) of the first section 1 (relating to effective date triggers), the certification by the Secretary of Homeland Security under such subsection (a) shall be prepared in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

SEC. ___. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

SEC. ___. PILOT PROGRAM RELATED MEDICAL SERVICES IN UNDERSERVED AREAS.

Clause (iii) of section 214(l)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b)(1), is amended by striking subclause (I) and inserting the following:

''(I) with respect to a State, for the first fiscal year of the pilot program conducted under this paragraph, the greater of—

''(aa) 15; or

''(bb) the number of the waivers received by the State in the previous fiscal year;''.

SEC. ___. ESTABLISHMENT OF AN ADDITIONAL UNITED STATES ATTORNEY OFFICE AND AN ADDITIONAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

(a) ESTABLISHMENT OF A SATELLITE UNITED STATES ATTORNEY OFFICE IN ST. GEORGE, UTAH.—The Attorney General, acting through the United States Attorney for the District of Utah, shall establish a satellite office under the jurisdiction of the United States Attorney for the District of Utah in St. George, Utah. The primary function of the satellite office shall be to prosecute and deter criminal activities associated with illegal immigrants.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall establish an office under the jurisdiction of the Assistant Secretary within the vicinity of the intersection U.S. Highway 191 and U.S. Highway 491 to reduce the flow of illegal immigrants into the interior of the United States.

(2) STAFFING.—The office established under paragraph (1) shall be staffed by 5 full-time employees, of whom—

(A) 3 shall work for the Office of Investigations; and

(B) 2 shall work for the Office of Detention and Removal Operations.

(3) OTHER RESOURCES.—The Assistant Secretary shall provide the office established under paragraph (1) with the resources necessary to accomplish the purposes of this subsection, including office space, detention beds, and vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $1,100,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

SEC. ___. WORKING CONDITIONS FOR Y NONIMMIGRANTS.

Paragraph (1) of subsection (c) of section 218B of the Immigration and Nationality Act, as added by section 403, is amended—

(1) by redesignating subparagraphs (D) through (L) as subparagraphs (E) through (M), respectively; and

(2) by inserting after subparagraph (C), the following:

''(D) WORKING CONDITIONS.—Y nonimmigrants will be provided the same working conditions and benefits as similarly employed United States workers.''.

SEC. ___. MATTERS RELATED TO TRIBES.

(a) BORDER SECURITY ON CERTAIN FEDERAL LANDS.—

(1) REPEAL OF REQUIREMENTS.—Subparagraph (B) of section 122(b)(1) shall be null and void and have no effect.

(2) TRAINING REQUIREMENTS.—In addition to the requirements of subparagraphs (A) and (C) of section 122(b), to gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned (as that term is defined in section 122(a), shall provide Federal land resource, sacred sites, and Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (commonly referred to as NAGPRA) training for U.S. Customs and Border Protection agents dedicated to protected land (as that term is defined in section 122(a)).

(b) BORDER RELIEF GRANT PROGRAM.—

(1) REPEAL OF DEFINITION.—Paragraph (2) of subsection (d) of section 132 shall be null and void and have no effect.

(2) HIGH IMPACT AREA DEFINED.—For the purposes of section 132, the term ''High Impact Area'' means any county or Indian reservation designated by the Secretary as such, taking into consideration—

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

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

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

(c) NATIONAL LAND BORDER SECURITY PLAN.—Notwithstanding subsection (a) of section 134, the Secretary of Homeland Security shall consult with representatives of

Tribal law enforcement prior to submitting to Congress the National Land Border Security Plan required by such subsection.

(d) REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.—Notwithstanding paragraph (2) of subsection (c) of section 219, the report required by such subsection shall not include the material described in such paragraph.

SEC. ___. EB–5 REGIONAL CENTER PROGRAM.

Paragraph (3) of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as redesignated and amended by section 502(b)(3) of this Act, is further amended—

(1) by striking ''2,800'' and inserting ''10,000''; and

(2) by striking ''1,500'' and inserting ''7,500''.

Subtitle B—Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act''.

SEC. ___2. PURPOSE.

The purpose of this subtitle is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. ___3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this subtitle as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the latter of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this subtitle.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. ___4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section ___3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. ___5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. ___6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. ___7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section ___4(b).

SEC. ___8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Amendments Related to the AgJOBS Act of 2007

SEC. ___1. EVIDENCE OF IDENTITY AND WORK AUTHORIZATION.

Clause (iii) of section 274A(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(c)(1)(B)), as amended by section 302, is further amended inserting ''or Z-A visa.'' at the end.

SEC. ___2. TECHNICAL CORRECTION.

Paragraph (1) of section 218C(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking ''218E, 218F, and 218G'' and inserting ''218D and 218E''.

SEC. ___3. H–2A EMPLOYMENT REQUIREMENTS.

(a) TECHNICAL CORRECTION TO REQUIREMENTS FOR MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Subsection (b) of section 218D of the Immigration and Nationality Act, as added by section 404, is amended in the matter preceding paragraph (1) by striking ''218C(b)(2)'' and inserting ''218C(a)''.

(b) LIMITATION ON REQUIRED WAGES.—Paragraph (3) of such section 218D(b) is further amended by striking subparagraph (B) and inserting the following:

''(B) LIMITATION.—Effective on the date of the enactment of section 404 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.''.

(c) RANGE PRODUCTION OF LIVESTOCK.—Section 218D of the Immigration and Nationality Act, as added by section 404, is amended by striking subsection (e) and inserting the following:

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218C, or section 218E 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.''.

(d) EVIDENCE OF NONIMMIGRANT STATUS.—Such section 218D is further amended by striking subsection (f).

SEC. ___4. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

(a) IDENTIFICATION DOCUMENT.—Paragraph (2) of subsection (g) of section 218E of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) The document shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States;

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses;

''(iii) shall, during the alien's authorized period of admission as an H–2A nonimmigrant, serve as a valid entry document for the purpose of applying for admission to the United States—

''(I) instead of a passport and visa if the alien—

''(aa) is a national of a foreign territory contiguous to the United States; and

''(bb) is applying for admission at a land border port of entry; or

''(II) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

''(iv) 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

''(v) shall be issued to the H–2A nonimmigrant by the Secretary promptly after such alien's admission to the United States as an H–2A nonimmigrant and reporting to the employer's worksite under or, at the discretion of the Secretary, may be issued by the Secretary of State at a consulate instead of a visa.''.

(b) SPECIAL RULES.—Such section 218E is further amended by striking subsection (i) and inserting the following:

''(i) SPECIAL RULE FOR ALIENS EMPLOYED AS SHEEPHERDER OR GOAT HERDERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder or goat herder—

''(1) may be admitted for a period of up to 3 years;

''(2) shall be subject to readmission; and

''(3) shall not be subject to the requirements of subsection (h)(4).''.

''(j) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker—

''(1) may be admitted for a period of up to 3 years;

''(2) may not be extended beyond 3 years;

''(3) shall not be subject to the requirements of subsection (h)(4)(A); and

''(4) shall not after such 3 year period has expired be readmitted to the United States as an H-2A or Y-1 worker.''.

SEC. ___5. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

Paragraph (7) of section 218F(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraph (C).

SEC. ___6. DEFINITIONS.

(a) SEASONAL.—Section 218G of the Immigration and Nationality Act, as added by section 404, is amended by striking paragraph (11) and inserting the following:

''(11) SEASONAL.—

''(A) IN GENERAL.—The term 'seasonal', with respect to the performance of labor, means that the labor—

''(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

''(B) EXCEPTION.—Labor performed on a dairy farm or on a horse farm shall be considered to be seasonal labor.''

(b) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), as amended by subsection (c) of section 404, is further amended, by striking ''dairy farm,'' and inserting ''dairy farm or horse farm,''.

SEC. ___7. ADMISSION OF AGRICULTURAL WORKERS.

(a) LIMITATION ON ACCESS TO INFORMATION.—Subsection (d) of section 214A of the Immigration and Nationality Act, as added by section 622(b), is amended by striking paragraph (6), and insert the following:

''(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to section 604.''.

(b) TERMS OF EMPLOYMENT.—Subsection (h)(3)(b) of such section 214A is amended by striking clause (iv) and inserting the following:

''(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (j)(1)(A).''.

(c) RECORD OF EMPLOYMENT.—Subsection (h)(4) of such section 214A is amended by striking subparagraph (B) and inserting the following:

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted Z–A nonimmigrant status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

''(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

''(iii) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations requiring an alien granted Z–A nonimmigrant status to file a report by the conclusion of the 4-year period beginning on the date of enactment showing that the alien is making satisfactory progress toward complying with the requirements of subsection (j)(1)(A).''.

(d) TERMINATION OF A GRANT OF Z–A VISA.—Subsection (i) of such section 214A is amended by striking paragraph (3).

(e) ADJUSTMENT TO PERMANENT RESIDENCE.—Paragraph (1) of subsection (j) of such section 214A is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

''(i) apply for adjustment of status; or

''(ii) change status to Z nonimmigrant status pursuant to section 601(l)(1)(B) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, provided that the alien also complies with the requirements for second renewal described in section 601(k)(2) of such Act, except for sections 601(k)(2)(B)(i) and (iii).

''(D) FINE.—The alien pays to the Secretary a fine of $400.''.

(f) ENGLISH LANGUAGE.—Paragraph (6) of such subsection (j) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or is renewed under section 601(l)(1)(B), a Z–A nonimmigrant who is 18 years of age or older must pass the naturalization test described in paragraphs (1) and (2) of section 312(a).''.

(g) ELIGIBILITY FOR LEGAL SERVICES.—Such section 214A is amended by striking subsection (m) and inserting the following:

''(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly

related to an application for a Z–A visa under subsection (d) or an adjustment of status under subsection (j).''.

SEC. ___8. EFFECTIVE DATE.

Subsection (a) of section 1 in the material preceding paragraph (1) shall be deemed to read as follows:

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, section 214A(d) of the Immigration and Nationality Act, as added by section 622, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1957 TO DIVISION I OF AMENDMENT NO. 1934, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk to division I.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1957 to division I to amendment No. 1934, as modified.

Mr. REID. 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:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mrs. HUTCHISON. Parliamentary inquiry.

Mr. REID. Let me say, very briefly——

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I don't want it to go unanswered. This bill, as I mentioned earlier today, is different than what we did before—$4.4 billion goes to the border for security. It is totally different than the last bill.

Remember, we are at this point because we only got seven Republican votes in the prior vote. Now we have worked together. I was told there were a lot of people on the Republican side, if they had the opportunity to have more amendments, would vote with us. I am confident that will happen. This has worked out extremely well.

I would say, our work on comprehensive immigration reform has been pretty significant. Due to the man to my right, and Senator LEAHY, who is not here, and Senator KENNEDY, we have had 36 hearings on immigration since 9/11. That is a lot of hearings. We have had 6 full days of committee action. We have had 59 committee amendments. We have had 21 days of Senate debate since 2006—21 days, not hours. We have had 92 floor amendments. We have worked this thing hard. This is a bill people should fully understand.

Mr. President, it is my understanding there is now a unanimous consent in effect that there will be 10 minutes of debate on the first amendment, is that true, equally divided?

The PRESIDING OFFICER. The Senator from California is not presently under a time limit. However, the Senator from Texas is guaranteed 5 minutes.

Mr. REID. And the Senator from California also 5 minutes?

Mrs. FEINSTEIN. I ask I be granted 5 minutes, following the Senator from Texas, to speak on the amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I object because the agreement was that Senator FEINSTEIN would speak before me, after which I would have 5 minutes to respond. She would have 5 minutes, I would have 5 minutes to respond.

The PRESIDING OFFICER. Is there objection to that arrangement?

Mr. DEMINT. Reserving the right to object, is it my understanding we will be in morning business or on the amendment?

The PRESIDING OFFICER. We are currently on the measure.

Mr. DEMINT. I ask I be included in the time.

Mr. REID. How much time does the Senator require?

Mr. DEMINT. Five minutes.

Mr. REID. We have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, I ask for 5 minutes under the same time agreement.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. And for any purposes.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. Mr. President, shall I proceed?

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I worked with the Senator from Texas, now, 10 years up close. I do not like to oppose her amendment, but in this case I believe I must. This is an issue we debated in many conversations during the process of drafting this legislation.

I was opposed to the touchback idea and I am skeptical about it now. However, in the spirit of compromise, we went forward with the touchback that we have in the base bill, specifically in title VI. We included some important safeguards to make sure it is workable.

This amendment from the distinguished Senator from Texas actually does away with this by creating a touchback requirement before people get their full Z visa. What immigrant is going to show up and register for a program if he has to take his chances on leaving the country and coming back in before he gets some kind of immigration status? What immigrant is going to report to deport?

I wager that many, if not most, will simply stay underground and try to keep their heads down for as long as possible. They have built lives here, they have families, they own homes, and they have jobs they want to keep. Very few undocumented immigrants are going to show up for a program that offers no certainty they will actually be able to legalize their status.

What this amendment does is essentially front load the requirement that makes the program unworkable from both an agency and an applicant perspective. Requiring consular officers to steal themselves for a flood of applications, 8 to 10 years down the line, is one thing. Requiring them to gear up for adjudication of this in-person application in the next 2 years following registration is a very different story.

I hope the body will defeat the amendment. Those of us—Senator CRAIG and I and others—who have worked on the AgJOBS program believe that the agriculture jobs program is the way to go. It is negotiated by farmers, by unions, by growers, and it has a specific requirement.

I know the Senator does not touch this specific requirement, but the main problem with the amendment is requiring this touchback so soon, before people have acquired any kind of legal status. They register and then in 2 years, they would have to go and perform this touchback.

We believe it strikes at the heart of the bill and urge a ''no'' vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, like my colleague from California, do not remember being on opposite sides on an issue such as this before. But she has brought up a key point that I think it is important for us to address. She says, What immigrant is going to report to deport? What she is asking is, what is the incentive of an illegal immigrant to come forward and say they are illegal and they want to get right with the process to become legal? That is a very important question that many people in our country have asked. Who is going to do that?

Here is the incentive. First, the secure ID that is provided in the amendment allows exit and reentry. It is a tamperproof ID already, and it does allow the exit to finalize the Z, or Z-A status, and it allows the reentry.

The secure card is issued first. It is temporary until it is finalized because

the final point that is required is that you return home to apply. That is the standardization we must achieve if we are going to avoid the amnesty that would say: Our laws mean nothing. If you come here illegally, eventually you will be able to be regularized without ever going home.

We want to change that whole impression that anyone might have by saying we are going to start today with a process that will apply to every work-eligible adult, and that is you get your secure ID and you have 1 year to do it. Then you must finalize the process outside the country, as everyone will have to, going into the future.

The question is still there: So why wouldn't they stay here and be illegal? Why wouldn't they keep their families and their homes? Here is why. Because when the 3 years is up and the trigger is pulled, because the border security measures have gone into effect—you have the 1 year for people to come forward, say they are illegal, after which they will get their tamperproof card and they must have the ''go home'' provision then stamped outside the country and they have 2 years to do it. You have 3 years there.

After that 3 years, there is going to be an employer verification system that is going to work. So these people will not be able to go back to their jobs if they have not completed the process. That is the incentive. That is why they will report. That is why they will become legal in the system, because with the employer verification that is a key part of this bill, they will have to have that tamperproof ID stamped that they have been home to apply from outside the country before they come back in and become regularized and are job eligible.

This is going to be the key. The employer verification system will assure that they will not get jobs in this country without that visa that is tamperproof and shows they have been home to do it. It can be done because there is a 3-year period and there will be a constant process to get the people who are illegal working. They will be able to go to the American consulate in their home country. The Secretary can allow exceptions to that for farm workers, if they cannot go home to a faraway place.

This is the amendment that will take the amnesty out of this bill and say: Today's standards will be enforced and they will be enforced tomorrow. With this amendment, we can take the amnesty out of this bill and we will have an employer verification system that will assure the incentive is there for people to come forward and know that the law will be enforced.

If we do this, you will not be able to hear people say: There is amnesty in this bill. If my amendment is not passed, then the amnesty tag that has been put on this bill will remain. It is the key issue in the bill for the American people. It is the key issue for the regularization of the 12 million people who are here, and then we will have a guest worker program for new people coming in in the future that will also work with the border security that is established in this bill.

In my opinion, my amendment will make this bill a fully operational bill, because we will then have border security, a tamperproof ID, we will deal with the 12 million, without amnesty but with a regularization process, and it will strengthen the bill for the American people.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, because of the various activities here on the floor, the Senator from South Carolina and the Senator from Louisiana did not have an opportunity to speak on this amendment. I would be happy to propound a unanimous consent request that they both be allowed to speak for up to 5 minutes each for debate only.

Mr. DEMINT. Reserving the right to object.

Mr. REID. Either object or don't object.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Parliamentary inquiry: Do I not have the right to reserve the right to object? How many rules are we going to change?

The PRESIDING OFFICER. The reservation of objection occurs only with the suffrage of the Senate. There is no right to reserve the right to object.

Mr. DEMINT. There are not many rights. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—53

Akaka	Durbin	Levin
Bayh	Feingold	Lieberman
Biden	Feinstein	Lincoln
Bingaman	Graham	Lugar
Boxer	Hagel	Martinez
Brown	Harkin	Menendez
Byrd	Inouye	Mikulski
Cantwell	Kennedy	Murray
Cardin	Kerry	Nelson (FL)
Carper	Klobuchar	Nelson (NE)
Casey	Kohl	Obama
Clinton	Kyl	Pryor
Conrad	Landrieu	Reed
Craig	Lautenberg	Reid
Dodd	Leahy	Salazar
Sanders	Stabenow	Whitehouse
Schumer	Warner	Wyden
Specter	Webb	

NAYS—45

Alexander	Cornyn	McCaskill
Allard	Crapo	McConnell
Barrasso	DeMint	Murkowski
Baucus	Dole	Roberts
Bennett	Domenici	Rockefeller
Bond	Dorgan	Sessions
Brownback	Ensign	Shelby
Bunning	Enzi	Smith
Burr	Grassley	Snowe
Chambliss	Gregg	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Tester
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Lott	Voinovich

NOT VOTING—2

Johnson	McCain

The motion was agreed to.

AMENDMENT NO. 1958 TO DIVISION II OF AMENDMENT NO. 1934, AS MODIFIED

Mr. SPECTER. Mr. President, I sent a second-degree amendment to the desk.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative Clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1958 to division II of amendment No. 1934, as modified.

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

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

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mr. REID. Mr. President, we are now on division II, which is the amendment offered by Senator WEBB, as I understand it.

Mr. President, I would like to have everyone have the opportunity to debate this amendment to their heart's content. What I would like to do is ask that we have an hour of time on this admendment equally divided between the proponents and opponents of this admendment, and the debate, of course, would be on this amendment. So I ask unanimous consent that there be an hour of debate on this amendment. As I have indicated, Mr. President, it would be for debate only on this amendment. And I ask that because it is his amendment Senator WEBB, even though he has had an opportunity earlier to speak, would be allowed to speak for up to 10 minutes to start this debate of the 1 hour that I have proposed. So I ask unanimous consent that the Senate proceed to debate this amendment—it will be for debate only—that of the half hour on the majority side, 10 minutes of that be for Senator WEBB.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving my right to object, I would like to ask that my full rights as a Senator be protected with a unanimous consent request also.

Mr. REID. Mr. President, is there an objection to my request?

The PRESIDING OFFICER. Regular order is demanded.

Is there objection to the Senator's request?

Mr. VITTER. There is objection. I would like to propose an alternative unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, if the present proposal is inadequate, I would be happy to yield for 1 minute to my friend from Louisiana, and I will get the floor when he completes his statement.

Mr. VITTER. I thank the Majority Leader.

As the majority leader knows, several of us have been continually frustrated about our ability to exercise our rights on the floor of the Senate as duly elected officials. All of our amendments have been shut out. We have not had the opportunity to read this new mega-amendment. The last vote occurred with one copy of that division being at the desk, no copies being on the floor of the Senate.

I would like to protect my rights as an individual Senator and, therefore, I would like to propose a modified UC request incorporating the Senator's suggestions, but offering me 5 minutes within that 1-hour period for any purpose whatsoever.

Mr. REID. Mr. President, I appreciate the good faith of my friend, but we cannot do that. I cannot do that. I would have to object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I would be happy to give him whatever amount of time he wishes to debate this amendment. Of course, as he knows, it would be for debate only. He could talk about anything he cared to, but it would be for debate only—5 minutes, 10 minutes, whatever he feels appropriate, within reason, I would be happy to do that.

Mr. President, I say to everyone here——

Mr. SESSIONS. Mr. President, reserving the right to object—

Mr. REID. As I have said before, I want everyone to have the opportunity to speak. I nor the managers of this legislation are trying to stop people from talking. We have certain rules. They need to be followed, and that is what we are trying to do. So I repeat, I would have no problem with my friend from Louisiana speaking for whatever time he wishes, for debate only, on this amendment. I think that is a reasonable proposal. I would be happy to consider that.

Mr. SESSIONS addressed the Chair.

Mr. REID. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, does my friend from Louisiana—I thought I heard his voice. Oh, Alabama.

Mr. SESSIONS. Is the proposal—

Mr. REID. I may have the State wrong, but I had the voice right.

Mr. President, I would be happy to yield for a question to my friend—for not a long question—a couple minutes, if he needs that.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have a brief question. I thank the majority leader for his courtesy. I had asked, in exchange for agreeing to a process that kept us from working this past weekend, that I would have 2 hours in the debate today set aside. It is in the agreement. But I am hearing that people want to push that into the wee hours of the night, if not into the morning.

I ask that I have a substantial portion of that before the afternoon is over. What is the status of that negotiation and discussion?

The PRESIDING OFFICER (Mr. MENENDEZ). The majority leader is recognized.

Mr. REID. Mr. President, what I would say to my friend—and I know he has a lot to say; he has said a lot of things, and I am anxious to hear more—but we would like to be able to dispose of some of these amendments. I would consider if he would like to talk for an hour now—and then I would get the floor after he completes his statement—and it would be for debate only. He can divide the time any way he wants. That is my proposal.

Mr. DEMINT. Mr. President, will the Senator yield for a request?

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, here is what we are going to do. I ask unanimous consent that the Senator from Pennsylvania be recognized to make a motion in relation to the Webb amendment.

Following that, I ask unanimous consent that when the vote is completed, Senator SESSIONS be recognized to speak in morning business until 2:30. He can allocate that time after the vote is concluded until 2:30 any way he sees fit. So I ask unanimous consent. I think it is clear that the time we are spending in morning business be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. The final thing: We understand the desire of the Senator from Alabama to be heard. He has, under the terms of the agreement that is already in effect, 2 hours of time. We ask that the time which is going to be used now be counted against the 2 hours he has under the previous order before the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. The only thing I left out is that at 2:30, when Senator SESSIONS finishes his remarks, that I be recognized.

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

Mr. REID. Mr. President, I ask my friends, would it be permissible that my friend from Virginia be recognized for 1 minute prior to the Senator from Pennsylvania?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Before he makes his motion to table.

Mr. VITTER. Mr. President, reserving the right to object, I would like to ask if my rights on the Senate floor can also be protected in that unanimous consent.

Mr. REID. Senator SESSIONS can do whatever he wants in relation to you because it is for debate only, anyway.

Mr. VITTER. That is not really responding to my request. Again, reserving the right to object, I ask the distinguished majority leader whether my rights as a Senator can also be protected in that unanimous consent request regarding Senator WEBB's time by allowing me 1 minute on the floor for any purpose.

Mr. REID. It would have to be for debate only, I say to my friend.

Mr. VITTER. Then I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I move to table the Webb amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—79

Akaka	Dodd	Martinez
Alexander	Domenici	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Obama
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Byrd	Inhofe	Schumer
Cantwell	Inouye	Shelby
Cardin	Isakson	Smith
Carper	Kennedy	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Thune
Collins	Lautenberg	Voinovich
Conrad	Leahy	Warner
Corker	Levin	Whitehouse
Cornyn	Lieberman	Wyden
Craig	Lott	
Crapo	Lugar	

NAYS—18

Baucus	Gregg	Pryor
Bayh	Hagel	Rockefeller
Brown	Lincoln	Sessions
DeMint	McCaskill	Tester
Dole	McConnell	Vitter
Dorgan	Nelson (NE)	Webb

NOT VOTING—3

Clinton	Johnson	McCain

The motion to table was agreed to.

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

FIRST HIGHER EDUCATION EXTENSION ACT OF 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1704, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1704) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1704) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1704

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 ''First Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''June 30, 2007'' and inserting ''July 31, 2007''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from Alabama is recognized under the previous unanimous consent agreement until the time of 2:30 p.m. for the purpose of debate only.

IMMIGRATION

Mr. SESSIONS. Mr. President, I say to my colleagues, the process has not been a pretty one to date. It has been particularly ugly in the last few hours in that we had an amendment yesterday of nearly 400 pages. The people who wrote it apparently found that they made numerous errors which even they were not happy with. They filed another amendment which our Senators don't have a copy of, I don't think even to this moment. At least an hour ago, Senator DEMINT was asking for a copy of the amendment so people could see it and actually read what is to be voted on. It is not good, on a matter that almost every American is watching, a matter that is important to our country, to stumble and bumble into this process, and part of the reason, as my good friend and former chairman of the Judiciary Committee, ARLEN SPECTER, said, it would have been better probably had we gone through the committee process. When he was chairman of the committee, it did go through the committee process. It didn't do a lot of good, but at least it was looked at in some of the areas that are inevitably fixed when we go through that kind of process. So I am worried about this process.

The procedure the majority leader has chosen, and he says he has support of some kind from the Republican leadership side—I assume he does—he has chosen to utilize a procedure never before used in this Senate. That procedure will allow the majority leader, Senator REID, to have the power to approve every amendment that will be offered to this legislation. If it is not part of his clay pigeon, you are not in. If some other amendment is offered and accepted, it is because he decided it is appropriate. He could well accept amendments that he knows are going to fail. He could well accept amendments that he doesn't mind passing. But he picks the amendments. That has never happened in the history of the Senate, never happened in this fashion before.

We must not allow that procedure to happen now. There will be opportunities for us, before this process is over, to execute votes that will demonstrate we don't accept this process, and it should be a big part of any Senator's vote as we go forward with this process.

Mr. President, I have to say to my colleagues, as I indicated to the majority leader earlier, what would Paul Wellstone say, that great liberal advocate, a Senator who enjoyed standing alone, or Senator Jesse Helms, that great conservative who enjoyed standing alone, both doing what they believed was right, something we take great pride in as an institution.

We do not have a lot of power here, but if you don't agree to unanimous consent requests and you are consistent in your advocacy of positions you deeply believe in, you can get a vote. Under this procedure you do not get a vote. I offered amendment after amendment before when this bill was before the Senate. As a result, the leadership on the other side objected. I could not get those amendments pending, and that leaves us unable to get a final vote postcloture.

I am not exaggerating. It has never been done before. It allows the majority leader, under the procedure that is being used today, to completely approve or disapprove of whether an amendment gets voted on. So I object to that process. It is not right. We should not be doing it, and we shouldn't be doing it on a bill that is 750 pages with a 300- or 400-page amendment that goes to some issues that are important to America.

Let me share with my colleagues my concerns about this legislation. I will try to summarize it and go right to the point.

Senator REID, the President, the President's Cabinet members, leaders of the coalition, this grand bargain group—I call them affectionately the masters of the universe—they all tell us this bill is going to fix illegality, and if we don't vote for this legislation, somehow legality will not happen. A group of us have written to the President asking him to utilize 13 special powers he already has under law that will dramatically reduce illegality in immigration. We have not heard from him.

We could do additional legislation that would help enforcement. I believe that is so. But the bill will not stop illegal immigration and, in fact, according to the Congressional Budget Office, June 4, they rendered their report and

they concluded that instead of 10 million people coming into the country illegally as they project under current law, 8.7 million people would be entering our country illegally.

What kind of legislation is this? We have been promised it is going to stop illegality and it only reduces illegality by 13 percent, a fundamental failure, a fundamental misrepresentation to the American people about what this bill will do. It is shocking.

This chart shows that situation. The blue, according to the CBO score over 20 years, the blue shows that 10 million people would be coming into our country at the current rate over the next 20 years. If we pass the bill, the red will occur, 8.7 million people.

Every Senator ought to know what our own Congressional Budget Office has reported. Every Senator who is aware of that cannot go home to their constituents and say: I voted for comprehensive immigration reform to make sure we create a legal system in the future. How can you do that? This can't be done. It is an important issue.

The legislation would double legal immigration. I don't think that is what the American people want or expect. The blue represents current law. The red represents the new bill—and it could be more—and the number of legal permanent resident statuses, the green cards, will double in the next 20 years under this legislation.

I think most people thought we were going to do something to get control of immigration and reduce illegality and reevaluate the numbers who come. Certainly, they don't think we are doubling legal immigration. We also know there are high costs involved. According to the Congressional Budget Office, our study we got back a couple weeks ago, in 10 years this legislation will cost the taxpayers of America in welfare and social benefits $30 billion—this is their number; I didn't make this up—$30 billion. They have been saying this is going to bring in more tax revenue, we are going to legalize people, and they are going to pay taxes. Wrong. It is not going to happen. It is not so. I wish it were so. I wish I could tell my colleagues that the numbers show when this amnesty occurs, everybody is going to pay a lot of taxes and it will help balance our budget. Wrong. It is not going to happen that way. It will cost $30 billion in the first 10 years, and our own Congressional Budget Office says it will be dramatically greater in the next 10 years and increase as the years go by.

It is going to increase the cost to the Treasury and, in fact, let me share with you what the highly regarded Heritage Foundation study found. Robert Rector, a senior fellow at the Heritage Foundation, the architect of welfare reform for our country, has been alarmed at the cost of this bill. I am not talking about the cost of Border Patrol agents and barriers and those kinds of items. I am talking about the cost of providing all the social benefits we give to American citizens, to people who came into our country illegally, what it will cost in terms of tax credits, Medicaid, welfare, food stamps and the like. If they are all made legal permanent residents, Z card holders, even the temporary visas, they will be entitled to virtually all of these programs.

According to Mr. Rector, over the lifetime retirement years of the 12 million who would be given amnesty under this provision, it will cost the taxpayers of America—hold your hat—$2.6 trillion; over $2 trillion. It is a stunning figure. It is a figure so large that we almost can't comprehend it or think about it. But anybody who tells you that somehow legalizing the people who are here illegally and providing them with every benefit we provide to American citizens is somehow going to add revenue to our Treasury cannot be correct. CBO says no. They say it will be even worse in the outyears. And the Heritage Foundation has calculated the outyears to be over $2 trillion. This is a stunning figure.

I submit that by passing this law, we will provide a path to citizenship for people, for even those people who broke into our country last December 31, running past the National Guard the President called out. If you could get past the National Guard last December, you will be given amnesty under this bill and be placed on a full path to all these benefits and citizenship.

They have been saying we have to help people who have been here for years and have children and deep roots. I am willing to discuss that situation. I don't believe we can ask everybody to leave this country who came here years ago, who have children and roots and are dug in. I am not prepared to ask them to leave—I really am not—and I have said that publicly for some time. But Senator WEBB just had an amendment that said if you came here in the last 4 years after we had been talking about this issue, after we have called out the National Guard and made clear we want to do something about it, you don't get on this path, you haven't been here long enough to entitle you to be given amnesty. It was voted down by a substantial vote a few moments ago. His amendment was tabled. It is no longer on the agenda. It will not become law. The current law, what is in the bill, provides amnesty to people who came in last December.

I have talked about, and we have had hearings that I think demonstrate with absolute clarity, this incredibly large flow of immigration into America today is, in fact, depressing wages of American workers. Oh, yesterday, we had this great union debate that we are going to eliminate the secret ballot so people will be forced into unions. My Democratic colleagues had charts showing wages haven't gone up in the last few years. And I am inclined to agree because that is what the experts told us on the immigration question. They told us that wages have not gone up—not because of some oppressive businessperson but because we have allowed millions of people to come into our country to take jobs at lower wages that Americans ought to be paid to do. Those are just the facts.

Professor Borjas of Harvard, himself a Cuban immigrant, at the Kennedy School—and I suggested Senator KENNEDY perhaps should walk over there to Harvard from his Boston home and talk to Professor Borjas. Professor Borjas concludes that for people in this country without certain education levels, their wages from 1980 to 2000 have been depressed 8.2 percent.

Anecdotally, I would just note that when I left the Chamber here last Friday, there was a gentleman out here on the street—had gray hair and a gray beard, with a little sign about jobs—and I talked to him. He said he was a master carpenter in Florida and he used to make as much as $75,000 a year—which is not too much money for a master carpenter, in my opinion—but he can hardly make a living today because of an incredible influx of cheap labor that has pulled down the value of his labor.

When I raised this with Senator KENNEDY last year in our debate, he said: Well, we are going to raise the minimum wage. Well, how much are we going to raise it? We are going to raise it to $7 an hour. That is not good enough. We want people to make $15 an hour, $20 an hour.

If you want to know why wages haven't gone up for working Americans, ask Professor Borjas at Harvard; Professor Chiswick at the University of Chicago; Alan Tonelson, an expert; and one of the other professors we had actually—I think he was with the Chamber of Commerce group, and he admitted it. The Secretary of Treasury just recently admitted he was concerned about the fact that wage earners were not keeping up with the growth in the economy. That is my opinion. If somebody wants to dispute it, so be it.

I don't think this legislation in any way provides for assimilation to the degree we would like to see it in accordance with our great American heritage of assimilation.

So I think the fundamental issue in this entire debate, the issue that goes to the heart of the question, is whether this Congress and this President really intend to keep the promises they are making. Isn't that the real question? Because in 1986, they spun a beautiful song: one-time amnesty, and we will have law enforcement next.

I ask: Does this bill do what the supporters claim it will? Fundamentally, will it work? Will it secure the border? Senator REID, just a few moments ago, said what the American people want—they want our borders secure. Well, will it do that? Will it enable us to enforce the law in an effective, diligent, and consistent way that breeds respect for law? Will it clearly reward right behavior and firmly penalize bad behavior? Will it encourage immigration by lawful means, a means that serves our

national interest and not special interests, or will it continue to encourage illegal immigration? Are we just drifting through, once again, a charade, a predictable cycle where every few decades amnesty is rewarded to lawbreakers and enforcement never follows? Would that not be a tragedy?

This Senator has no intention and will not vote for and will oppose in every way he can—and others share this view—a bill that is going to be like 1986, that will fail again. When this cycle occurs again, as I predict it will if this legislation passes, those who ignore our laws will be rewarded; those who dutifully comply will consider themselves to be chumps for going through that process.

In recent days, I have had three people who have entered our country legally, done it correctly, come to me and tell me: Senator, stand in there; we support you. We did it the right way. We don't appreciate these people doing it differently.

There was a good article in the Montgomery Advertiser about a lady named Singh—I assume she is of Indian ancestry—who spent several years, hired a good lawyer, spent $4,250, and eventually got her citizenship, for which she was most proud. She was absolutely crystal clear that she did not appreciate it that other people came into our country illegally and would get the same privileges she got that she had to work hard for doing it the correct way. I think there is a moral order here that we need to respect. Repeated amnesties erode a moral approach to the law of this country.

In the past 2 months, we have heard other Senators and the President make promises that this is going to work. The political elite have all said to our top magazines and newspapers that they promise real enforcement will begin following the passage of this bill. They promise this bill will decrease illegal immigration, it will secure the border, and reform our legal immigration system to better serve the national interests. That is a great promise. If that is what this bill did, I would be for it. In fact, I was quoted in the paper several times this spring when I heard the masters of the universe, our friends who tried to write this bill, promise those very principles. I said that those are principles that are getting close to something I can support. I am really interested in it. But as I read it and studied it, I became more and more discouraged, and as independent critics and other experts examined it, they indicated the same.

So will the promises be fulfilled? That is a question I would like to discuss today. Remember this: Even in 1986, President Reagan was the President, and he was a law-and-order man, and when the bill passed in 1986, what did he emphasize? Did he emphasize the amnesty they granted? No, because people were dubious about that. He emphasized the future law enforcement—and this is so familiar today—and he said:

> It is high time we regained control of our borders, and Senator Alan Simpson's bill will do this.

Well, President Reagan was wrong. We had 3 million people here illegally then. Now we are talking about providing amnesty to 12 million, maybe 20 million. It didn't work. Nobody had the Congressional Budget Office score at that time, our own Congressional Budget Office which tells us this bill won't work and we are going to have another 8.7 million people enter our country in the next 20 years.

At least we have been warned this time. Why shouldn't that cause us to pause? Why shouldn't that cause us to give a decent respect to the opinions of our own constituents who strongly oppose the bill and have great doubts about it? Why don't we pull back, rethink it, and begin to do what one of the pollsters suggested the American people are saying, which is take some smaller steps incrementally, emphasizing enforcement? That is what I would suggest we should do.

I would like to make this point. Even if President Bush—who has done some things in recent years that are better than we have had done in a number of years but still isn't using all the powers of his office—even if he kept the promises he is making, he is not going to be in the White House after another 18 months. Somebody else is going to be there. There will be a new Congress here. So the test is really going to be when these trigger events are met, and that will be in 2009 when we will have a new President in office.

Now, let's think about this: Some of the Democratic candidates already oppose the core components of the bill, such as the merit-based system, like Canada's. Governor Richardson and Senator OBAMA—if they win the Presidency, are we going to assume they will fulfill the promises made by this administration? It won't be their priority.

Let us talk in a little more detail about this No. 1 issue which is so critical: Will we secure the border, and is this legislation going to help?

The bill proponents all make the same claims—that without this bill, the border cannot be secured. But if we pass the bill, they say, we will secure the border. Essentially, they are claiming that enforcement can't be done unless we get amnesty and enforcement. They also claim to be adding 18,000 Border Patrol officers, increasing the detention bedspace, and expanding fencing. Now, you have heard that said. Of course, I want to remind everyone we passed a law which already requires that last year. In my view, that is not contingent on this bill being passed. And I will go into that in some detail.

In its first articulated principle about the immigration legislation, the White House PowerPoint that was shown to Senators this spring—and that was intriguing to those of us who have been concerned about creating a lawful system of immigration—the PowerPoint promised ''to secure U.S. borders'' and ''not to repeat the 1986 failure.''

Senator KENNEDY, at the famous press conference just about a month ago, said this:

> The agreement we have reached is the best possible chance we will have in years to secure our borders.

Best chance in years.

> In this legislation, we are doubling the border patrol, we are increasing detention space.

Senator MCCAIN said this:

> This legislation will finally accomplish the extraordinary goal of security at our borders.

Another Senator:

> I am delighted we are going to secure the border.

Another one:

> It will make sure our borders become secure. We have had broken borders in this country for 20 years. It is time to get them fixed. This bill will do that.

Another:

> What happens if we fail? Our borders continue to be broken at a time when we need to secure our country.

That is what they all said. Oh, gosh. Well, let's talk about it. They said: Well, we started out in this legislation with 18,000 additional Border Patrol officers; we will increase detention capacity to 27,500 beds; and another one—this is former Governor Jed Bush and Ken Melman—''It doubles the border patrol and expands the border fence.'' That is what they said in their May 31 Wall Street Journal Open Borders editorial. It doubles the Border Patrol and expands the border fence.

Maybe these people think this. All right. Let's see if we can get this straight. Before we address whether this bill actually will secure the border, it is important to clarify for the record that the bill does not require a doubling of the Border Patrol, it does not require more bed space than required by current law, and it does not require more fence than current law requires. If anybody doesn't agree with that, come on down and show me that I am wrong. This is a promotion.

What about agents? The bill does not add 18,000 Border Patrol agents, Senators. When these statements were made, the trigger only required that a total of 18,000 Border Patrol agents be hired.

Since then, Senator JUDD GREGG got the number up to 20,000. I think we have that. So we are close to that number now. We are close to 18,000 now and are already on track to have that number hired by the end of 2008, so no more Border Patrol agents are required to be hired under this bill's enforcement trigger than current law requires. Those of you who want to see enforcement are not being given anything on Border Patrol officers.

What the bill does do for agents outside the trigger is add 6,000 to the total authorized level by requiring 2,400 agents to be hired in 2011, and again in

2012, and increasing the numbers that are supposed to be hired in 2008, 2009, 2010, from 2,000 to 2,400 per year. In other words, we are already projected to hire 2,000; they say we will add 2,400 a year.

Current law authorization only went through 2010 at 2,000 a year, so this bill does increase the authorization by about 30 percent. But it certainly does not require an actual doubling of the Border Patrol, and a 30-percent increase is not in the trigger. The reason that is important is, if it is not required as part of the trigger that kicks off the amnesty and the permanent residence, then appropriators in the future are not likely to do it. I can give you a string of examples of us authorizing Border Patrol, authorizing fencing, and never coming up with the money to fund it.

What about bedspace? What is inside the trigger? The claim the bill increases the detention bedspace is factually false. The bill does nothing more than current law. The Intelligence Reform and Terrorism Act of 2004 requires that 43,000 beds be in place by the end of this year. In 2004 we require 43,000 bedspaces by the end of 2007. The enforcement trigger contained in this bill, though it improved a bit after the Gregg amendment, still only requires 31,500 beds. It really weakens the number.

What about bedspace outside the trigger? Even with the bill's latest section on bedspace found outside the trigger, which requires the eventual addition of 20,000 beds, the bill still only gets to 38,000 beds, still below current law. So that is a problem.

Let me mention the fencing. We hear so much about that. The claim that the bill expands the border fence is also not true. The trigger requires only the building of 370 miles of fencing. Listen to me now. The trigger—the thing that was set up to make sure it happened, knowing how in the outyears things never get funded and seldom get funded and are unlikely to get funded, we were trying to mandate that with the trigger—it only requires 370 miles of fencing. Current law since last year's enactment of the Secure Fence Act of 2006 requires the construction of 700 miles of fencing along the southern border.

In a recent column published in the National Review, Deroy Murdock asked:

> Americans who want secure borders wonder why the 700-mile southern frontier fence Congress authorized last year, of which only 12 miles have been built to date, stretches only 370 miles.

All I am saying to my colleagues is, we in the Senate have been around here a long time. We have heard how these things go, and we know a song and dance when we see one. But if you read the bill carefully you will conclude that the promises, though promises that sound so good, are not reality. They were absolutely headed to a failure, just like the Congressional Budget Office said, of almost as much illegality in immigration in the next 20 years as we had in the last 20 years—only a 13-percent reduction. It is just not sufficient.

I see my colleague from Texas, Senator JOHN CORNYN, one of our most able Members, who is exceedingly knowledgeable about this issue. He is a member of the Judiciary Committee. Of course, he was a former attorney general in Texas and a member of the Texas Supreme Court. I value his judgment. Out of the time left to me, I will yield—how much time would the Senator request? First, let me ask how much time is left?

The ACTING PRESIDENT pro tempore. There remains 40 minutes.

Mr. SESSIONS. I yield 20 minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 20 minutes.

Mr. CORNYN. Mr. President, I almost hesitate to talk after those kind comments from my colleague from Alabama. I am afraid anything I might say would be a disappointment. But let me try.

This immigration bill is leaving all of us with a sense of deja vu. That is the sense that we have been here before. Strangely, not much has changed. Once again we see that this process ignores the request, the stated desire of many of us, to have an open and transparent debate, an opportunity to offer amendments and to have votes on those amendments. As a matter of fact, I understand the condition upon which some of us are even being allowed to speak now is that we just debate, and we not even be so presumptuous as to seek to offer a unanimous consent request for amendments. This is a bizarre process.

As we have seen so far, we started off rather inauspiciously, where because of constraints being placed on Senators, denying them the rights they have—Senators, I thought, had—and the responsibility that each of us has on behalf of our constituents to try to improve this legislation, to debate it—because we have been denied those basic rights of a United States Senator, we find ourselves in a strange position now. We have motions to table being offered. I don't know whether all 26 or so of the amendments contained in this so-called clay pigeon device, this arcane procedural device used to usurp the authority and the rights of Senators in order to railroad this bill through the floor—whether we are going to see all of these amendments tabled; in other words, without debate, without an up-or-down vote on the amendments and with the American people scratching their heads and wondering what in the world is going on.

How much more out of touch can people inside the Capitol be than they are now? We continue to see a bizarre process going forward. Last night we received a 373-page, so-called clay pigeon amendment. This is the bundle of the 26 amendments that had been preapproved, screened, cherry-picked by the select few behind closed doors. You know what. We got that, the Members of the United States Senate and our staffs, after a special interest group had already posted it on their Web site. That is right. U.S. Senators and their staffs got a copy of this 373-page monstrosity, which nobody had a chance to read—we got it after a special interest group that had been participating in these closed-door negotiations got it and put it on their Web site.

Today, we are told: No, that is a work in progress. We are not yet through. Today we get a new 400-page version of the same package of amendments. I understand it is at the desk, but so far as I know, we have not yet received a copy of it. We have not had time, obviously, to review it and know what is in it. But that does not deter those proponents of this legislation on the floor who are going to keep charging ahead, regardless of our request to actually read the legislation, to understand what is in it, to offer amendments to improve it and to debate its contents. That is what I thought I was elected to do on behalf of my constituents when I came to the Senate.

I have to tell you, I think this all bodes very poorly for the likelihood that we are going to successfully accomplish true immigration reform and border security as a result of this legislation. I think we are heading toward a cloture vote tomorrow where it is looking increasingly like we are not going to be able to get the job done. I think it is a product, in large part, of secret negotiations.

I have to correct my comments. I just got the 400-page monstrosity known as the revised clay pigeon amendment. I look forward to reading it, hopefully, before the next vote is scheduled on the contents of this monstrosity.

As I was saying, by secretly negotiating this legislation, skipping the committee process, and then pushing it through the Senate without people having an adequate time to read it, we risk passing legislation which clearly is not thought out and which Members have not had sufficient time to review or to study in any detail, particularly because the language keeps changing, it seems, almost daily. This may, in the end—and this is the most important part—it may, in the end, do more harm than good.

For example, written into this legislation are provisions that will directly result in an increased likelihood that dangerous persons will get at least a probationary legal status that confers upon them a variety of rights and privileges that I do not think, on further reflection, we would want these people to have. These problems could be fixed if we had a rational process of debate and offering amendments and an opportunity to vote on those amendments but, without committee

review, without ample time to have that kind of debate and vote on amendments, there is really no hope to correct these flawed provisions.

I have spoken before about the type of amendments which I personally believe would improve this legislation. I want to talk about them. I understand I am constrained by an agreement that I not bring up these amendments, so I am not going to do that now. I may do it later and see if attitudes have changed, but I do want to talk about six of the most important amendments which I believe could and should be added. These are only six of the amendments that I personally think would make this bill better. I know my colleagues have other good ideas on how to improve this legislation.

We are going to be living with this legislation for many years to come—decades. We find ourselves now, 20 years later, living with the consequences of unenforceable legislation that was passed in 1986. So I think greater care needs to be taken.

One amendment I would offer would prevent criminal aliens from getting an enforcement holiday by authorizing them to delay, and even possibly avoid, deportation by filing frivolous applications for legal status as well as appeals from the denial. That is right. It would prevent them from getting virtual impunity, even though they filed a frivolous application for legalization, as well as multiple appeals.

Another amendment I would offer would prohibit criminal aliens, including gang members and absconders, people who have defied lawful court orders and either have gone underground or have been deported and entered the country illegally—technically felons under the Immigration and Naturalization Act—my amendment would prohibit them from tying up the process, gumming up the courts by appealing the denying of a request for a waiver of grounds for removal.

The court clogging that would ensue without these two provisions is almost sure to cause extensive delay that will almost certainly increase the costs associated with this bill and frustrate the intent of Congress trying to pass a truly workable system. This is not a hypothetical concern. As we debate this bill there is a lawsuit pending by people who have been deported from this country and therefore were not eligible to receive the 1986 amnesty, but they have been litigating their request that the INS, and now the Department of Homeland Security, grant them a waiver from that part of the 1986 law that said they were ineligible.

This litigation is still going on, 21 years after the 1986 amnesty was passed. Don't you think we would like to learn from our mistakes? Don't you think we would like to try to fix those problems? Under this process, we are not given an opportunity to do that. My amendments would prevent decades-long litigation and frivolous lawsuits from occurring with respect to the provisions of this bill.

Another amendment I would offer if given an opportunity would require judges to consider national security implications before issuing nationwide injunctions against immigration enforcement. That is an essential provision to protecting our Nation, something that this bill claims to do but which it omits.

I would note that that provision passed in last year's immigration bill but yet was consciously omitted from this one. There is no good reason to weaken last year's bill in this regard.

Another amendment I would offer would limit the timeframe of any appeal from a denial of Z status to 2 years, so that any error is promptly corrected and so that court proceedings would not tend to drag on endlessly, wasting tax dollars and logjamming our courts and allowing a person who has been determined not to be eligible for legal status to stay in the country indefinitely, under the guise of appealing their denial.

Another amendment I have would prevent those who have committed terrorists acts or provided material support to terrorism from qualifying for legalization under the ''good moral character standard'' under this bill, something that seems to be inherently obvious to me. It ought to be included. I am shocked it is not included.

I will give you one example. Last year, Mohammed El Shorbagi pled guilty to providing material support to the terrorist organization Hamas. Hamas, by the way, is identified by our own State Department as a terrorist organization, as well as by the European Union. This individual's conviction did not specifically bar him from becoming a U.S. citizen because, under the law in effect, aiding an organization that routinely fires rockets on innocent civilians, families, and neighborhoods; people who abduct innocent individuals; and those who have most recently staged a violent coup in Gaza, does not in any way affect their good, moral character.

Don't you think the Senate, the world's greatest deliberative body, representative of the 300 million people of the United States of America, would want to fix this glaring omission in the underlying bill? Well, I have been told that, no, we are not interested in that amendment. We have our cherry-picked set of preselected, prescreened, preordained, and no one else is going to be able to offer one. In fact, you cannot even debate them, much less offer them and have a vote on them.

I appreciate that some have finally recognized the significant flaws and security risks that are inherent in the bill as it is currently written. I would note, though, that it was not until late yesterday afternoon that some agreed that such a change was needed to improve enforcement and protect U.S. national security and included a version in the divided amendment.

Now, as I mentioned a moment ago, because the so-called clay pigeon that includes 26 amendments is not yet—well, it was only a moment ago handed to me, hot off the press, I have not yet had time to study that version, I don't know whether the modified version that was sent to the desk today changes it. But at least there appears to be some movement toward closing that loophole.

But what other enforcement loopholes and flaws remain in the bill? I fear that under this expedited process, the train has left the station, and it is going to blow right through the middle of the Senate until we pass something without proper consideration, and we are going to make mistakes. I think that is a bad idea.

During the previous debate, I introduced an amendment that would bar criminals, felons, from ever being able to obtain Z status. While it did not pass during the previous debate, I am still clueless as to why that happened. I think now that people have had time to study it and to think about it, hear from their constituents about it, more members would be supportive of closing that loophole for felons. I have refiled this. This is another amendment I have that I hope we will be able to vote on eventually. I hope the Senate does not consciously allow felons the benefit of a pathway to legalization and American citizenship. I cannot imagine why in the world we would.

As I said, those are only six of the amendments that I think need to be offered and added to this bill. Let me mention one other thing. I see the Senator from Kentucky, who perhaps would like to add his comments. Let me mention one other glaring loophole that I talked about a little yesterday. This was a provision that requires a 24-hour background check for someone who applies for legal status. But failing that, the default position is they get a probationary Z visa. In other words, we put a provision in here that says: If the background check can't be completed in 24 hours—and it can't, I promise you—that the applicant will be automatically granted legal status on a probationary basis.

I am concerned particularly because what that does is not only gives them an ability to obtain a probationary Z visa or legal status, the White House has said: Oh, don't worry about it. If we cannot get the background check done in 24 hours, and we find out they are disqualified because they do not pass a background check, we will send someone out to pick them up. Do you know how many absconders there are in the United States who are under lawful orders of deportation and have simply gone underground and the Department of Homeland Security, Immigration and Customs Enforcement has failed to pick them up and to execute the lawful orders of our courts? There are 623,000 absconders who meet that definition. Are we supposed to believe that people who fail the background check for this probationary Z visa are now going to be picked up, when 623,000 people who

have defied lawful court orders, who are on the lam, who have gone underground and whom the Department of Homeland Security has failed to pick up and deport, according to the lawful orders of a court, that now all of a sudden the policy has changed?

Trust us. Trust us. Well, I tell you what, the American people do not trust the Federal Government, particularly in this area. I hesitate to say it, but it is with good cause, based on hard experience, based on overpromising and underdelivering when it comes to our immigration program.

I support increasing legal immigration, looking at how to recruit the best and the brightest and allowing them to come here, particularly if they come to our universities and study at our world-class universities and stay, so we do not have to send them home and so they end up competing with us and taking jobs overseas.

I support comprehensive immigration reform. But I do not support promising the American people that, oh, yeah, trust us this time, we are serious, when there are such obvious flaws in the underlying legislation, that we are being prohibited by this railroad of a process from being able to offer amendments, to get votes on those amendments, to be able to fix the underlying bill.

I can see why the American people would be skeptical, because I am skeptical. I am increasingly skeptical as a result of the way this process and this legislation has been handled.

My hope is that should this cloture vote fail tomorrow, which I think, under the circumstances, looks increasingly likely, we will come back and reassess what we have done, or, moreover, what we have failed to do and try to be more serious, more deliberate, more conscious of trying to actually deliver on our promises rather than continuing to overpromise and underdeliver on this great issue of national concern.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Senator BUNNING from Kentucky is here and desires to speak on this legislation. I thank him for his comments previously and for his clarity of thought on the issue.

How long does the Senator desire to speak?

Mr. BUNNING. About 5 minutes.

Mr. SESSIONS. I yield 6 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I said this before, but here we go again. Three weeks ago, a significant majority of the Senate rejected this flawed immigration bill and the flawed process that led to it. But now it is back.

One of the key reasons the bill failed the first time around was the flawed process or the lack of process that led to the bill. In the Senate, an idea normally takes months, if not years, to become a bill and pass. But instead of letting the bill develop through the deliberative process, a few Senators and a few people from the administration wrote the bill in secret.

They held no committee meetings, there were no hearings, there was no committee report. In fact, Senators did not even see the whole bill until several days into the debate. When those of us who were not part of the secret negotiations finally saw the bill, we found all kinds of problems. But we were told the bill had to be finished by a certain date. We were not even allowed an open debate on the floor.

So with a few days looming before the Fourth of July recess, a few negotiators got back together and blessed another list of amendments to get votes. Apparently, they believe that 20 or more votes equals a full debate. What a joke.

As if that were not bad enough, the majority leader is taking an unprecedented step to shut off the right of Senators to debate and amend the bill. That is not the Senate. The process is not the only thing that is flawed around here; the bill itself is flawed.

In 1986—thank God I was not in Congress—Congress passed an amnesty bill that was promised to be the last of the amnesty bills. Here we are 20 years later, and the problem is much worse, much, much worse. The bill is no better. Instead of punishing illegal immigrants and employers who ignore the law, this bill is a get-out-of-jail-free pass. It gives those who broke the law their own VIP line to a green card and citizenship.

For this bill to work as promised, the Government would have to process at least 12 million illegal immigrants in a matter of months. In short, the timeframe the Government would have to conduct these background checks, issue identification cards, and to build a system to check every employee in America to make sure they are legal, that is the timeframe.

The Government would also have to implement new guest worker programs, eliminate the green card backlog, overhaul the green card system, and start issuing new visitor visas. But I do not believe it will work, and the American people certainly do not believe it will work. I am not talking about the far left or the far right; I am talking about middle America—middle America.

I am talking about the people who are stuck in the lines in passport offices, waiting on the Government, waiting for them so they can go on a summer vacation. We are supposed to believe that the same Government that cannot even get passports into the hands of their people is going to complete background checks on from 12 to 20 million illegal immigrants, give them a secure ID card, check every employee in the United States to verify their work status, and secure the borders.

I don't think so. Unfortunately, this bill does not even secure the borders. The $4.4 billion included in the bill does not add any new border security. It only funds the trigger requirements of the bill which do not even require implementation of existing laws such as building the 700 miles of border fence and the 43,000 detention spaces.

There are other problems, too. The bill does not require background checks to be completed of illegal immigrants getting amnesty before they get their visas. The bill gives Social Security credits to illegal aliens for work they did illegally. Illegal aliens with terrorist connections can get amnesty, and they do not have to pay all their back taxes or learn any English at least for 10 years. What a deal. The bottom line is the bill will not work.

It is much worse than the status quo. Any chance of fixing it is being erased by the handful of negotiators and the majority leader. Instead of trying to fix the bill, the majority leader is using unprecedented tactics to ensure only a few blessed amendments are considered. We all have amendments, such as the Senator from Texas. None of them are going to be considered.

I will not support amnesty. I will not repeat the mistakes we made 20 years ago. I will not be responsible for tens of millions more illegal immigrants coming into this country waiting for the next amnesty. I will not support this process or this bill.

I thank the Senator from Alabama for yielding me the time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Kentucky. On this question, this fundamental promise by our friends, whom I refer to affectionately as the masters of the universe, that we would secure the border—what does our expert congressional arm say about it? What does the Congressional Budget Office say about it? They say, no, it will not. Senator CORNYN and Senator BUNNING have pointed out a number of things that are weaknesses with the bill. Will this weakness and other items they talked about in the bill actually secure the border? According to CBO, the new Senate bill will only reduce the annual illegal immigration by 13 percent. Illegal inflow at the border will be reduced by approximately 25 percent, but that will be substantially offset by increased additional visa overstays, almost over a half million in the next 10 years. According to CBO, the net result will be only a 1.3 million reduction in new illegal immigrants over the next 20 years. Because we expect under current law 10 million to come over that period illegally—that is a lot—enactment would reduce that expectation to 8.7 million new additional illegal immigrants by 2027. Out of 10 million, we have 8.7 million. I ask my colleagues, is that securing the border? Is that effecting a legal and lawful and effective immigration system? I suggest it is not. There is no way you can say it otherwise.

One of the key things of an effective immigration system is the US-VISIT exit system. That is not affected in this. I have talked about that some, but I won't go back into that.

I see my colleague from Louisiana here, Senator VITTER. He is an outstanding lawyer who has spent a great deal of his time and energy studying these 700 pages and trying to get the amendment of 370 or so pages so he can study it and help decide what it will do. I see Senator VITTER is here. I am pleased to yield to him 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 5 minutes.

Mr. VITTER. Mr. President, I thank the distinguished Senator from Alabama.

I want to briefly take the floor to lay out how enormously unfair this process is. I am new to the Senate. Coming here, I had always heard, particularly coming from the House, about the fundamental aspect of the Senate being unlimited debate. I walked through the wrong door, because that is not the case, certainly not the case for me in terms of this bill. It has been exactly the opposite from start to finish.

Why do I say that?

First, we are handed an 800-page bill, given very little time to digest it. Then a few days later, in terms of this latest revisiting of immigration reform, we are handed a 373-page mega-amendment and given no time to digest it. Then some of us demanded the time to digest it by not agreeing to waive the reading of that 373-page amendment. Only because we did that, we were finally given the right to look at the amendment overnight last night. Great. So we come back at 10 a.m. this morning, after working with our staffs to wade through 373 pages of the amendment, only to find out that mega-amendment is out the window. We have a new modified version of the mega-amendment, which we have never seen before, which we were only given a copy of in the last hour. Now we are trying to digest a new mega-amendment. Meanwhile, the procedure is rolling along.

Of course, the majority leader, through this unprecedented use of the so-called clay pigeon, has hand chosen the only amendments that apparently will come up during this debate on the Senate floor. It is not an accident that there are no Vitter amendments. I had plenty filed. None of them are on the list. The majority leader could have chosen any list of amendments. He could have tried to make an effort to have a balanced list to include some amendments of folks such as me who have fundamental reservations with the bill. He did not. There are no Vitter amendments. It is not a coincidence there are no Sessions amendments. There are no DeMint amendments. There are no Cornyn amendments, the person who began this process working with the working group, developing the bill. It is not a coincidence there are no Elizabeth Dole amendments. All of us have been completely shut out in terms of the handpicked list of amendments.

Then we try to participate in the process again on the Senate floor. I try to be recognized several times to exercise my rights as a Senator. I am shut down again because the majority leader will only recognize me for purposes that he decides, not me, for purposes that he approved of, not me. Basically, I am allowed to debate and nothing more. I am not allowed to offer a motion. I am not allowed to do any of that. It is coming to the point where I am wondering, even if he allows me to say anything, is he going to hand me a script and I will have to read from that?

This is not an open, fair process. This is not the Senate I heard about, with unlimited debate and amendment. Yes, there are unlimited amendments as long as they are approved, apparently, by the majority leader. None of them are my amendments. Yes, there is unlimited debate as long as you agree not to exercise any of your rights as a Senator. You can talk only. You can't make a motion. You can't try to bring up your amendments. You can't do any of that.

That process is fundamentally unfair. I hope many Senators who are still considering how they will vote on cloture will focus on this process. The American people have said loudly and clearly this is an important issue to them. They have also said loudly and clearly, by any poll out there, that they absolutely disapprove of this bill by enormous numbers. For us to move ahead anyway is one thing. For us to move ahead using this process, railroading me, railroading any strong opponent of the bill, is something else. It is patently disgraceful.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the comments of the Senator from Louisiana.

Let me say what I believe is not in dispute. The procedure Majority Leader REID has chosen to utilize is a procedure never before utilized in the Senate. They say: You are just saying it is unfair. Everybody says things are unfair.

The reason this is more than a question of fairness is because it is a transfer, an arrogation of power to the leadership by which, for the first time in the history of the Senate, the majority leader will be able to approve or disapprove whether a Senator gets a vote on an amendment. If one wanted to do that up until this time, since the founding of our Republic, they stayed down here and didn't agree to unanimous consent requests. They stood their guns. It might not be easy, but one could get a vote. They could talk about what they wanted to talk about. But this process by which the leadership will select a limited number of amendments, place them in this clay-pigeon maneuver and only those amendments get voted on and every other amendment is rejected, is unprecedented in the Senate.

I had a senior Member of the Senate come up to me with some alarm not long ago this morning and say: You need to be able to get amendments.

I don't think we have thought this through. It is dawning on me how significant this is. I said earlier: What would Paul Wellstone say? What would Jesse Helms say? What would other Senators say, individual Senators who are proud of the ability—seldom used, perhaps—they could utilize to raise a point that they believe in, even if everybody else disagrees. That is part of our heritage. It will be eroded if we go through this process.

I know my time is up. I appreciate the personal courtesies of the majority leader. He has always been courteous to me. In this instance, a bad decision has been made. Hopefully it will be rectified in some fashion one way or the other by denying cloture on the legislation.

COMPREHENSIVE IMMIGRATION REFORM ACT—Continued

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we have this matter before us. We are going to do our very best to work through it. To remind everyone about this legislation: This bill was taken up. We spent considerable days on the Senate floor. Prior to doing that, of course, we had a debate last year that encompassed much of what we have talked about this year. In addition to that, though, during the time we pulled the bill from the floor—this bill was pending here—of course, we brought that back with the amendments that had passed.

In addition to that, with the concurrence of the President—because the No. 1 complaint that folks on the other side had initially was there was nothing that was going to take care of the border—$4.4 billion is now in this matter that is now before the Senate, $4.4 billion to strengthen the border. It does do that. Not only do we spend the money, but we spend it well in this bill. There will be 370 miles of fencing that will be paid for—will not be just talked about—300 miles of vehicle barriers that work extremely well, probably better than the fences. It will now be possible to hire 20,000 new Border Patrol agents. The are 105 ground-based radar and camera towers. There will be a facility with detention beds for people who violate these immigration laws. There will be a place to put them.

It toughens employer sanctions by creating a mandatory employer verification system. It doubles criminal and civil penalties against employers who hire unauthorized workers. Employers can be fined up to $5,000 per worker for the first offense, up to $75,000 per worker for subsequent offenses, or they can serve jail time.

Also, as it relates to employer sanctions, it strengthens document integrity by requiring tamper-resistant biometric immigration documents.

And, yes, as the Republican Secretary of Commerce has said, and other administration officials have said, this is not amnesty. In fact, what Secretary Gutierrez has said is that if we do not do something, there is silent amnesty. We are going to move past that.

If someone wants to be on a pathway to legalization, they have a job, they pay taxes, they stay out of trouble, they learn English, they pay penalties and fines. They go to the back of the line, not to the front of the line.

This legislation, very importantly, includes AgJOBS and ends the exploitation of migrant farmworkers and provides them legal status.

The DREAM Act, which a number of individuals worked very hard on—but no one harder than my colleague, the senior Senator from Illinois, Mr. DURBIN—the DREAM Act is to legalize immigrant children brought by their parents to this country through no fault of their own and to allow them to go to college or join the military.

So this is a nice piece of legislation. It is a step in the right direction. We have had 36 hearings since 9/11, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, 92 Senate floor amendments. We have been pretty thorough with this issue.

Mr. President, I yield to my friend for a question, and I would, of course, regain the floor when he completes his question.

Mr. KENNEDY. Mr. President, is it the Senator's understanding with this legislation we will have virtually the strongest border in the history of the United States of America in the Southwest? Is that the Senator's understanding of the effect of this legislation?

Mr. REID. Mr. President, the Senator is absolutely right. He has been on the Judiciary Committee for decades in the Senate. He has been chairman of the Subcommittee on Immigration for decades. He has watched what has gone on. We all recognize what happened in 1986 was not good. It is my understanding the senior Senator from Massachusetts voted against that legislation.

This legislation will correct that. This legislation will put 4.4 billion real dollars—not authorized—in direct funding. We got a signoff from the President to do this. If we did nothing else, zero—for those people who have concerns about this legislation—if we did nothing else other than do this to secure our border, they should vote for this legislation. But there is much more in it. I have given a brief review of the good things in this legislation. It is a good piece of legislation to correct the problem we have.

Mr. President, I would be happy to yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. Does the Senator agree with the Council of Economic Advisers that said passing this legislation will mean there is $55 billion—$55 billion—in fees and in fines that will be paid that will be used to strengthen the border, to enforce worksite enforcement, to make sure we are going to have a tamperproof card, which is essential for any kind of immigration system; and that if this legislation does not pass, that $55 billion is going to be paid for by the American taxpayer? Does the Senator understand that is the implication of these votes?

Mr. REID. Mr. President, the people who are talking about the negativity of this legislation I do not think understand how good it is. I have talked about the $4.4 billion. But to think about that: $55 billion to go toward making our country safer—not our borders—our country safer, and it is not paid for by the taxpayers. It will be paid for by the people who are seeking to change their status.

I think it is a tremendous improvement, a step forward. I think it is so important that the American people not hear all this ''some of us have not been on the floor talking about this piece of legislation a lot.'' It seems the voices we hear are people who are talking about the process being unfair, that they have not had a right to be heard. Some people complain, ''I thought the Senate was different than this.''

Mr. President, for my friends, some of whom are complaining who served in the House of Representatives, this is a fair process. People in the Senate have a right to speak. We have rules that after so much time, when 60 Senators say you talked enough, debate comes to an end. That is where we are in this matter. We are at a point where tomorrow morning cloture will be invoked on this bill. It would be so important that we do that. It would make our country a better country. We need to do this; otherwise, our borders remain porous, with no end in sight.

Mr. President, what is now before the Senate?

The ACTING PRESIDENT pro tempore. Division III of the amendment is currently before the body.

Mr. REID. I thank the Chair.

Mr. VITTER. Mr. President, will the distinguished majority leader yield for a question?

Mr. REID. I will be happy to in a minute.

Division III is an amendment offered by the senior Senator from the State of Missouri. If anyone wishes to speak on that, what I would like to do is ask—not like to do; I am going to do—I ask unanimous consent that there be an hour of time, for debate only, on this amendment; that following that time being used—it would be divided equally between the two managers—following that time being used, I would have the right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I say to the leader, I am going to make about 5 minutes of remarks on it. I have not heard from many other people. I think we could move things along without taking an hour. I do not know if any of my colleagues on the floor wish to speak, but 20 minutes equally divided would—

Mr. REID. Mr. President, I withdraw my unanimous consent request. I appreciate the suggestion of my friend from Missouri. I think it is a constructive one. I, therefore, ask unanimous consent that on the Bond amendment there be 20 minutes equally divided, that this conversation during this 20 minutes be for debate only, that the time be controlled by Senator SPECTER—I am sure he will give his time to Senator BOND—and Senator KENNEDY on our side; and that following the using up of that 20 minutes, I obtain the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Reserving the right to object, as I consider the unanimous consent request, can I ask permission to pose two questions to the distinguished majority leader?

Mr. REID. Mr. President, it is my understanding I have the floor; is that right?

The ACTING PRESIDENT pro tempore. The majority leader has the floor.

Mr. REID. Mr. President, I would be happy to yield to my friend for a question.

Mr. VITTER. I thank the majority leader. Two questions. One is on the substance of the bill. In particular, on the point you were making regarding funding for enforcement, are you aware of the CRS letter and report which says that $4.4 billion, or at least much of it, can go to the Z visa and the Y visa program, and that it is not clear at all that the trigger provisions have to be met and that certification has to happen before those funds can instead be used for the Z visa program versus enforcement?

Mr. REID. Mr. President, in response to my friend's question, first of all, at least for the next 18 months, President Bush is our President. His Cabinet officers—two of whom have been heavily involved in this legislation, Secretary Chertoff and Secretary Gutierrez—have confirmed that this money—anything the President has power over through his administration—this money will go to border security, the things I have outlined earlier this afternoon: fencing, vehicle barriers, 20,000 Border Patrol agents, 105 ground-based radar and camera towers, detention beds—and a lot of detention beds, specifically 31,000.

One of the problems we have had at the border is that as our valiant Border Patrol agents grab these people coming across the border, they have no place

to put them. They will now have 31,500—a pretty good holding facility. It will alleviate many of the problems, many of the complaints that our own Border Patrol agents have.

So in response to my friend from Louisiana, the administration assured all of us this money will be used in a manner to make our border more secure.

Mr. VITTER. Mr. President, I ask unanimous consent to have this June 25, 2007, Congressional Research Service memorandum printed in the RECORD because it certainly states clearly that the trigger does not have to be fully met before these funds can go to the Z visa program.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, June 25, 2007.

MEMORANDUM

To: Honorable Jim DeMint
From: Blas Nuñez-Neto, Analyst in Domestic Security, Domestic Social Policy.
Subject: Trigger language in S. 1639.

This memorandum is in response to your request concerning the trigger provisions in S. 1639, the Comprehensive Immigration Reform Act. Specifically, you asked CRS to analyze whether the $4.4 billion that would be authorized by the bill to fund the trigger provisions could be used to fund the processing of Y and Z visas. As such, this memorandum will be restricted to a discussion of Sections 1 and 2 of S. 1639. If you have any questions concerning this memorandum, I can be reached at 7–0622.

Section 1 of S. 1639

Section 1 of S. 1639 would establish certain requirements that must be met by the Department of Homeland Security (DHS) before the programs in Titles IV and VI of the Act ''that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence'' can be implemented.

The Act would make exceptions to this requirement for: the probationary benefits conferred by Section 601(h); the provisions of Subtitle C of Title IV (relating to non-immigrant visa reform); and the admission of aliens under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (as amended by S. 1639).

Prior to the implementation of the majority of the programs in Titles IV and VI, the Secretary of DHS would be required to certify in writing to Congress and the President that each of the following measures (commonly referred to as ''triggers'') are ''established, funded, and operational:''

DHS has ''established and demonstrated operational control of 100 percent'' of the land border between the United States and Mexico.

Customs and Border Protection (CBP) has hired, trained, and deployed 20,000 United States Border Patrol (USBP) agents.

CBP has installed 300 miles of vehicle barriers, 370 miles of fencing, 105 ground-based radar and camera towers, and deployed 4 unmanned aerial vehicles to the border.

DHS is detaining all removable aliens apprehended crossing the border illegally, except as specifically mandated by federal or state law or humanitarian circumstances. Additionally, Immigration and Customs Enforcement (ICE) would need to have the resources to maintain this practice, including the ability to detain 31,500 aliens on a daily basis.

DHS has established and is using secure, effective identification tools to verify the identity of workers and prevent unauthorized aliens from obtaining employment in the United States. These tools should include the use of secure documentation that contains photographs and biometric information on the work-authorized aliens and comply with the requirements established by the REAL–ID Act (P.L. 109–13, Div. B). Additionally, DHS would be required to establish an electronic employment eligibility verification system capable of querying federal and state databases in order to provide employers with a digital photograph of the alien's original federal or state issued identity or work-authorization documents.

DHS has received, is processing, and is adjudicating in a timely manner applications for Z non-immigrant status under title VI of this Act.

The Administration would be required to submit a report within 90 days of the enactment of S. 1639, and every 90 days thereafter until the trigger requirements are met, detailing the progress made in funding and satisfying each of the requirements outlined above. The Governmental Accountability Office (GAO) would be required to submit a report within 30 days of DHS' written certification that the trigger provisions have been met concerning the accuracy of that certification.

Section 2 of S. 1639

Section 2 would establish a new account within the DHS appropriation known as the ''Immigration Security Account,'' and would endow this account with a transfer $4.4 billion from the Treasury's general fund. These funds would be available for use by DHS for five years after the enactment of S. 1639 in order to meet the trigger requirements outlined above.

Section 2 further stipulates that, ''to the extent funds are not exhausted'' in carrying out the trigger requirements, they would be available to be used for any of the following additional activities: fencing and infrastructure; towers; detention beds; the employment eligibility verification system, including funds relating to the State Records Improvement Grant Program outlined in Section 306; implementation of the programs authorized by titles IV and VI; and, other federal border and interior enforcement requirements to ensure the integrity of the programs authorized by titles IV and VI.

This language appears to require DHS to expend the funds in the Immigration Security Account to meet the trigger requirements in Section I prior to funding the additional activities outlined above. DHS would be given the authority to transfer funds from the Immigration Security Account as needed to fund the trigger requirements and the additional purposes outlined above.

DHS would be required to submit an expenditure plan for the Immigration Security Account funds to the Senate Committees on Judiciary and Appropriations within 60 days of enactment, and annually thereafter, identifying: one-time and ongoing costs; the level of funding for each program, project, and activity and whether that funding supplements an appropriated program, project, and activity; the amount of funding obligated in each fiscal year by program, project, and activity; the milestones required for the completion of each identified program, project, and activity; and how these activities will further the goals and objectives of the Act.

Lastly, DHS would be required to notify the Senate Committees on Judiciary and Appropriations 15 days prior to the reprogramming of funds from their original allocation or the transferring of funds out of the Immigration Security Account.

Conclusion

In response to your question concerning whether the $4.4 billion in funding appropriated under the Immigration Security Account could be used to fund the processing of Y or Z visas under Titles IV and VI of S. 1639, S. 1639 appears to require that the trigger mechanisms be funded first. Receiving, processing, and adjudicating applications for the Z visa authorized by Title VI of the Act is one of the trigger mechanisms outlined in Section I; this means that funding from the Immigration Security Account could be used for this purpose. Section 2(C) would allow DHS to expend any funds remaining after the trigger mechanisms have been fully funded on certain activities, including the implementation of the programs authorized in Titles IV and VI of the Act. Thus, it appears the funding for the Y visa (and other programs) authorized by Title IV of the Act could only be made available through the Immigration Security Account once the trigger mechnisms had been met. However, S. 1639 does not explicitly stipulate whether the certification required by Section I would have to take place prior to funding being made available for the additional purposes outlined in Section 2(C).

Mr. REID. Mr. President, does my friend have another question?

Mr. VITTER. Yes. The second question for the majority leader is about procedure. I think he understands my frustrations in terms of the procedure we seem to be adopting. Does the distinguished majority leader see any opportunity between now and tomorrow's key cloture vote for me and like-minded Senators to offer our amendments on the floor versus his handpicked amendments or to be recognized on the floor for reasons of our choosing versus merely being recognized for reasons of his choosing?

The ACTING PRESIDENT pro tempore. The majority leader has the floor.

Mr. REID. Mr. President, we are in the Senate. We have certain procedures and rules. I have tried to make things as family friendly as possible; that is, Senate family friendly. I say to my friend, during the early days of this legislation, amendments were offered by him and others, some of which got votes, some did not. That is the way the Senate operates. We are now in a process to work toward in the morning when we have a cloture vote.

I think the process is very fair. The people who are managing this legislation, directed by Senators SPECTER and KENNEDY—two of the most senior Members of our Senate—have been as fair as possible for our getting where we are. There are amendments in this procedure we are going through by people who have never supported the bill and do not intend to support the bill. The amendments were arrived at in a way to try to improve this bill. Will all amendments improve the bill? I guess that is in the eye of the beholder.

I say to my friend, the procedure has been set here. I am sorry you are concerned about it. I, frankly, though, think we have been very fair. As a result of that, I would ask my friend if he has an objection to Senator BOND's suggestion, that we debate this amendment of his—that is debate only—for 20 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. VITTER. Mr. President, reserving, again, my right to object, I ask unanimous consent to speak for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Is this for debate only?

Mr. VITTER. For debate only.

Mr. REID. I would have the floor as soon as the minute is up; is that right?

Mr. VITTER. That is correct.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the Senator is recognized for 1 minute.

Mr. VITTER. Thank you, Mr. President.

Well, again, I take it from the distinguished majority leader that his answer to my last question is no. Under this process, there will be no opportunity for me and like-minded Senators to offer our amendments. We will only consider his 26 handpicked amendments. Again, he put together that list. He could have included some amendments of folks who have serious problems with the bill. But there are no Vitter amendments on the list. There are no Sessions amendments. There are no DeMint amendments, no Cornyn amendments, no Dole amendments, no Bunning amendments, and we could go on and on. Is that a fair process?

I also ask, is it a fair process for me to only be recognized on the floor of the Senate during this momentous debate leading up to a cloture vote only for purposes of the majority leader's choosing and for no purposes of my own choosing?

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. So the record is very clear, HARRY REID, the majority leader, did not pick the Republican amendments. The Republican leadership picked those amendments. Senator MCCONNELL and I worked the process so that we would be back on the floor. It wasn't done by me; it was done by us.

I would further say, these amendments, Republican amendments in this bill, were not picked by me; they were picked by the Republican leadership. I didn't stand over his shoulder. They chose what they decided to do.

So I ask my friend if he has an objection to my request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I yield myself 2 minutes before yielding to the Senator from Missouri. I do so at this time before hearing from the senior Senator from Missouri to comment about what the Senator from Louisiana has had to say.

When he objects to the procedure where he doesn't have an opportunity to offer amendments, I would remind the Senator from Louisiana and everyone else that there was a time when we were searching for amendments. I refer specifically to the Thursday afternoon before the majority leader took the bill down on the cloture vote. We sat around for hours looking for amendments, and the people who objected to the bill would not offer amendments, nor would they let anybody else offer amendments. That is why I supported cloture, first to protect the rights of the minority to offer amendments, but then when they would neither offer amendments nor let anyone else offer amendments, I voted for cloture.

So when someone comes to the floor today and objects that they are not being able to offer amendments, I remind them as to what happened and what precipitated this unusual procedure.

As I said earlier, candidly, I don't like this, but it is the lesser of the evils. We don't have any choice if we are going to exercise the will of the Senate on this bill before the recess, because after the 4th of July recess, the Senate is going to be very heavily engaged in appropriations bills and other matters.

Now I yield to the Senator from Missouri. How much time would the Senator like?

Mr. BOND. To the distinguished ranking member of the committee, I would gratefully appreciate 5 minutes.

Mr. SPECTER. The Senator has it.

Mr. BOND. I thank Senator SPECTER and the majority leader for giving me this time.

Mr. President, my part of the division of this amendment, simply stated, will cut the path to citizenship for illegal aliens.

I think most people will recognize that citizenship is the most precious gift America can provide. There are many of us who believe it should not serve as a reward to those who broke the law to enter or remain in this country. The path to citizenship is at the heart of the amnesty criticism of this bill, which we are hearing very loudly in my State and across the Nation. I believe cutting this path cuts out the most severe complaint against this bill.

I supported the Vitter amendment to strike the entire amnesty proposal for 12 million illegal aliens in the country, and that amendment was rejected. Perhaps it was too broad. So my division of the current amendment targets the most controversial aspect of the proposal: the award of citizenship to those 12 million illegal aliens who essentially will stay here—maybe take a 1-day trip—enjoy the benefits of residence, and then can become citizens without having to go through the process everyone else seeking to become a citizen has to go through, which is applying in their home country, and waiting for their time to arrive. Whatever we end up doing for those 12 million illegal aliens, it does not, in my view, require the further step of granting citizenship.

Those 12 million illegal aliens came to this country to work—to work—without expectation of becoming citizens. We ought to understand that. They came here to work, not to become citizens. Now, more legal aliens will come to this country on a temporary basis to work without the expectation of citizenship. There is no need to grant these people the gift of citizenship when they came here to meet their economic needs. The bill, as we know, puts the 12 million illegal immigrants who comply with its terms on the path to citizenship. Illegal immigrants who pay a fine and pass a security check, learn English, touch back to their home country, and show employment can become legalized under the new Z visa program.

After 8 years, formerly illegal immigrants, now legalized with Z visas, may apply for legalized permanent residence, otherwise known as a green card. As most of us already know, under existing law, once you have had a green card for a certain number of years, you can apply for and receive citizenship.

My division simply will cut off that path, automatically invoked once a green card is bestowed, by preventing those formerly illegal immigrants with Z visas from obtaining green card status and therefore citizenship.

Specifically, my portion of the amendment would strike the contents of section 602 on earned adjustment for Z status aliens, replacing it with a prohibition on issuing an immigrant visa to Z nonimmigrants, which is currently in the bill, and a prohibition on adjusting a Z nonimmigrant to legalized permanent residency, or so-called green card holders.

This proposal of mine would not change any of the bill's requirements to obtain and keep a Z visa, such as a clean criminal record, progressively better English competency, or continued employment. Nor does my proposal change any of the rights afforded to Z visa holders, including work, residency, and travel. Z visa holders would remain in that status as long as they chose. Alternatively—and this is an alternative—Z visa holders could abandon their status, return to their home country and, if they choose, pursue legalized permanent residency and citizenship from outside the country, as any other foreign citizen could.

As I discussed above, I do personally support granting the rights I enumerated for Z visa holders. I supported the Vitter amendment to strip all the Z program provisions. But the Senate had its vote on all of those provisions and we lost. This amendment is the next best thing.

Our immigration system is broken and must be fixed. I support a strong emphasis on border security and enforcing the immigration laws, but we should not hold border security hostage to amnesty. I voted before and

will continue to vote to appropriate more money for funding for border fencing, detention facilities, and border agents. I urge my fellow Senators to support those ways to strengthen and protect our country and our security, but reject rewarding illegal immigrants with undeserved citizenship.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. How much time remains on this side?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes remaining.

Mr. SPECTER. In light of the comments which have been made as to the cost of this program, I think it is important to focus on the fact that the nonpartisan Congressional Budget Office has made a finding that new Federal revenue from taxes, penalties, and fees under the bipartisan immigration bill will more than offset the costs of setting up any immigration system and the costs of any Federal benefits temporary workers, Z visa holders, and future legal immigrants under the bill would receive. CBO estimates that increased revenue from taxes, penalties, and fines under the bill will offset any estimated increases of mandatory spending, such as emergency Medicaid, and produce a net fiscal surplus of $25.6 billion over 10 years. The surplus will be used to cover costs, including implementing the new program, and a significant portion of the costs of better securing our borders and improving interior enforcement through additional Border Patrol and ICE agents.

I ask unanimous consent that this fact sheet be printed in the RECORD at this point.

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

IMMIGRATION FACT CHECK: CBO REPORT—THE REST OF THE STORY

The non-partisan Congressional Budget Office (CBO) finds that new Federal revenue from taxes, penalties, and fees under the bipartisan immigration bill will more than offset the costs of setting up the new immigration system and the costs of any Federal benefits temporry workers, Z visa holders, and future legal immigrants under the bill would receive.

CBO estimates increased revenue from taxes, penalties, and fines under the bill will offset any estimated increases in mandatory spending, such as emergency Medicaid, and produce a net fiscal surplus of $25.6 billion over 10 years. This surplus will be used to cover costs including: the costs of implementing the new program; a significant portion of the costs of better securing our borders and improving interior enforcement through additional Border Patrol and ICE agents.

CBO concludes temporary workers, Z visa holders, and future legal immigrants under the Senate bill will have a positive financial impact on Social Security and Medicare.

The temporary worker and Z visa programs will be funded by fees charged to participants, and will not be subsidized by taxpayer dollars.

Z visa holders and temporary workers under the Senate bill must pay income taxes and are not entitled to welfare, food stamps, SSI, or non-emergency Medicaid.

CBO concludes that with border and interior enforcement provisions, this immigration bill will have ''a relatively small net effect on the federal budget balance over the next two decades.''

The bill authorizes more than $40 billion in spending. Assuming all of this spending is appropriated, the bill would produce a net fiscal deficit. However, more than three-quarters of this spending is for enhancements to border security and interior enforcement. These enhancements will benefit the country as a whole and reflect costs that taxpayers currently bear. In addition, revenues generated by new workers under the bill will still cover about half of these enforcement costs.

The bill is an improvement over last year's Senate bill (S. 2611), which CBO estimated would have required a taxpayer contribution of twice the magnitude estimated for this year's bill.

CBO estimates the bill ''would reduce the net annual flow of unauthorized immigrants by one-quarter'' but admits ''the potential impact of the border security, employment verification, and other enforcement measures on the flow of unauthorized migrants is uncertain but could be large.''

For the first time, CBO has found that the enforcement provisions of an immigration bill are robust enough to reduce significantly illegal immigration.

CBO notes that, while previous attempts to cut illegal immigration have been relatively unsuccessful, the bill ''would authorize significant additional resources as well as a comprehensive employment verification system to deter the hiring of unauthorized workers.''

The report also notes that ''the implementation of the new guest worker program and the provision of visas to the currently unauthorized population could occur only if the Secretary of DHS certifies'' that certain enforcement measures are in place.

BACKGROUND ON THE BIPARTISAN IMMIGRATION REFORM BILL

The bill commits the most resources to border safety and security in U.S. history.

Temporary worker and Z visas will not be issued until meaningful benchmarks for border security and worksite enforcement are met. These triggers include: increasing border fencing, increasing vehicle barriers at the Southern border, increasing the size of the Border Patrol, installing ground-based radar and camera towers along the Southern border, ensuring resources are available to maintain the effective end of ''Catch and Release'' for every non-Mexican apprehended at our border, establishing and putting in use a reliable employment eligibility verification system.

The bill recognizes that enforcement alone will not work to secure our border and meet the needs of the U.S. economy. The temporary worker program will help immigration enforcement officers control the border by creating a lawful and orderly channel for foreign workers to fill jobs that Americans are not doing.

Mr. SPECTER. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. We have, as I understand, 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. I yield 5 minutes of that to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 5 minutes.

Mr. SALAZAR. Mr. President, I thank my colleague from Massachusetts, Senator KENNEDY, and I thank the Chair.

First, let me make a comment about the process here. On the other side of the aisle we have heard people stand up and try to use every procedural obstacle they can to kill the bill. They want to kill the bill. What this Chamber ought to be about is trying to find solutions to those huge problems that face our country, whatever those problems may be, including the issue of immigration.

They have said this process is somehow unfair. Well, when I look at how much time this Chamber has spent dealing with the issue of immigration, I think there has been ample time for people to talk about and debate this issue over the last 2 years. Since 9/11—since 9/11—the Senate has had 36 hearings on the issue of immigration—36 hearings. Since 9/11, there have been 6 days of committee action with respect to immigration. Since then, there have been 59 committee amendments on immigration. Since then, there have been 21 days of Senate debate—21 days of Senate debate on immigration, and 92 Senate floor amendments—92 Senate floor amendments.

So for those who want to use procedure to kill this bill, they are wrong in making the case that they have not been heard. There has been ample time and opportunity to hear their arguments, and that has gone on time and time again. It is time we in the Senate get down to business and fix the problem of immigration for our country.

Secondly, this is a good bill. It may not be a perfect bill, but we can't let the perfect be the enemy of the good. This bill toughens border security. It does it by making sure that the $4.4 billion is there for border security, 370 miles of fencing, 300 miles of vehicle barriers, 20,000 Border Patrol agents, and it goes on. It doubles employer sanctions to make sure we can enforce our laws here in our country through a variety of different means, and it also makes sure that we develop a realistic and tough solution to the 12 million undocumented workers who are here in America. Those who are part of a ''round them up and deport them'' crowd are being unrealistic because of the costs involved and the difficulty in ultimately fixing the problem we have. So we have come up with the right kind of solution that punishes them, fines them, puts them to the back of the line, and allows them to come out of the shadows of this society and into the sunlight.

Finally, we can't forget the human values at stake in this debate on immigration. In this picture we see Army SPC Alex Jimenez. He was deployed for a second tour in Iraq. He has been missing in Iraq since May 12. We have found some other of his personal belongings. But as he is in Iraq missing in action, his wife was being questioned

by ICE in our country, in America, because her immigration status was undocumented. Now, is that the American way? Is that the American way, to have one of our soldiers missing in action in Iraq, with his wife concerned about her immigration status here in the United States of America?

What this demonstrates to me is we have a system of chaos and disorder here in America. We need to fix the problem. This Chamber can fix the problem. I hope we will stand behind the solution we are bringing to the floor today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. KENNEDY. If the Chair would let me know when I have 1 minute.

Mr. President, maybe we could take a moment and look at those words that are written in stone right above the Vice President's chair there: e pluribus unum, meaning one out of many. One out of many. That is the desire, that is the hope, that is the dream of this country: one out of many.

Many come from different traditions, backgrounds, and experience, but we all are one country with one history and one destiny—not with the Bond amendment, not with the Bond amendment.

The lines written at the Statue of Liberty are:

> Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door!

That is right, as long as those individuals are working and who will never become citizens, who will never have that right to become a part of the American dream, and once you stop working, out of the country you go. Better gather up all of your belongings, because you are going to be out of status, and out of status means you can be subject to deportation.

You can imagine what that individual is going to say to their employer when the employer says: Sure, you have worked 40 hours. You work 50 hours, 60 hours, and bring your wife in and make sure she works overtime this week as well; otherwise, you are out of status. You are out of here.

That is what the Bond amendment would do to Americans. One America that has rights and privileges, and to a second group in America they say: Once we wring out of you the last bit of sweat that you can give to some employer, you are finished, you are out of status, you are deportable.

That isn't what this country is about. Maybe we don't like the fact that people are not satisfied with the regime we have given or recommended in this legislation that says: You go to the back of the line. You came here because you wanted to work, because you wanted to provide for your family; you came here, and you are at church on the weekends; and you came here and your son or daughter is serving in Iraq or Afghanistan. But we say: OK, you go to the end of the line, pay a fee, learn English, and you have to demonstrate that you are working and you are going to become a good American. That isn't good enough for some.

Well, Mr. President, this creates the two Americas, which I think all of us understand is not what this Nation is about. That is the result of the Bond amendment, and I think it would be a major step backward. We can imagine the resentment and hostility that will seethe and grow with generations that come with their families when they see them exploited. Talk about a danger and social dynamite in our society, this amendment will breed that. We don't need that or want it, Mr. President. We should not have it. I hope the amendment is not accepted.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, how much time remains on my side.

The ACTING PRESIDENT pro tempore. There is 1½ minutes remaining.

Mr. SPECTER. I yield that time to the Senator from Missouri.

Mr. BOND. Mr. President, my colleague from Massachusetts made a very powerful statement on behalf of those who came here, but he kind of forgot an important distinction. There are those who come here legally and those who come here illegally. We are talking about the illegals. With the argument so forcefully and persuasively made by my colleague from Massachusetts, if you took that argument to its end result, then there should not be immigration laws. We should not have a process for going for citizenship because anybody who wanted to come in could.

We have changed those laws. We have provided laws, and the people we are talking about have come here illegally to work. If they wanted to become citizens, there is a process. If they join the military, I strongly believe they should become citizens.

But if they come illegally just to work, then they have not earned citizenship like all of the others do, like my ancestors and the ancestors of almost every Member of this body. We are all immigrants, but we did not come here illegally and expect to get citizenship. Therefore, Mr. President, I strongly urge my colleagues, if you believe there is a difference between people who come legally and people who come illegally, to support the Bond division or proposal, vote against the motion to table.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have broken borders. The 1986 act had no enforcement mechanism, and that was under a Republican administration. We are not bringing that up. We have 12½ million immigrants. You can say we are going to ship them back, and it will take $250 billion and 25 years to be able to do it. Buses will stretch from Los Angeles to New York and back again. Are we going to do that? No, we are going to take another route and just exploit them and not do what is in this legislation, which makes them pay a fine and demonstrate that they are going to work hard and learn English and provide for their family and give something back to America, like they do when their sons and daughters serve in Iraq and Afghanistan. You will be able to stay here under the Bond amendment, but you are going to work for an employer. When you get tired of working, we are going to report to the INS that you are out of status, and out you are going to go, lock, stock, and barrel. It will be just sweat labor here.

We are going to have two Americas. You may not like our solution, but it is preferable to this alternative, which will create a permanent underclass. I think it would be a mistake.

The PRESIDING OFFICER (Mr. SANDERS). The majority leader is recognized.

Mr. REID. Is all time expired?

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. All time is expired.

Mr. REID. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—56

Akaka	Feinstein	Murray
Bayh	Graham	Nelson (FL)
Bennett	Hagel	Obama
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Reid
Brownback	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Smith
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Martinez	Webb
Dodd	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	

NAYS—41

Alexander	Barrasso	Bond
Allard	Baucus	Bunning

Burr	Ensign	McConnell
Byrd	Enzi	Nelson (NE)
Chambliss	Grassley	Roberts
Coburn	Gregg	Rockefeller
Cochran	Hatch	Sessions
Coleman	Hutchison	Shelby
Corker	Inhofe	Stevens
Cornyn	Isakson	Sununu
DeMint	Landrieu	Tester
Dole	Lott	Thune
Domenici	Lugar	Vitter
Dorgan	McCaskill	

NOT VOTING—3

Biden	Johnson	McCain

The motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, my friends, Senators VITTER and DEMINT and SESSIONS, have asked a number of questions during the day, and they are valid questions, but I feel it is appropriate to respond. The way I will respond now is with a letter I wrote in response to the letter they wrote to me a few days ago. This letter is dated June 25:

DEAR SENATORS CORNYN, VITTER, DOLE, SESSIONS and DEMINT: Thank you for writing to me earlier today about my effort to bring the comprehensive immigration reform bill back to the Senate floor.

As you know, the Senate was unable to complete action on the immigration bill earlier this month because a handful of Senators, including several of you, objected to my repeated efforts to call up further amendments to the bill. Following the unsuccessful cloture vote on June 7, a group of Senators, including Minority Leader McConnell, Republican Conference Chairman Kyl and Judiciary Committee Ranking Member Specter, came to see me with a request that I bring the immigration bill back before the Senate under a procedure under which a large number of additional amendments could become pending to the bill.

The so-called ''clay pigeon'' procedure is unusual, and I would not have considered employing it in this instance without the full support of Senator McConnell. It seems to me appropriate for the two leaders to work together to overcome the tactics of a small number of Senators in order to allow the full Senate to debate an important national issue like immigration. The White House made clear that it also favors such a procedure, since the immigration bill is one of the President's top priorities.

I respectfully disagree with your assertion that I intend to ''shut off the debate'' and that the procedure in question will ''silence amendments instead of facilitate their debate.'' On the contrary, I am working to facilitate debate on more than twenty additional amendments to the bill. In contrast, several of you objected when I tried to call up as few as five amendments during the earlier debate. The American people can see clearly who wants to debate immigration reform and who wants to shut off that debate.

Moreover, your claim that the Senate will only debate amendments which I ''hand select'' is plainly untrue. The dozen or so Republican amendments that will become pending to the bill have been selected by the Republican leadership, not by me.

In sum, I appreciate the concerns expressed in your letter but consider them misplaced. Senator McConnell and I have worked together in good faith to ensure a full, open and productive debate on a bill of overriding national importance that is supported by many Republicans and endorsed by President Bush.

I signed it, Senator REID.

Mr. President, what is the matter now before this body?

The PRESIDING OFFICER. Division IV is now pending.

Mr. REID. What I would like to do, Mr. President—this is the Dodd amendment—I would like to ask, as I did with the prior amendments that have come up today, I ask unanimous consent for debate only; that we start with 1 hour, equally divided, to debate this amendment, and then following that, I would be recognized to do whatever I felt appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection. And I would like to ask the majority leader's——

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. REID. The Senator from Louisiana is not recognized. I have not given up the floor.

Mr. President, it is my understanding——

The PRESIDING OFFICER. The majority leader, please.

Mr. REID. It is my understanding the Senator from Louisiana objected; is that true?

The PRESIDING OFFICER. Did the Senator from Louisiana object?

Mr. VITTER. I am reserving my right to object, and I was trying to gain recognition, and I believe I did gain recognition.

The PRESIDING OFFICER. The Senator is acknowledged but not recognized.

Mr. VITTER. Then I ask that the record be read with regard to whether I was recognized or not.

The PRESIDING OFFICER. It is a misstatement that the Senator was recognized. There is a unanimous consent request pending.

The majority leader.

Mr. REID. Mr. President, I would ask my friend to object, if he cares to, and then I would be happy to enter into a dialog with the distinguished Senator from Louisiana.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection. I would like to enter into that dialog on two points.

Mr. REID. Mr. President, first of all, I would be happy at this time to yield to my friend from Louisiana for 2 minutes for the purpose of a question, and then I, of course, would have the floor following the termination of those 2 minutes.

Mr. VITTER. I thank the majority leader, and simply two points, quickly.

First, with regard to the statement the majority leader just made and the letter he read, let me end the debate. Let me stipulate for the record that Senator MCCONNELL is not being railroaded and President Bush is not being railroaded. I am being railroaded and my allies on the floor of the Senate are being railroaded. So we will end that debate and stipulate that for the record.

Second, with regard to your last unanimous consent request, I would love to agree to it if it can be modified so that my rights on the floor of the Senate are also preserved—specifically so that I can be recognized for 2 minutes for any purpose.

Mr. REID. I could not agree to that, Mr. President, so I would certainly object to that.

Now, we had in the last amendment that was laid down, I thought, a very sensible debate. People were able to offer their opinions as to the merits. In fact, it was a good debate. Senator BOND was advocating his position, and Senator KENNEDY and others were advocating against that. My question to the Senate now is, Could we have the same procedure? I have suggested 1 hour equally divided, which would be for debate only, and following that period of time, I would be recognized.

I ask, Mr. President, unanimous consent that request be back before the Senate at this time.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Will the leader yield for a question?

Mr. REID. I am sorry. Oh, there you are. I would be happy to yield for a question from my friend from South Carolina for up to 2 minutes, and then I would get the floor back.

Mr. DEMINT. I thank the leader. I would just ask that I have the opportunity, as you did, to read the letter that I wrote, along with a number of other Members, in response to your response to us. It is just a few paragraphs. I ask unanimous consent that we be allowed to put in the RECORD our particular response to what you read.

Mr. REID. Go ahead.

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

Mr. DEMINT. Thank you.

DEAR SENATOR REID:

Thank you for your response to our letter regarding your unprecedented efforts to bring the immigration bill back to the Senate floor after it was rejected three times by the full Senate. We are writing to address several of the issues you raised.

First, you said the Senate was not allowed to complete its earlier debate on this bill because some of us objected to your calling up further amendments. This is untrue. You repeatedly objected to Republican amendments being offered and insisted on selecting our amendments for us and for the entire Senate. Consequently, we objected to all amendments until we could get a full and fair debate. We did not believe you had the right to hand-pick amendments then, and we do not believe you have that right now.

Second, you said the abuse of Senate rules during this debate is justified because it allows you to ''overcome the tactics of a small number of Senators.'' This is also untrue. We hope you realize that over 60 Senators voted against cutting off debate because they opposed the substance of the bill and the process you used to debate it. This is not a small group.

In addition, your unprecedented abuse of the rules and precedents of the Senate will negatively impact every Senator by fundamentally reducing their rights to debate and to offer amendments in the future. We believe you understand our concern because just two years ago you said, ''the Senate should not become like the House of Representatives, where the majority manipulates the rules to accommodate its momentary needs.'' If you go forward with this plan, history will show that your decision not only impacted the ever-growing number of Senators who oppose this immigration bill, but hundreds of Senators in the years to come who wish to make their voices heard.

Third, you repeatedly defended this process for debate by blaming the Senate Republican leadership and the President himself. While their cooperation may give you comfort, it does not justify your actions. As Senate Majority Leader, only you can execute this abusive practice. Only you can set up a process that guarantees consideration of a hand-selected group of amendments to buy support for a bill while at the same time blocking all other amendments. You may want Americans to believe this is a Republican bill, but your willingness to use your office to force it through the Senate shows precisely how much you support it and the extent you are willing to go to pass it.

We respectfully ask you to reconsider your plan to force this bill through the Senate. The American people do not support this legislation and they do not support the heavy-handed tactics being used to pass it.

That is signed by Senators VITTER, DEMINT, SESSIONS, ELIZABETH DOLE, and I think several others on another page.

I thank the majority leader for allowing us to read the letter.

Mr. REID. Mr. President, I would ask unanimous consent to have printed in the RECORD the letter I wrote, along with Senator DEMINT's—that both appear in the RECORD, Senator DEMINT's first, with mine following that.

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

U.S. SENATE,
Washington, DC, June 25. 2007.

Re: Unprecedented floor procedure will harm the United States Senate as an institution, and will diminish the senatorial powers of each individual member.

Majority Leader HARRY REID,
U.S. Senate,
Washington, DC.

MAJORITY LEADER REID: We write to express serious concern regarding the potential use of an unprecedented procedure to place the Senate immigration bill's floor amendment process under your sole control. Our understanding is that you are considering the introduction of a specially crafted amendment with 20 or more carefully selected parts, known as a ''clay-pigeon'' amendment. By exercising your priority right of recognition, you can divide the amendment into its parts and fill all available amendment slots with issues that you hand select. All Senators who have amendments to the bill that were not selected will be completely shut out of the floor amendment process.

Because you have priority right of recognition over all other Senators, you are the only member that can use a ''clay-pigeon'' amendment to limit the rights of the other 99 members in this body. To our knowledge, all previous uses of a ''clay-pigeon'' amendment have been to preserve the rights of minority members who sought votes on amendments the majority wanted to block.

Your use of the ''clay pigeon'' to shut of the debate and amendment process will be the first time in history this procedure has been used to silence amendments instead of facilitate their debate. Undoubtedly, such a procedure would significantly undermine the U.S. Senate's reputation as the greatest deliberative body on earth. We ask you to announce publicly that you will not allow such a procedure to be invoked on this critically important legislation.

This immigration legislation is critically important to the American people. The public is becoming increasingly aware of a number of serious problems with the bill, and, like all legislation, this bill would only benefit from the sunlight of a free, open, and transparent amendment process. Without a fair, open, and robust debate to improve this bill, the public's confidence in Congress will continue to erode.

Sincerely,

JOHN CORNYN.
DAVID VITTER.
ELIZABETH DOLE.
JEFF SESSIONS.
JIM DEMINT.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, June 25, 2007.

Hon. JOHN CORNYN,
Hon. DAVID VITTER,
Hon. ELIZABETH DOLE,
Hon. JEFF SESSIONS,
Hon. JIM DEMINT,
U.S. Senate,
Washington, DC.

DEAR SENATORS CORNYN, VITTER, DOLE, SESSIONS AND DEMINT: Thank you for writing to me earlier today about my efforts to bring the comprehensive immigration reform bill back to the Senate floor.

As you know, the Senate was unable to complete action on the immigration bill earlier this month because a handful of Senators, including several of you, objected to my repeated efforts to call up further amendments to the bill. Following the unsuccessful cloture vote on June 7, a group of Senators including Minority Leader MCCONNELL, Republican Conference Chairman KYL and Judiciary Committee Ranking Member SPECTER, came to see me with a request that I bring the immigration bill back before the Senate under a procedure under which a large number of additional amendments could become pending to the bill.

The so-called ''clay pigeon'' procedure is unusual, and I would not have considered employing it in this instance without the full support of Senator MCCONNELL. It seems to me appropriate for the two leaders to work together to overcome the tactics of a small number of Senators in order to allow the full Senate to debate an important national issue like immigration. The White House made clear that it also favors such a procedure, since the immigration bill is one of President Bush's top priorities.

I respectfully disagree with your assertion that I intend to ''shut off the debate'' and that the procedure in question will ''silence amendments instead of facilitate their debate.'' On the contrary, I am working to facilitate debate on more than twenty additional amendments to the bill. In contrast, several of you objected when I tried to call up as few as five amendments during the earlier debate. The American people can see clearly who wants to debate immigration reform and who wants to shut off that debate.

Moreover, your claim that the Senate will only debate amendments which I ''hand select'' is plainly untrue. The dozen or so Republican amendments that will become pending to the bill have been selected by the Republican leadership, not by me.

In sum, I appreciate the concerns expressed in your letter but consider them misplaced. Senator MCCONNELL and I have worked together in good faith to ensure a full, open and productive debate on a bill of overriding national importance that is supported by many Republicans and endorsed by President Bush.

Sincerely,

HARRY REID.

U.S. SENATE,
SENATE STEERING COMMITTEE,
Washington, DC, June 26, 2007.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Thank you for your response to our letter regarding your unprecedented efforts to bring the immigration bill back to the Senate floor after it was rejected three times by the full Senate. We are writing to address several of the issues you raised.

First, you said the Senate was not allowed to complete its earlier debate on this bill because some of us objected to your calling up further amendments. This is untrue. You repeatedly objected to Republican amendments being offered and insisted on selecting our amendments for us and for the entire Senate. Consequently, we objected to all amendments until we could get a full and fair debate. We did not believe you had the right to hand-pick amendments then, and we do not believe you have that right now.

Second, you said the abuse of Senate rules during this debate is justified because it allows you to ''overcome the tactics of a small number of Senators.'' This is also untrue. We hope you realize that over 60 Senators voted against cutting off debate because they opposed the substance of the bill and the process you used to debate it. This is not a small group.

In addition, your unprecedented abuse of the rules and precedents of the Senate will negatively impact every senator by fundamentally reducing their rights to debate and to offer amendments in the future. We believe you understand our concern because just two years ago you said, ''the Senate should not become like the House of Representatives, where the majority manipulates the rules to accommodate its momentary needs.'' If you go forward with this plan, history will show that your decision not only impacted the ever-growing number of senators who oppose this immigration bill, but hundreds of senators in the years to come who wish to make their voices heard.

Third, you repeatedly defended this process for debate by blaming the Senate Republican Leadership and the President himself. While their cooperation may give you comfort, it does not justify your actions. As Senate Majority Leader, only you can execute this abusive practice. Only you can set up a process that guarantees consideration of a hand-selected group of amendments to buy support for a bill while at the same time blocking all other amendments. You may want Americans to believe this is a Republican bill, but your willingness to use your office to force it through the Senate, shows precisely how much you support it and the extent you are willing to go to pass it.

We respectfully ask you to reconsider your plan to force this bill through the Senate. The American people do not support this legislation and they do not support the heavy-handed tactics being used to pass it.

Sincerely,

JIM DEMINT.
JEFF SESSIONS.
DAVID VITTER.

ELIZABETH DOLE.

Mr. REID. Mr. President, I will say that his letter makes our argument. Of course there were more than 60 who voted against proceeding on that legislation. That is precisely why we are back on this legislation, because a significant number of those 60 came to me and Senator MCCONNELL and said that we need to bring this bill back and we need to have amendments heard. So I think the letters speak for themselves.

Finally, let me say this. Would the Senator from Louisiana or South Carolina—I asked for 1 hour—would they agree to 30 minutes equally divided on this amendment, for debate only?

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, if I can inquire of the distinguished majority leader and explain to him, through the Chair, that my objection does not rest on the time period; it rests on my rights on the Senate floor being shut down.

So I would again ask if the unanimous consent request can be modified to allow me to exercise my rights on the Senate floor—specifically, to have a mere 5 minutes on the Senate floor to be recognized for purposes of my choosing, not merely for purposes of the majority leader's choosing?

Mr. REID. So is there objection?

The PRESIDING OFFICER. Does the leader so modify his request?

Mr. REID. No, I would not do that.

Mr. VITTER. Regrettably, I must continue my objection.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Thank you very much.

Mr. President, my objection to the request comes from the fact that we are here as a result of the Republican leadership coming to me. And I am glad to be here, but we are here because, as everyone will recall in the first go-round, we had seven votes from the minority. We needed more than that. Everyone realized that. And in an effort to do that, we have these amendments which have been brought before this body. It is a fair process.

I just think my friends from South Carolina and Alabama and Louisiana have made their point, and I think we have made our point, also. This is a process which we are trying to move. Why are we trying to move it? Because immigration is in need of fixing.

Mr. President, it is my understanding the Senator from Arizona wishes to ask me a question, and I will be happy to yield to my friend for a question.

Mr. KYL. Mr. President, I have a question for the majority leader. Do I understand that currently the pending business before the Senate—or will be pending—is a motion to table the Dodd amendment; is that correct?

Mr. REID. I say to my friend that we have really no alternative. That is the process we are in. So the answer is, I would think there would be a motion to table made if we can't resolve this debate issue.

Mr. KYL. Also, just for the purpose of propounding a unanimous consent request, Mr. President, my thought would be, given the fact we are about to vote on an amendment, it would help the body, obviously, to have a brief explanation of that amendment. I wonder if the body would agree to give the Senator from Connecticut 5 minutes to explain his amendment, for 5 minutes on this side, for me or——

The PRESIDING OFFICER. The Senator from Arizona does not have the floor and cannot make that request.

Mr. REID. I would be happy, Mr. President, because of the suggestion of my friend from Arizona, to make a unanimous consent request, so that people better understand this amendment, that the Senator from Connecticut be recognized for 5 minutes, the Senator from Arizona be recognized for 5 minutes, and then following that, the Senator from Pennsylvania would be recognized for purposes of making a motion.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, may I ask if that can be amended to allow the Senator from Louisiana 30 seconds—30 seconds—to gain the floor for purposes of my own choosing rather than the majority leader's choosing?

The PRESIDING OFFICER. There is objection.

Mr. REID. Is there an objection to the request I made?

Mr. VITTER. Regrettably, because I am being shut down, I will continue my objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

VOTE ON DIVISION IV OF AMENDMENT NO. 1934, AS MODIFIED

Mr. SPECTER. Mr. President, I move to table the Dodd amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—56

Alexander	Coleman	Feinstein
Allard	Collins	Graham
Barrasso	Corker	Grassley
Bennett	Cornyn	Gregg
Bond	Craig	Hagel
Brownback	Crapo	Hatch
Bunning	DeMint	Hutchison
Burr	Dole	Inhofe
Byrd	Domenici	Isakson
Chambliss	Dorgan	Kennedy
Coburn	Ensign	Kyl
Cochran	Enzi	Lott
Lugar	Salazar	Sununu
Martinez	Sessions	Tester
McConnell	Shelby	Thune
Murkowski	Smith	Vitter
Nelson (NE)	Snowe	Voinovich
Pryor	Specter	Warner
Roberts	Stevens	

NAYS—41

Akaka	Feingold	Mikulski
Baucus	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Bingaman	Kerry	Obama
Boxer	Klobuchar	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Clinton	Lieberman	Webb
Conrad	Lincoln	Whitehouse
Dodd	McCaskill	Wyden
Durbin	Menendez	

NOT VOTING—3

Biden	Johnson	McCain

The motion was agreed to.

The PRESIDING OFFICER (Mrs. MCCASKILL). The majority leader.

DIVISION V, WITHDRAWN

Mr. REID. The next amendment up is the Kyl amendment. Is that true?

The PRESIDING OFFICER. Division V.

Mr. REID. Is that Kyl? I withdraw it.

The PRESIDING OFFICER. The division is withdrawn.

Mr. REID. What is the next amendment pending?

The PRESIDING OFFICER. Division VI.

DIVISION VI OF AMENDMENT NO. 1934, AS MODIFIED

Mr. REID. Madam President, we have been moving through these. We have a number more to go. What I have tried to do——

Mr. VITTER. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. REID. No, I do not. I yield to my friend for a question, if it is short. Does my friend have a question?

Mr. VITTER. Yes. I would like to ask the leader if what happened, where apparently we withdrew one of the subamendments, takes unanimous consent or any consent?

Mr. REID. No, it does not take consent.

Mr. VITTER. I would like to ask for clarification from the Parliamentarian and what the effect is on that amendment?

Mr. REID. I would direct a question to the Chair. It is my understanding that I have the right to withdraw that amendment.

The PRESIDING OFFICER. The Senator does have a right to withdraw division V.

Mr. VITTER. Thank you for the opportunity to ask the question.

Mr. REID. Madam President, during the time that we were in the well during the last amendment, I was told by my friend from New Jersey that he had a question he wanted to ask me. We want to move on. I certainly will try to get a time agreement on it. We haven't been too successful on that in the past. I would be happy to yield to my friend

from New Jersey for a question if, in fact, he still has one.

Mr. MENENDEZ. I appreciate the majority leader yielding for a question. My question to the majority leader is——

Mr. KENNEDY. Madam President, can we have order? These amendments are important and the Members deserve to hear the Senator.

Mr. MENENDEZ. My question to the majority leader is: Is it his understanding that the next amendment that is up in the divisions is the Menendez-Obama-Feingold amendment that would, in essence, give the right to U.S. citizens and U.S. permanent residents the ability to be able to claim their family under the new point system that is envisioned under the bill, where that point system would, in fact, allow for up to 10 points, out of a 100-point score, to be subscribed on the basis of——

Mr. VITTER. Madam President, I have a parliamentary inquiry: Regular order.

Mr. MENENDEZ. With an understanding that in doing so it does not guarantee a family member ultimately being able to achieve a visa but would, in fact, give them a fighting chance under the 100-point system to at least have the ability——

Mr. VITTER. Regular order. The Senator is not asking a question.

Mr. MENENDEZ. And would also give them the wherewithal at least to have a fighting chance to come in under our visa system.

The PRESIDING OFFICER. The Senator from New Jersey must ask a question.

Mr. MENENDEZ. I was asking a question, Madam President. I am asking the majority leader for his understanding.

Mr. REID. I understand the question. I will respond to it right now. He started it, if you read the RECORD, he asked me if I understand what his amendment does. I do understand what it does.

A brief summary, Madam President. This legislation comes up with a point system. The point system——

Mr. VITTER. Madam President, regular order. The Senator is not responding to a question, he is making a statement; he is engaging in debate.

Mr. REID. Madam President——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. I have a right to make a statement. Back to where I was before I was so rudely interrupted.

Madam President, I understand the question. In this legislation which has been worked on, as I have indicated, 36 hearings, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, 92 floor amendments, one of the questions a number of us had and have is: What does it do for family reunification? And no one has spoken out more on that issue than the Senator from New Jersey, Mr. MENENDEZ.

The question he asked me is about the amendment. Now a point system has been set up where the process has been used over these many months coming up with this legislation to give various points to different parts of the immigration process.

Now, what my friend from New Jersey and others feel would be appropriate is that out of a 100-point system, 10 points would be allocated to someone for family reunification. I understand the amendment. There is more to it than that, but that is a synopsis. That is what the amendment does. It recognizes the importance in America of family. It recognizes the importance in immigration of family.

Madam President, I move to table the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—55

Alexander	Crapo	McConnell
Allard	DeMint	Murkowski
Barrasso	Dole	Nelson (NE)
Baucus	Domenici	Pryor
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Feinstein	Shelby
Bunning	Graham	Smith
Burr	Grassley	Snowe
Byrd	Gregg	Specter
Carper	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Tester
Cochran	Isakson	Thune
Coleman	Kennedy	Vitter
Collins	Kyl	Voinovich
Corker	Lott	Warner
Cornyn	Lugar	
Craig	Martinez	

NAYS—40

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Bingaman	Kerry	Obama
Boxer	Klobuchar	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Salazar
Casey	Leahy	Schumer
Clinton	Levin	Stabenow
Conrad	Lieberman	Webb
Dodd	Lincoln	Whitehouse
Dorgan	McCaskill	Wyden
Durbin	Menendez	
Feingold	Mikulski	

NOT VOTING—5

Biden	Johnson	Sanders
Hagel	McCain	

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, under the order that is before the body, there is time that has been allocated to the distinguished junior Senator from Alabama. I would ask the Chair how much time he has under the order?

The PRESIDING OFFICER. Forty-seven minutes.

Mr. REID. Madam President, I had a conversation during the vote with the Senator from Alabama. I ask him at this time, would this be an appropriate time for him to use the 47 minutes or any part thereof?

Mr. SESSIONS. Madam President, I will be pleased to use 30 minutes now, and will reserve the remainder of my time, if I could.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Alabama be allowed to speak, for debate purposes only, for the next 30 minutes, and that following that, I be recognized to obtain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, we are in the process of dealing with a very important issue. A number of our colleagues—in some ways dismissive, I think, of the concerns of the American public—refer it to as an emotional issue. I think it is more than an emotional issue. I think it is a serious issue that requires our serious concern. It requires that this great Senate, on a matter of tremendous importance to our Nation and to our constituents, do it correctly.

I love my colleagues who met to try to write this bill. I believe their hearts were correct. But they are not law enforcement officers. They have not investigated and prosecuted cases. They apparently were inundated with information and ideas, and so forth, from special interest groups and others.

I have said I wish the American people had been in the room. I wish the head of our Border Patrol association had been in the room or perhaps the chief of Border Patrol during President Reagan's tenure or the chief of Border Patrol during former President Bush's tenure. All of those people, including the current chairman of the association of retired Border Patrol officers, have criticized this bill in the most severe manner, saying it is a slap in the face to people who followed the law, saying it will not work, saying the 24-hour name check is not going to work at all, and will not provide security to our country, that it will actually be a benefit to terrorists. I am not saying this; they said this. It would be a benefit to terrorists. One called it the ''Terrorist Relief Act,'' or something to that effect.

What I want to tell my colleagues is, the professionals who deal with these issues absolutely oppose this legislation. Now, we can dismiss that. Maybe you talk to somebody from some news outlet or talk to somebody from some business group or some activist organization, and maybe you have a different view. But the people who enforce the laws every day oppose this legislation.

They do not believe it will work. I suggest it will be demoralizing to them.

Our own Congressional Budget Office has analyzed the legislation. We have them for our use. We rely on that organization. It operates under the Speaker of the House, NANCY PELOSI, and the majority leader here, and all of us. It is a bipartisan group. But the Congressional Budget Office has analyzed our current law and concluded that if current law is not changed, we will have 10 million more illegal immigrants in our country in the next 20 years. We have 12 million now, maybe 20 million. But we would have 10 million more under current law. They say if this legislation were to be passed, we would have some reduction of illegality at the border—not much—but we would have an increase in visa overstays because we have so many temporary guest worker programs going on, and the net result would be that this Nation would only have a reduction of 13 percent in the illegal flow of immigrants into our country. Indeed, there would be 8.9 million more persons illegally in our country 20 years from now than today.

Now, what does that say about my good and well-intentioned colleagues who are trying to tell us all that the thing is going to work, that if you do not pass this amnesty, if you do not give these benefits to people who came here illegally, then you will not get enforcement?

Well, we are not getting enforcement, everyone. The bill does not provide enforcement—not in any significant way that would allow us to proceed effectively.

We had hearings in our committees that dealt with the question of the impact of large numbers of foreign workers on the wages of American workers. It is not, I think, subject to dispute. At the current rate we are going, at the current rate of immigration, legal and illegal, wages of lower income Americans are being adversely affected. Professor Borjas at Harvard, who has written a most authoritative technical book on immigration at the Kennedy School, has said it has brought down the wage of low-income workers 8 percent. That is a lot. That is a lot, an 8-percent decline in wages. In many areas, it could be even greater than that, I suspect. It is pretty understandable that it would happen. If you bring in more cotton in this country, if you bring in more cotton, you will have a lower price for cotton. If you bring in corn, you will have a lower price for corn. If you bring in large amounts of labor, it will pull down the value of a working man's hourly wage. So I am concerned about that.

My colleagues have said a number of times that by getting this—Madam President, there is a little bit of a buzz.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SESSIONS. So we have a number of questions that cause us concern. I talked about wages. Let me mention the rule of law.

Our Nation is founded on law. Edmund Burke, when he talked about reconciliation between the Colonies and the King, asked that there not be a war against the Colonies. He said: They follow us in law. He even said: I understand the Colonies have more copies of Blackstone's Commentaries on the law than they have in England.

We have always been a nation of laws. It is our strength. We should not create a system that will not restore that law, even at our borders; otherwise, we are going to have a difficult situation.

Under this bill, we carefully looked at the number. I don't think anyone will dispute it. The level of legal immigration will double—double the amount of legal immigration. That is a number I don't think most Americans understand. I think they are worried about the current level, which is at about the highest this Nation has ever had—highest by far in real numbers we have ever had—and it is going to double, without any reduction in illegal immigration. So this is a bargain, a grand bargain we should not take. If we do, I think we will regret it because the American people are not going to be happy with us.

By the way, the polls continue to show that our constituents overwhelmingly oppose this legislation. A decent respect for our own constituents, even if we might think them wrong, on an issue of this importance where they are so decidedly hostile to this legislation suggests we ought to slow down and listen to them and talk with them about what their concerns are and make sure when we go back home and campaign and seek reelection, we can look them in the eye and say: I heard your concern, and I fixed that concern, or I believe the legislation answers your concern.

But here we have a completely new bill that has been plopped down on the Senate floor, first with over 700 pages, and then I guess last night there was a 370-page amendment, and that had so many errors in it that even the sponsors themselves have plopped down another amendment of 403 pages. They want to vote that through right away. I don't think that is what we owe our constituents.

They say: Well, we have had 2 years of debate, and all that. We had a bill last year that was quite different from this one. It had some things in it better than this one. I thought this year's bill was going to be better, and said it was better several times, but it actually—as I have studied it, I am not sure it is any better. It is weaker in a number of different areas. For sure, it is weaker in a number of different areas. So that is a matter we should consider as we go forward with this legislation. I think we ought to give careful attention to what we are doing.

I want to address one more very important matter that very fine Senators have raised. They have suggested one of the best things that is going to be happening with this legislation is everybody will be given an identification, and the Nation will be safer for that. Therefore, even if the bill is not perfect and has lots of problems, let's vote for it anyway because it has that in it. Let me share some thoughts with my colleagues on that issue.

Michael Cutler, who is a retired INS—Immigration and Naturalization Service—senior agent, participated in a press conference last Thursday at the National Press Club. It focused on the grave threat to national security the immigration bill represents. He also authored an op-ed in the Washington Times last Friday entitled ''Immigration Bill a No Go.'' This is an experienced INS agent. He focused on the security question in the bill: Does it make us safer? This is what he said. I doubt our good friends who met in secret and wrote this bill asked his opinion, but this is what he says after reading it:

If a person—

Let me quote:

If a person lies about his or her identity and has never been fingerprinted in our country, what will enable the bureaucrats at the USCIS—

That is who will be checking his 24-hour background——

the bureaucrats at USCIS to know that person's true identity? If the adjudicators simply make a fictitious identity through a computerized database, they will simply find the name has no known connection to any criminal or terrorist watch list.

What is the value of that? Remember, we are talking about a false name. There is absolutely no way this program would have even a shred of integrity and the identity documents that would be given these millions of illegal aliens would enable every one of them to receive a driver's license, Social Security card, and other such official identity documents in a false name. Undoubtedly, terrorists would be among those applying to participate in this ill-conceived program. They would then be able to open bank accounts and obtain credit cards in that false name. Finally, these cards would enable these aliens to board airlines and trains even if their true names appear on all of the various terrorist watch lists and no-fly lists. That is why I have come to refer to this legislation as the ''Terrorist Assistance and Facilitation Act of 2007.''

Do you get it? Unless you already happen to be fingerprinted and you come here and you are a known terrorist and you give a false name with some false electric bill, they will give you this temporary visa and you get an ID then. Before, if you are illegal, you would have a hard time getting a bank account or a Social Security card or a driver's license. Now, you are given one. You can travel all over the country with no problems. That is what he is saying. So in many ways, it is going to facilitate a dangerous situation.

How about this gentleman, Mr. Kris Kobach, a former Department of Justice attorney under Attorney General Ashcroft, who specialized in the Department of Justice in terrorism and immigration issues and who has spoken out often and is a college professor

now. He agrees with Mr. Cutler. He posted an article on the Heritage Foundation Web site titled ''The Senate Immigration Bill: A National Security Nightmare.'' He says:

The bill will make it easier for alien terrorists who operate in the United States by allowing them to create fraudulent identities with ease. Supporters of the Senate's comprehensive immigration reform bill have revived it under the guise of national security. However, the new public relations campaign is a farce. The bill offers alien terrorists new pathways to obtain legal status, which will make it easier for them to carry out deadly attacks against American citizens. The top priority in this bill is extending amnesty as quickly and as easily as possible to as many illegal aliens as possible. The cost of doing so is to jeopardize national security.

That is Mr. Kris Kobach who has testified before Congress a number of times, former Assistant Attorney General specializing in immigration and national security issues.

So I urge my colleagues to look at this bill because we don't need to pass a piece of legislation that we can't defend to our constituents, that we cannot tell our constituents with confidence it will make them safer. It will reduce illegality dramatically at the border 13 percent; 80, 90, 95 percent is the goal we should have to reduce illegality, and that should be the beginning point. We can get there. We don't need to pass a piece of legislation that is going to double the legal flow, not reduce the illegal flow, and end up having the wages of Americans further diminished by this incredibly large flow of low-skilled, low-wage workers. We don't need to further erode the morale of our Border Patrol officers and erode American confidence in the rule of law.

Those are my thoughts. I hope we will give this serious consideration as we make our judgment tomorrow about whether we should proceed. If we don't proceed tomorrow, that is not the end. Of course, we are going to consider this bill and this issue—continue to consider it. Polling data suggests the American people, what they want us to do, is to take incremental steps focusing on enforcement.

Why don't we just do that? We might could get that done. That would be what I suggest.

Also, one more time, I urge my colleagues to give the most serious consideration to the procedure by which we are moving forward with this legislation. People have said it is unfair. I think it is unfair, but it is more than unfair. It is a historic departure from the traditions of the Senate. The leader of this Senate is arrogating to himself the ability to approve every single amendment that is voted on. No amendment can be voted on the leader does not approve. That is the way this clay pigeon has been set up. That has never been done before. Any Senators willing to come down here and battle and hold out and not give up can get his amendments up and voted on. I think it is a matter that most of us haven't fully comprehended yet. I think Senators who are proud of the great ability of individual Senators, when they feel strongly about an issue—it doesn't happen often—but they can stand up and make sure their amendments get voted on, and they have an opportunity to speak.

Madam President, I reserve the remainder of my time and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, it is my understanding that the distinguished Senator from Alabama has about 27 minutes in the time that has been ordered; is that true?

The PRESIDING OFFICER. He has 28 minutes.

Mr. REID. I am also of the understanding, having spoken to the ranking member of the Finance Committee, Senator GRASSLEY, that Senator SESSIONS is at this time willing to give him part of the time he has been allocated for debate only on this matter.

I ask unanimous consent that the Senator from Iowa be recognized for up to 10 minutes.

Mr. SESSIONS. Madam President, I will yield up to 10 minutes to the Senator from Iowa.

Mr. REID. Yes, Madam President.

Mr. SESSIONS. I understand this would be time allotted to me. The Senator does still have his entitlement to speak on his amendment when that appropriate time comes.

Mr. REID. It is my understanding that the Senator from Iowa is going to take 10 minutes of the time of the Senator from Alabama for debate, and if we have an opportunity to debate his amendment, of course, he can speak on it.

Mr. KYL. Reserving the right to object, if this is a unanimous consent request, I have comments to make in opposition to the amendment of the Senator from Iowa and would like to be afforded an opportunity to do so. So if the agreement is to afford time to one side, but the other side won't get an opportunity to speak, then I will object to that. I hope we can work something out where I would get at least 5 minutes. The Senator from Iowa should have time to debate his amendment, but I want time to respond.

Mr. REID. Madam President, I can handle the issue dealing with the Senator from Iowa because that is simply time the Senator from Alabama is giving him. As to the amendment itself, I know how strongly the Senator from Arizona feels on this amendment. He has explained that to me. He knows what we have been going through trying to get people the opportunity to speak. The only thing I can do now is ask unanimous consent that the time of the Senator from Alabama, which is 10 minutes, be allocated to the Senator from Iowa for debate only, leaving the Senator from Alabama, at a subsequent time, 17 or 18 minutes.

Mr. SESSIONS. Reserving the right to object, under the circumstances and the nature of the amendment, I am prepared to yield 5 minutes to the Senator from Iowa from the balance of my time.

Mr. REID. I think that is very fair. I thank the Senator from Alabama.

I propound a unanimous consent request that the Senator from Iowa be recognized for 5 minutes from the time given to the Senator from Alabama and 5 minutes to the Senator from Arizona for debate only.

Mr. SESSIONS. No, I object, Madam President. If the Senator is going to be speaking on his amendment, it is not mine. I don't like his amendment. I am going to give him 5 minutes out of courtesy. I am disappointed that the Senator from Arizona would not be able to respond.

Mr. GRASSLEY. I don't care if I speak. Let's forget all this. I can speak some other time. I would like to say why I ought to have debate on my amendment. If I don't talk about the substance of the amendment, can I talk about why I ought to be able to bring up the amendment?

Mr. SESSIONS. The Senator from Iowa looks at me. The majority leader won't allow you to speak. I was trying to give you 5 minutes.

Mr. GRASSLEY. Would you mind if I said why I ought to be able to bring my amendment up?

Mr. REID. I say to my friend from Iowa, I have been trying all day to allow people to speak to their heart's content. I have had objections. At this time, I have no objection to you speaking for a reasonable period of time and the Senator from Arizona speaking for a reasonable period of time. You can talk about your amendment, and he can talk about why he doesn't like your amendment. Forget about the Senator from Alabama. He reserved his 28 minutes.

I ask unanimous consent that the Senator from Iowa be recognized for up to 10 minutes for debate only, and following his remarks, I ask that the Senator from Arizona be recognized for up to 10 minutes for debate only and following their remarks, that I be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized for 10 minutes and then the Senator from Arizona for up to 10 minutes.

Mr. GRASSLEY. Thank you. I am not going to talk about the substance of my amendment. I want to remind people before the amendment comes up that, No. 1, I was promised by the Senator from Pennsylvania and, in turn, his talking to the Senator from Massachusetts, that I would have an opportunity to offer an amendment. Now I

have that opportunity to offer the amendment, so that promise has been kept. I have tried to clear it with my Republican colleagues who have been objecting all afternoon so that they would not object to my efforts to offer and debate my amendment. So I hope you realize it doesn't do much good to make a promise for me to offer my amendment if I don't have an opportunity to debate the amendment. That is the first point.

The second point is that I should not even be here having to offer this amendment. If you go back to that Thursday afternoon in April when there were rump sessions in S. 219, I was invited by some of the people to the rump session who were working on this compromise—to come in and offer a compromise on Social Security identification, employer identification, or verification. I went to that meeting and sat there for a long time and explained a compromise. I had no objections to the compromise at that particular time, but 3 weeks later, the document comes out and it is not the compromise I had presented, which I assumed was agreed to. That doesn't surprise me because going back to January or February, Senator KYL had met with me and some other people, because this is in the jurisdiction of the Finance Committee—we have jurisdiction over IRS and over the Social Security system—saying that they were very strongly in favor of having something that went way beyond protecting the privacy of Internal Revenue tax records and Social Security information and were hellbent on going down a route of giving the Department of Homeland Security any sort of information they want, not within the tradition of protecting the privacy of income tax records.

So that is why my amendment is being offered, because I am going back to that compromise which I presented to the committee in the rump session back in April which I thought was OK. I find out now that it is not. That is why I am going to offer my amendment.

How much time do I have?

The PRESIDING OFFICER (Mr. OBAMA). Seven minutes 50 seconds.

Mr. GRASSLEY. Mr. President, I am going to speak generally about the legislation before us.

There is some concern that I have expressed—not so much on the floor but in other public comments I made—that I am one of about 22 or 23 Members of the Senate who were here in 1986 when we passed amnesty, as is in this bill as well. I was one of those Senators who voted for amnesty at that particular time. At that particular time, we had maybe 1 million to 3 million people cross the border illegally and who were here illegally. We all thought—and there have been plenty of references to statements made in the CONGRESSIONAL RECORD 20 years ago—that if we were to adopt amnesty, it would settle this problem once and for all, do it once and for all. You know, I believed that. But do you know what I found out maybe 5 or 10 years ago? When you reward illegality, you get more of it. Now the guesstimate is that we have 12 million people here illegally. They are not illegal people, but they came here illegally.

I think I have an obligation to consider the votes I made before and, if they are wrong, not make that mistake again. You know, it is a little like the chaos you would have if you didn't respect and enforce red lights and stop signs. You would have chaos at intersections and accidents. Wherever you don't enforce the rule of law, those are the things that happen. You need social cohesion, and social cohesion comes from respect for the rule of law in our country.

So it seems to me that, as we go down this road, what we ought to do is concentrate on legal immigration, the reforms we are bringing to the H–1B program, the reforms we are bringing in the way of a temporary worker program. People would rather come here legally rather than illegally, I believe. I know it is not very satisfying to people to hear that we have 12 million people in the underground. The point is that if people could come here legally to work, they would soon, one by one, by attrition, replace people who are here illegally, I believe.

I am not one who wants to make that mistake again. That is why I am weighing very heavily the issue of what we do with amnesty or what other people who don't like the word ''amnesty'' would say is earned citizenship, guest worker program, those sorts of things that are covering up really what we are doing.

I say if it walks like a duck and it quacks like a duck, it is a duck. If it looks like amnesty, it is amnesty. That is the bottom line. We ought to learn the lesson that in 1986 it didn't work. I don't think it will work now. I am 73 years old, so obviously I am not going to be here 20 years from now when we have another immigration bill. But I should not make that problem so that a successor of mine has to deal with 25 million people being here illegally as opposed to the 12 million now or the 1 to 3 million before.

I yield the floor and whatever time I didn't use I will retain or whatever is done with the surplus.

Mr. REID. Why don't you just yield it back?

Mr. GRASSLEY. I reserve my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is to be recognized at this point for 10 minutes.

Mr. KYL. Mr. President, may I be notified after 5 minutes so I might yield time to Senator KENNEDY?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Iowa. He was absolutely assured by people on our side that he would be allowed to bring up an amendment, and I am glad we have been able to do that. He certainly should be afforded that right.

With that said, however, I can't match his opposition to the bill with his amendment. If you want to assure that the bill will not work, then adopt the Grassley amendment. It substitutes the existing title III in the bill, which is a very good title to ensure employee verification, with a potpourri of provisions that, frankly, look a lot like the status quo and will not ensure that employees are adequately checked to ensure they are entitled to be employed.

For example, the Grassley amendment provides that none of the current employees are checked. In other words, the only people who have to be checked are future employees, so all the people working today, including all the illegal immigrants working today, don't have to be checked under the Grassley amendment.

Secondly, amazingly, the only way to physically verify that the person seeking the job is, in fact, the person with the identity entitled to be employed is with a photograph. Nobody is proposing that we fingerprint people to get jobs, and that leaves the photograph as the best identity document. The bill provides that either a passport with a photograph or a driver's license with a photograph be the document. You have to verify that the person standing in front of you is the person to whom the document has been issued and the rightful owner of the Social Security number he has given you.

The Grassley amendment does not require that a photograph be used in the identification process. This is one of the first things that was recommended by the 9/11 Commission, to have a secure document with a photograph with which you can confirm identity.

Third, and this is amazing, and I honestly don't understand why this would be in the Senator's amendment, but it gives foreign temporary workers the right to file legal complaints against employers who hire American workers instead—basically, to file a discrimination complaint based upon the fact that they were not hired.

Current law does not permit temporary workers to file these complaints. The basic bill would not allow workers to file these complaints. But the amendment does this by eliminating current laws that prohibit temporary workers from filing a discrimination claim based on immigration status.

Next, one of the key things we did after 9/11 was to ensure that Government agencies could share information with each other. When we determined the best way to ensure people are legally eligible to work, we quickly understood that we had to have sharing of information from the Social Security Administration, from the Department of Homeland Security, even, in some cases, from the Internal Revenue Service. Unless these agencies are able to

share the information with each other when we access the databases, we are not going to know for sure whether the individual is entitled to be employed. What the amendment provides is that after 5 years, the information-sharing provisions are sunsetted.

None of these are really calculated to ensure that we can have a good employee verification system. They undercut that system and, as a result, they would weaken our ability to ensure employee eligibility to work.

Finally, in some cases, we have employers who are violating IRS rules because they don't report income. The underlying bill allows the IRS to identify those employers and go after them. This is one of the things the American people are upset with today, that we are not going after employers who are violating the law, who commit tax violations in hiring unlawful workers. The underlying bill allows us to do that. The amendment doesn't allow us to do that, and I don't understand why.

The bottom line is that title III of the underlying bill is a very good, strong provision supported on a bipartisan basis to ensure that we can verify the eligibility of workers to be employed.

Title III, unfortunately, is weakened dramatically by this Grassley amendment which would in all the five ways I indicated undercut our ability to verify employment.

Mr. President, I reserve the remainder of my time and yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Arizona has explained the technical provisions of this legislation very well, but I want to underscore a very important difference. And that is how each system will treat their workers.

If there is some glitch in the system, under the legislation before us, under the existing law, the worker should be able to continue to work and can continue to work until ultimately there is a determination by a court that the worker should not be confirmed. The decision being appealed is called a nonconfirmation. If there is a glitch in the system—and we understand there are going to be a number of glitches in the system, but this was a provision that we took a considerable amount of time to make sure that workers who are going to be caught up in the system, if there is a glitch in the system, they will still be able to continue to work until there is a real indication of trouble. They will continue to work, unlike the proposal of the Senator from Iowa.

The amendment of the Senator from Iowa says that if there is found to be some glitch in the system, they will have a legal case, but they will have to demonstrate—this is the test: that the government's conduct has either been negligent, reckless, willful, or malicious. The employee will have to demonstrate one of those qualities, which means they have to go out and get a lawyer. They will be let go, and they will have to go out and get a lawyer and go through the whole legal process in order to recover some damages. There is a large difference.

I believe the underlying provisions which have been included—this is it, and I agree this is one of the most important provisions in the legislation. We want employer enforcement. That has to be a part of it. Tough borders that are going to be enforced and legality in the workplace, and the only way we are going to have legality in the workplace and also protection for the workers is the underlying bill.

The bill requires SSA to begin issuing only fraud-resistant, tamper-resistant, wear-resistant Social Security cards within 2 years. This will help prevent counterfeiting and identity theft by undocumented workers. The Grassley amendment has no comparable provision. It only requires that the worker give an employer a Social Security number rather than presenting an actual card.

If we are serious, and I think all of us in this body, are serious, about dealing with the undocumented, we have to have tough worksite enforcement, and we are also going to have to have tamper-proof cards. I think this moves us in that direction in a very positive and important way.

As I say, most importantly, at a time that we are going to go into this transition, how are the workers going to be treated, and really there is a dramatic difference between how those workers are going to be treated under the proposal we put forward under the existing bill and under the Grassley amendment.

For these reasons, I hope his amendment will not be accepted.

The PRESIDING OFFICER. The Senator from Iowa retains 3 minutes.

Mr. GRASSLEY. Mr. President, I have 3 minutes left, I have been told. First of all, I think the Senator from Massachusetts was doing a good job reading from a letter Secretary Chertoff sent to me. I sent back a rebuttal letter, and I would like to provide the letter for the Senator from Massachusetts to read. It is a point-by-point rebuttal of what is wrong with Secretary Chertoff's analysis of my amendment.

One of the criticisms that Senator KYL gave against my amendment is we are not going to force employers to look through 160 million workers to find illegal workers. Let's look at the basic legislation. The legislation legalizes people who are here already illegally. So if they are illegally working, and this bill legalizes them, don't you see how ridiculous it is that we are going to tell people to go out and find people who are here illegally when the bill has already legalized them?

The second point is that we eliminate the requirement of a photograph for identification. My amendment requires every U.S. citizen to present a passport or driver's license and every noncitizen to present a legal permanent resident card or work authorization card. Each of these documents is required to contain an individual's photograph.

Moreover, my amendment requires workers to submit their passport number, driver's license number, or employment authorization number in addition to their Social Security number through the employment verification system. Without that information, there is no guarantee that Homeland Security will be able to contact the issuing agencies or determine which document was issued. This is the very same problem that has prevented Homeland Security from utilizing Social Security Administration data in the past.

My amendment further requires the Social Security Administration, the State Department, and the State departments of motor vehicles to establish a reliable and secure method to allow the Department of Homeland Security to verify the identity document of each issuing agency.

On another point Senator KYL made saying it eliminates after 5 years the information sharing among Government departments, which is critical to making this work, a sunset is standard practice when we compromise the protection for the individual taxpayer, that the taxpayer's income tax information will be private so that, like President Johnson and President Nixon, it cannot be used to violate your privacy for political reasons. That is why that law was passed.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters regarding this issue.

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

U.S. SENATE,
Washington, DC, June 22, 2007.

Hon. MICHAEL CHERTOFF,
U.S. Department of Homeland Security, Washington, DC.

DEAR MR. SECRETARY: We are again disappointed that you have written another erroneous and misleading letter regarding our amendment to Title III of the immigration bill. However, we appreciate the opportunity to explain why our amendment provides a more cost effective and administratively feasible employment verification system.

(1) Your letter states that ''employers have no independent obligation to resolve no-match problems . . . (DHS) could only ask employers to resolve no-match problems.'' This statement reflects a fundamental misunderstanding of our amendment. Our amendment establishes criteria to determine mandatory participation in the employment verification system with respect to current workers. Current workers identified by DHS would be verified through the employment verification system in exactly the same manner as newly hired workers.

The purpose of an employment verification system is to prevent unauthorized workers from using fraudulent Social Security numbers (SSN) or misusing legitimate SSNs to obtain employment in the United States. This goal is accomplished by comparing the name and SSN submitted by the worker to the records maintained by the Social Security Administration. Regardless of whether

this comparison occurs when a worker is hired, or when a worker's W–2 is processed, the result is the same.

Our amendment requires every employer to verify every newly hired worker through the employment verification system. According to Bureau of Labor Statistics data, more than 60 million workers would be verified each year through this process. In addition, under current tax law, every employer must submit an annual W–2 for every worker. According to Social Security Administration data, more than 160 million workers will be verified each year through this process.

Requiring every employer to verify every worker through the employment verification system would merely duplicate the results of verifying every worker through the W–2 process. If the names and SSNs match in one case, there is no reason to believe they won't match in the other case. In order to avoid needless duplication, our amendment allows DHS to obtain data through the W–2 process and thereby identify every worker using a fraudulent SSN, or misusing a legitimate SSN. The employers of these workers would be required to utilize the employment verification system to verify each of these workers.

(2) Your letter states that under the version of Title III supported by DHS ''we will be relying on electronic verification . . . [to prevent] . . . illegal employment. Your amendment does not require equivalent security measures.'' This statement reflects a fundamental misunderstanding of our amendment. Our amendment requires workers to submit their Passport number, driver's license number, or employment authorization number (as applicable based on citizenship status) in addition to their Social Security number through the employment verification system. It further requires SSA, the State Department, and state DMV agencies to establish a reliable and secure method to allow DHS to verify the identity documents issued by each agency. Thus, DHS will be able to determine when identity documents are fraudulent or when more than one person is using the same legitimate document.

Our amendment differs from the approach envisioned in the version of Title III being supported by DHS. The approach being advocated by DHS would require employers to verify the photo on every identity document presented by every employee at the time of hiring. This represents an unnecessary and overly burdensome requirement for workers and employers. Our amendment would allow DHS to generate a tentative nonconfirmation whenever the identification number does not match agency records, or when the same number appears multiple times. In such cases, the employee would be required to resolve the tentative non-confirmation with the issuing agency.

(3) Your letter states ''The need for no-match information . . . will not disappear in five years.'' Our amendment provides DHS with the ability to independently verify SSNs, state driver's license numbers, and U.S. Passport numbers. There is no reason to believe continued access to SSA no-match data will be necessary once DHS has fully implemented the employment verification system. However, should continued access be needed, we would fully support an extension of the 5–year limitation, provided DHS meets its obligation to protect and properly use this confidential taxpayer data.

(4) Your letter states that we ''. . . misunderstand the current bill . . .'' There is no misunderstanding on our part. The current version of Title III supported by DHS states ''An employer may not terminate an individual's employment solely because that individual has been issued a further action notice . . . [or] . . . reduce salary, bonuses, or other compensation . . .'' The comments in our previous letter referred to individuals who are issued a ''final nonconfirmation,'' not a further action notice. Moreover, your letter states ''. . . the current bill allows workers to earn a living while they appeal what they believe to be erroneous eligibility determinations.'' This statement is true only with respect to a further action notice. The current version of Title III supported by DHS does not require employers to pay workers who appeal a final nonconfirmation. In contrast, our amendment protects workers throughout the entire appeals process.

(5) Your letter states we oppose the requirement that employers resolve no match letters ''. . . because the letters are not sent to every single employer.'' That is not correct. We oppose the no-match requirement because it is ineffective and unenforceable. DHS would have no knowledge of who received a no-match letter. Moreover, employers could continue to rely on the current flawed I–9 process to ''resolve'' their no-match letters. Our amendment would allow DHS to readily identify every single employer with a no-match, and target those with the biggest problem for worksite enforcement or accelerated participation in the employment verification system.

Thank you for providing us with the opportunity to explain our amendment. We stand ready to work with you to create a more effective and feasible verification system.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.
BARACK OBAMA.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, June 21, 2007.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I received your June 20, 2007 letter regarding my concerns that your amendment to the immigration reform legislation represents a serious step backward in our worksite enforcement effort. I must respectfully disagree with your statement that your amendment ''would improve Title III.'' On the contrary, reading your response to my letter underscores my initial concerns, for the following reasons:

(1) Your letter acknowledges that under the Grassley-Baucus-Obama amendment, employers need not use the Electronic Employment Verification System (EEVS) to find out whether their existing employees are working legally except ''when there is evidence to suspect unlawful employment.'' Under your amendment, employers have no independent obligation to resolve no match problems, and the Department of Homeland Security (DHS) could only ask employers to resolve no-match problems if DHS already had enough information to begin an investigation. But if DHS has enough information to begin an investigation, it should not ask employers for their help, The value of verification is that it generates evidence of unlawful behavior. It is odd to say that DHS must have evidence of potential wrongdoing before utilizing the best means of uncovering this wrongdoing in the first place.

DHS has no intention of asking employers to act as police. The EEVS is a convenient nondiscriminatory but powerful tool that will bring violations to DHS's attention without imposing heavy burdens on employers. We should not impose arbitrary limits on its use.

(2) As you observe, the current bill requires that only secure licenses and identification cards be accepted after 2013. In the meantime, we will be relying on electronic verification as the principal means of identifying identity fraud and preventing illegal employment. Your amendment does not require equivalent security measures. In view of the widespread industry specializing in production of fake documents, I believe that your amendment keeps us and innocent employers vulnerable to such documents and weakens the protections against identity theft.

(3) We all agree that DHS should have access to the ''no-match'' information that both the current bill and your amendment allow. Our difference arises from the fact that the Grassley-Baucus-Obama amendment arbitrarily cuts off that access after five years. As you will recall, our recent enforcement efforts have shown that fake IDs and made-up Social Security numbers are rampant in many industries. The need for ''no-match'' information to combat such fraud win not disappear in five years.

We should not exempt employers from enforcement of immigration laws because we fear that they may refuse to comply with tax law. I am confident that the vast majority of employers want to follow the law. Indeed, our enforcement system rests on the expectation that individuals—employers and employees alike—will obey the law. For those few who may flout the law, however, the tight response is more enforcement, not less.

(4) I believe your letter misunderstands the current bill in one important respect. The current Title III would not allow employers to cut off pay to workers who seek administrative review of their further action notices. In fact, Title III expressly prohibits businesses from doing so, or from taking other adverse actions against an employee who received such a notice.

I am pleased to correct this misunderstanding.

I am also surprised that you appear to prefer a system requiring that a worker who receives a nonconfirmation notice be fired first, and that he pursue his administrative and judicial appeal while unemployed, with the distant prospect of getting back lost wages. By contrast, the current bill allows workers to earn a living while they appeal what they believe to be erroneous eligibility determinations.

(5) We agree that the Grassley-Baucus-Obama amendment does not require employers to act on the no-match notices they receive. You argue that the law should not require employers to resolve no-match letters because the letters are not sent to every single employer. But the letters are sent to the employers with the biggest no-match problems. And your alternative proposed solution is far less effective. Your amendment proposes that all of the no-match data be sent to DHS, which would then have to repeat everything that the Social Security Administration has already done to locate and send notices to employers whose employees may be violating the law.

In sum, I committed to inform the bill managers if I became concerned about an amendment that would threaten the enforceability and/or workability of the underlying bill A good enforcement program benefits the vast majority of law abiding employers by ensuring that they are not competitively disadvantaged by the unscrupulous few. Unfortunately, I continue to believe that your amendment will perpetuate the kinds of obstacles that have burdened effective enforcement of immigration law at the worksite since 1986.

I appreciate your genuine concern about this matter and please know that I am always glad to meet and discuss these concerns.

Sincerely,

MICHAEL CHERTOFF.

U.S. SENATE,
Washington, DC.

Hon. MICHAEL CHERTOFF,
Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: We are extremely disappointed that your June 19th letter to Senators Kennedy and Specter contained a number of erroneous and misleading allegations regarding our amendment to Title III.

Letter to Senators Kennedy and Specter:

''(1) Job Security for Criminal Aliens . . . existing workers are never checked out . . .''

Grassley/Baucus/Obama Amendment:

The pending immigration bill requires all employers to run all existing workers through the verification system within three years. This is an onerous and unnecessary requirement given the fact that these workers are already subject to the annual wage reporting (no-match) process. Our amendment would require employers to run existing workers through the system only when there is evidence to suspect unlawful employment. To accomplish this goal, DHS would be given access to Social Security and IRS data to identify all mismatched, duplicate, deceased, minor children, or non-work SSNs.

Letter to Senators Kennedy and Specter:

''(2) Loophole for Fake Documents . . . present any driver's license . . . not required to . . . provide a second document . . . eliminate grant program . . .''

Grassley/Baucus/Obama Amendment:

The pending immigration bill says state driver's licenses and ID cards that are not REAL ID compliant will no longer be accepted beginning in 2013. The language also gives the Secretary of DHS the authority to modify state driver's licenses and ID cards prior to the implementation of REAL ID. Finally, it authorizes—but does not fund—grants to States for REAL ID. Congress can only fund REAL ID though the appropriations process. Our amendment avoids imposing an arbitrary deadline and allows the continued use of state driver's licenses and ID cards (subject to new verification procedures with the state DMVs) in recognition of the fact that final implementation of REAL ID remains in doubt.

Letter to Senators Kennedy and Specter:

''(3) Arbitrary End to Information Sharing . . . cuts off all information sharing after five years . . .''

Grassley/Baucus/Obama Amendment:

The pending immigration bill provides DHS with access to Social Security and IRS data. Our amendment would sunset these provisions after five years, subject to a future extension, as is standard practice when allowing access to private taxpayer data for the first time for a new purpose. Moreover, the long-term value of SSA and IRS data for immigration enforcement is highly suspect. Once employers realize their W–2s will be used against them, they may simply stop filing suspect W–2s.

Letter to Senators Kennedy and Specter:

''(4) Punishing the Enforcers Instead of the Violators . . . individuals . . . can seek compensation . . . even if the initial error was caused by the individual and not the government . . . ''

Grassley/Baucus/Obama Amendment:

The pending immigration bill prohibits employers from firing workers for as long as DHS wants to review a worker's appeal of a final nonconfirmation notice. This would force employers to keep workers on their books, but allow them not to be paid, while the government attempts to find and correct the mistakes in its databases. This will put legal workers in a financial bind while providing no incentive for DHS to improve the system. Under our amendment, illegal workers who receive a final nonconfirmation notice would be immediately fired. But, legal workers who are erroneously fired could recover lost wages, if they did not cause the error, and the government was at fault.

Letter to Senators Kennedy and Specter:

''(5) Ignoring the Government's Best Evidence of Illegal Workers . . . Grassley-Baucus-Obama . . . would not . . . require employers to resolve no-match letters''

Grassley/Baucus/Obama Amendment:

The pending immigration bill requires employers to retain SSA no-match letters and document steps taken to resolve them. But, SSA sends no-match letters only when there are more than 10 employees whose names and numbers do not match, and the total number of no-matches exceeds 0.5 percent of total employees. Thus, an employer with 11 no-matches and 2,199 employees would get a letter, but an employer with 11 no-matches and 2,200 employees would not. No-match letters are completely at the discretion of SSA. SSA does not inform DSH which employers receive a no-match letter. Under our amendment, DHS is granted access to all no-match data. They can use this data to identify employers for worksite enforcement or to require early participation in the verification system with respect to new or existing employees.

Letter to Senators Kennedy and Specter:

''(6) No Improvement to IRS Authority... Grassley-Baucus-Obama drops all of these important provisions ...''

Grassley/Baucus/Obama Amendment:

The pending immigration bill would increase IRS penalties for filing incorrect information returns and authorizes—but does not fund—additional IRS personnel to investigate incorrect returns. This is a poorly concealed effort to recruit IRS personnel to do the job DHS is supposed to do: enforce our immigration laws.

We strongly support creating an effective, mandatory employment verification system for all employers to verify the legal status of their workers. But the design, implementation, and oversight of the system as proposed in the pending immigration bill are flawed in several respects.

Our amendment would improve Title III by (1) protecting U.S. citizens and legal workers from errors in the system; (2) protecting the states from excessive federal intrusion; (3) protecting the rights of all legal workers; (4) protecting the privacy of all Americans; and (5) improving our ability to prevent unauthorized employment while minimizing the burden on workers and employers.

We hope that your future correspondence to the Hill will acknowledge these much needed improvements and avoid the erroneous and misleading allegations contained in your previous letter.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.
BARACK OBAMA.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, June 19, 2007.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I promised at the start of this process that I would tell you if the bill you were shepherding became so unworkable or unenforceable that it threatened to worsen our current illegal worker problem. In general, the Senate has avoided workability and enforceability pitfalls, but for the first time I must write to you to express concern about a proposed amendment that would be a serious step backwards in our enforcement effort.

Enforcing the law means more than border enforcement. We have to shut off the job magnet that pulls illegal aliens into our country. The current bill's Title III wi1l do just that. It creates a much stronger, more effective worksite enforcement system than the one that exists today. This system will stop illegal aliens from getting hired, and it will punish employers who make illegal workers part of their business model. By contrast, the Grassley-Baucus-Obama Amendment will significantly weaken the current Title III, with the result that illegal workers wi1l still be drawn across our borders by the lure of easy employment.

These are just some of the specific examples of deficiencies in the Grassley-Baucus-Obama Amendment that will lead to a lack of enforceable worksite enforcement:

(1) Job Security for Criminal Aliens—Current Title III requires mandatory verification of all existing workers. Under the Grassley-Baucus-Obama Amendment, existing workers are never checked. So serious criminals, and other aliens who are not eligible for legal status, would be able to hide in their existing jobs indefinitely, without ever having to prove that they are authorized to work in this country.

(2) Loophole for Fake Documents—Current Title III requires that new hires show a secure identification card to keep their jobs. Under the Grassley-Baucus-Obama Amendment, in contrast, most new hires will be able to present any driver's license, whether or not it meets federal standards for secure documents. And unlike the current Title III, individuals presenting a non-secure license will not be required by the Amendment to provide a second document to establish that they are authorized to work in the United States. Finally, the Grassley-Baucus-Obama Amendment eliminates a grant program to reimburse States for the costs of improving license security. The result will be to continue a flourishing market for fake documents and identity theft.

(3) Arbitrary End to Information Sharing—The best way to catch unscrupulous employers who do not verify their employees is to compare Social Security records to the records of the EEVS. Current Title III allows DHS to do so. But the Grassley-Baucus-Obama Amendment cuts off all information sharing after five years. Grassley-Baucus-Obama tells unscrupulous employers that, after five years, when the government agencies stop talking to each other, they can return to ''business as usual,'' employing unauthorized workers.

(4) Punishing the Enforcers Instead of the Violators—Many Americans want tough financial sanctions and strict liability on employers who hire illegal workers. So far as I am aware, none of them want to impose sanctions and no-fault liability on immigration enforcers. But that is precisely what the Grassley-Baucus-Obama Amendment would do. Under the Grassley-Baucus-Obama Amendment, any individual who wins his judicial appeal against the government's determination of his employment eligibility can seek compensation for lost wages—even if the initial error was caused by the individual and not the government. Moreover, in a poorly concealed effort to make DHS avoid tough enforcement, the Grassley-Baucus-Obama Amendment actually proposes that any award come from DHS's enforcement budget. This would actually make the enforcement climate worse than it was after the 1986 law.

(5) Ignoring the Government's Best Evidence of Illegal Workers—Every year, SSA sends out millions of ''no-match letters'', indicating that an individual's name and social security number do not match. These letters are a powerful indicator that the individual may not be work-authorized. The current bill gives DHS authority to require that employers take action to resolve ''no-match letters.'' Grassley-Baucus-Obama would not.

It would encourage employers to continue to turn a blind eye to evidence that their workers may be illegal.

(6) No Improvement in IRS Authority—Nothing worries an unscrupulous businessman more than the prospect of a tax audit. The IRS has great investigative skills; it also has authority to punish immigration violators who file incorrect information about their employees, but this authority does not have the deterrent effect it should because the current fines are so low. Title III fixes this problem by raising the fines and creating a dedicated Criminal Investigation Office to investigate tax violations related to immigration violations. Grassley-Baucus-Obama drops all of these important provisions.

Title III is the foundation of comprehensive reform. We will not reform our immigration system. nor will we shut off the stream of illegal immigrants pouring across our border, without addressing the force that draws them here in the first place. We need better documents and stronger tools to uncover identity fraud. The current version of Title III gives us these tools; by contrast the Grassley-Baucus-Obama Amendment eliminates needed tools and allows unscrupulous businesses to continue to freely hire illegal workers.

Finally, weak enforcement is bad for business. Legitimate businesses that comply with the law will be undercut by competitors who disobey that law if enforcement is lacking. I ask that you help to defeat the Grassley-Baucus-Obama Amendment, not just to help our enforcers but to give a fair shake to those who want to obey the law.

In the end, the Grassley-Baucus-Obama Amendment unfortunately fuels public skepticism about whether enforcement will work or political forces will frustrate serious efforts to bring employers into compliance with the law. I reject that view. We must enforce the law, and with your help we will. I urge you to join with me in opposing the Grassley-Baucus-Obama Amendment.

Sincerely,

MICHAEL CHERTOFF.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. KENNEDY. Isn't it true that the Finance Committee estimated that under these systems, there were going to be a certain number of mistakes that were going to be made?

Mr. GRASSLEY. Yes, we presented that to you that day in April——

Mr. KENNEDY. That is exactly right. It is significant numbers, in the hundreds of thousands, as I remember. It is in the hundreds of thousands of mistakes that are going to be made as they set this up. I am just wondering about the protection of those workers. In our bill, we provide that those individuals should be protected because they can keep their jobs while they appeal a nonconfirmation. I am wondering if the Senator will relate to us how he thinks——

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. KENNEDY. Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute yielded by the Senator from Arizona. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the Senator from Iowa have an additional minute to respond, and then I will take my last minute.

Mr. REID. For debate only.

Mr. KYL. Yes, for debate only.

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

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the only response I can give to the Senator from Massachusetts is that we have worked very hard in the Finance Committee to make sure that private income tax information and private Social Security information is protected. It seems to me that is basic to a system of taxation that is voluntary compliance.

We have made some compromises of that, some use of that under very strict guidelines in the past. We presented it to the Senator's committee on this bill the same as we have in the past. The 5-year sunset is one example. Certain penalties for misuse of the information is another one.

It seems to me that is very basic if we are going to have confidence in our tax system and protect the privacy of the individual taxpayer.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

Three quick things. The amendment of the Senator from Iowa eliminates both the requirement of an employee to show an official identification card with a photo in State or Federal databases and the DHS-run photo match system that is the ultimate protection against document fraud in the workplace. You have to be able to do that match.

Second, the Senator from Iowa says why would we want to check workers after we have made them legal? Well, the whole point is to be sure we don't have anyone continuing to work here illegally.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that oppose the Grassley amendment.

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

The following organizations are publicly opposing the amendments listed below.

GRASSLEY

American Farm Bureau Federation
Compete America
Information Technology Industry Council
TechNet
Essential Worker Immigration Coalition
Alabama Employers for Immigration Reform
Arizona Employers for Immigration Reform
Colorado Employers for Immigration Reform
Federation of Employers and Workers of America
Florida Employers for Immigration and Visa Reform
Nevada Employers for Immigration Reform
New York Employers for Immigration Reform
Oklahoma Employers for Immigration Reform
Texans for Sensible Immigration Policy
Texas Employers for Immigration Reform
Tennessee Employers for Immigration Reform
American Health Care Association
American Hotel & Lodging Association
American Nursery & Landscape Association
American Subcontractors Association
Associated General Contractors
California Landscape Contractors Association
Federation of Employers & Workers of America
Florida Transportation Builders Association
Golf Course Superintendents Association of America
International Franchise Association
National Chicken Council
National Club Association
National Restaurant Association
Outdoor Amusement Business Association, Inc,
PLANET
Society of American Florists
US Chamber of Commerce

BAUCUS

American Farm Bureau Federation
Coalition for a Secure Drivers License
Essential Worker Immigration Coalition
Alabama Employers for Immigration Reform
American Health Care Association
American Hotel & Lodging Association
American Nursery & Landscape Association
American Subcontractors Association
Associated General Contractors
California Landscape Contractors Association
Federation of Employers & Workers of America
Florida Employers for Visa and Immigration Reform
Florida Transportation Builders Association
Georgia Employers for Immigration Reform
Golf Course Superintendents Association of America
International Franchise Association
National Chicken Council
National Club Association
National Restaurant Association
Outdoor Amusement Business Association, Inc.
PLANET

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as one of the managers of the bill, I will speak very briefly, and then I will move to table the Baucus amendment; and after conferring with the majority leader, it is my understanding that we are going to proceed without further debate to move to table two additional amendments this evening. All efforts to reach some reasonable time agreements have proven to be of no avail.

I think it is worth stating again that when those object that they are not able to offer their amendments, we had time before the bill was taken down a week ago Thursday for people to offer amendments and the objectors did not offer amendments or even allow others to offer amendments. So they have had their opportunity, which has fomented the current situation.

I wish to respond briefly to the distinguished Senator from Iowa, who made a comment that the Senator from Pennsylvania had not kept a promise.

Mr. GRASSLEY. I said you would have to have debate in order to keep your promise or it doesn't mean anything.

Mr. SPECTER. Well, I am not going to ask the record be read back. If the Senator from Iowa said I did not keep

a promise, I am glad to hear that. I don't make promises, I follow procedures. The Senator from Iowa wanted an amendment and he got an amendment, but I didn't make any promises. And if I made a promise, I certainly don't break promises.

When an amendment is offered and you seek a time agreement around here, you have to have unanimous consent to get a time agreement. If you don't have unanimous consent, somebody gets the floor and can filibuster and can talk forever and the majority leader was not going to put this body in a position to have someone get the floor and talk forever. So that the Senator from Pennsylvania doesn't control unanimous consent agreements.

The Senator from Iowa and I have worked together now for 27 years plus. We came to the Senate on the same day. Regrettably, he had an edge in seniority because he had been in the House. They didn't base it on State size. We have had no disagreements up till now, and I am glad to see we don't have a disagreement now.

Mr. GRASSLEY. We don't.

Mr. SPECTER. I would add one addendum, Mr. President, and that is that I have to differ with him when he says he will not be around here 20 years from now. He is only 73 and Strom said he is a young fella.

VOTE ON DIVISION VII OF AMENDMENT NO. 1934, AS MODIFIED

Mr. President, I move to table the Baucus amendment, and I ask for the yeas and nays.

Mr. VITTER. Will the Senator yield for a clarification?

The PRESIDING OFFICER. Will the Senator yield?

The majority leader.

Mr. REID. Mr. President, I know this is not debatable, I understand that, but we are going to move to table Baucus, Grassley, and Domenici. I ask unanimous consent that the first vote be the standard time; the next two votes be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, if I could simply make a clarification about a statement that has been made.

Mr. REID. Mr. President, I ask for the yeas and nays on the motion to table.

Well, first, we have a unanimous consent request.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. VITTER. I object.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table has been made. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDIENT OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—45

Allard	Domenici	Lugar
Bennett	Durbin	Martinez
Bond	Ensign	McConnell
Boxer	Feinstein	Murkowski
Brownback	Graham	Nelson (FL)
Burr	Gregg	Reid
Byrd	Hutchison	Roberts
Carper	Inouye	Salazar
Chambliss	Isakson	Schumer
Clinton	Kennedy	Smith
Cochran	Klobuchar	Specter
Coleman	Kohl	Stevens
Corker	Kyl	Thune
Cornyn	Lieberman	Voinovich
Dodd	Lott	Warner

NAYS—52

Akaka	Dorgan	Nelson (NE)
Alexander	Enzi	Obama
Barrasso	Feingold	Pryor
Baucus	Grassley	Reed
Bayh	Hagel	Rockefeller
Bingaman	Harkin	Sanders
Brown	Hatch	Sessions
Bunning	Inhofe	Shelby
Cantwell	Kerry	Snowe
Cardin	Landrieu	Stabenow
Casey	Lautenberg	Sununu
Coburn	Leahy	Tester
Collins	Levin	Vitter
Conrad	Lincoln	Webb
Craig	McCaskill	Whitehouse
Crapo	Menendez	Wyden
DeMint	Mikulski	
Dole	Murray	

NOT VOTING—3

Biden	Johnson	McCain

The motion was rejected.

Mr. REID. Madam President, as I indicated earlier, I am going to move to table the—oh, we can't do that. We are stuck on this amendment. Why don't we agree to the amendment now and move on to something else?

Mr. VITTER. I object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, the distinguished junior Senator from Oklahoma has indicated he wants to speak for up to 10 minutes as in morning business. I ask unanimous consent that he be so recognized and that I be recognized following his 10 minutes. I have explained to the Senator from Oklahoma, and he understands, this is for debate only.

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

The Senator from Oklahoma.

Mr. COBURN. Madam President, I appreciate the distinguished Senator from Nevada allowing me the time. I think it is really important for us to ask ourselves what the test is before us today in the Senate.

As many of you know, I spent the last 2 weeks recuperating from a surgical illness, and I got to see—from a perspective of watching television on all the different channels, reading all the different papers—there was a recurring theme that I noticed that came through from all across this country. It did not matter what part of the country. It did not matter who was saying it, no matter whether they tend to lean liberal or they tend to lean conservative. That theme is this: We have failed to instill the confidence in the American people in the Congress that we are about doing what is in the best long-term interest of our country.

It is not about being against immigration or for immigration. It is not about being against an ethnic group or for an ethnic group. It is not about being liberal. It is not about being conservative. It is about the worry that the American people have for this concept called liberty. They are worried about that concept right now. They are worried about whether we have the mettle to stand up to the test, to put us back on a road that will give them the confidence that what we do will be done in the best interests of them and their children. There is worry that the thing that gives us liberty, which is the rule of law, is somehow now being tinkered with in a way that undermines their confidence and security in what this American dream is all about.

So we have had a very interesting experience today, but it is really not about the immigration bill. It is about something much greater that we should be paying attention to. It is about the right to govern with the confidence the people of this country give us and the responsibility that comes with us to have the integrity to do that in a way which builds that confidence, which rebuilds the strength, rebuilds the positive attitude, rebuilds the ''I can do'' America has been known for.

I asked for this time to speak not as a Republican but as a citizen of this country with children and grandchildren, like everybody else out there who wants the best for our country. We can debate about the details.

I had this wonderful experience about a year ago traveling with members of the opposite party to China. We met with students at Chinese Harvard. What we found was 95 percent of the things we agree on, we were solid in our bond.

The very thing that makes this country great is what Democrats and Republicans agree on: the idea of the rule of law; the idea of freedom; the idea that we have a Constitution that has to be supported, nurtured, and maintained. The only way that happens is if we rebuild the confidence of the American people in our abilities to do that.

We are in the midst of a debate on immigration that is a very wildly moving, emotional issue for all sides. But it should be a signal to us that when it is this wildly emotional and wildly divided, it should temper our thoughts to

say the most important thing is not to finish the bill, the most important thing is to reestablish credibility in what we do for the American people.

I happen to believe if we do the right things that the American people in their gut know are right, ultimately, we will go from the 17-percent approval rating the country has of this body today back to where we should be—a healthy, vibrant confidence that the people who are elected to represent them in the Senate will, in fact, have the confidence of the American people to do and carry out this wonderful, creative experiment our Founders started over 200 years ago.

My question for the body and my challenge to the body is that we have a greater problem than immigration. The problem is the test: Do we meet the test that is before us of regaining the confidence of the American people? I think that is the biggest test we have today. I think all 100 of us need to redouble our efforts to assure that No. 1, we listen; No. 2, the Constitution is our guide; that the oath we took said nothing about Republican, said nothing about Democrat, said nothing about an individual State, but said we have an oath to uphold the Constitution of these United States without regard to party, without regard to locale.

So I would beg my fellow Senators, over the next few weeks, as we go on break in a week and we come back here, that the No. 1 goal that ought to be in front of us is, how do we change that approval rating? How do we restore the fact that we are listening, that we are hearing, that our action is based on what we know to be right, what we know to be good, and what we know is in the best interests long term for our country?

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, are we in morning business?

The PRESIDING OFFICER. The Senate is on the legislation.

AMENDMENT NO. 1978 TO DIVISION VII OF AMENDMENT NO. 1934, AS MODIFIED

Mr. KENNEDY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1978 to division VII of amendment No. 1934, as modified.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mr. KENNEDY. Madam President, I think all of us understand we have had a very full day today of voting on this legislation, the Comprehensive Immigration Reform Act. After more than 30 days of hearings since 9/11, after the 6 days of markup in our Judiciary Committee on the legislation that we addressed last year, which is very similar to the underlying legislation that is before us; after now some 23 days of debate on the legislation, both last year and now; after the consideration of more than 70 different amendments—70 different amendments—there is an awareness and understanding by the Members of this body about the substance of this legislation and, hopefully, a recognition of its importance.

We are sent here to legislate—not just to make speeches and to submit amendments but to legislate in our national interests, and we have a national challenge. We have a national challenge. I think everyone as Members of this body understands it. Certainly we receive the phone calls, the wires, the e-mails, and the rest. After it is all said and done, I think the people in our respective States and the people of this country are expecting us to exercise the best judgment about this legislation. They are not asking us to put our finger to the wind and say, from which way is the wind blowing the strongest and from what direction, but to try and take some initial steps—and they are initial but very important and fundamental steps—that can make a difference in terms of our national and border security.

(Mr. CASEY assumed the Chair.)

Mr. KENNEDY. The American people are expecting action in this body. Tomorrow, in the morning, it will certainly be an extremely important and perhaps decisive vote about whether we are going to complete our responsibility, or whether we are not. I have respect for those who have expressed reservations and observations. But my commitment and view is stronger than when we first started this legislation. The importance of this legislation, I think,—I find it more persuasive than the day it was initially introduced, developed, and shaped over the period of the last years.

We all have been faced with this legislation more closely over this debate and the debates we have had in recent days. We know, as we have heard frequently, and as I have said and many others have said, we have a national security issue and a problem. We can, as a nation, no longer afford to have, effectively, almost an open border in the Southwest. We also know, because in our committee we have listened to those who understand this issue, when they say we need to have secure borders, they also understand that with the strong kind of magnet attraction the American economy has, there is going to be leakage on that border. No matter how high we build walls or how many radars or air drones we have there or how many border guards we have, there is going to be leakage, unless we provide at least some opportunities for those who have some skills that in the United States we find we are unable to get filled in terms of the American workforce.

There has to be at least some opportunity for those individuals to come to the United States. Those of us who support this legislation believe in legality. We believe in national security, but we believe in legality. What we have today is lawlessness. We have lawlessness on the border, approaching the border, after the border, and in too many shops, plants, and factories around our country, including in my own State, in which we find the undocumented exploited, and they continue to be exploited. That is happening today.

We have to ask: Do we have something that is going to be basically serious about the border? Are we going to have a way for us to be able to say, OK, there are certain skills that we need here in terms of the American economy—those may be high skills, but in many circumstances it is going to be low skills, according to the Department of Labor. This legislation approaches that issue. We may say we would like to have it skewed this way or that, to some degree, but the fundamentals are essential in terms of the legality on our borders, in terms of national security, and also with regard to worksite enforcement.

As one who has, along with others, been involved in these debates about immigration reform, unless you are going to have a tamperproof card, you might as well forget it. We have learned that lesson in the 1986 act and in the 1992 act and earlier periods of time. The idea that somehow tomorrow we are not going to be willing to continue this process and end this process without the assurances that we are going to end up with a tamperproof card is going to mean that the challenges we are facing on this issue at this time are going to be multiplied many times over, many times over. That is a fact.

Some people are troubled by the way that has been fashioned in this legislation. I think there is a strong and persuasive case we can make. We will have an additional opportunity with the Schumer amendment and, hopefully, with passage of cloture tomorrow. So we have those elements that are law enforcement at the border, respectful law, by coming into the United States and respecting our laws and our immigration laws, law enforcement at the worksite, and respect for the laws in that period of time. To say to those individuals who have come that—their motivations for coming here, by and large, are the values which Americans respect and admire, such as hard work. Sure, there may be some individuals who have gamed the system out there. But there can be no denial when any of us look at this situation and examine it and when you look at particularly the faces and meet the individuals, as

we all have, and we have had the issue spoken to so well by many of our colleagues, this is a population that is interested in hard work. That is a value Americans admire. They also admire the fact that these are families who work hard and care about the members of their family.

Mr. President, $40 billion a year is sent back to Central and South America by the primarily undocumented workers in the United States. This is where individuals are making $10,000 to $12,000 a year. So they care about their families. They are not coming in on their own to try to game the system. The statistics are there. I think those figures speak for themselves in terms of their willingness to work hard, care about their families and, as we all know, this community, this constituency—they are men and women of faith and belief, strong individuals of faith and belief.

On another occasion, we would say those are American values that we admire, and so many of them want to be part of the American dream and make America better. They reflect it by urging their sons and daughters to go into the service—thousands of them being in the service of our country in Afghanistan and Iraq. Many of them have lost their lives in the service of this country. So many of these families—as I listened to the mayor of Los Angeles today talk about a number of mothers he had met who lost their children in Iraq—the particular one he referred to had been undocumented and their son had been lost. In any event, that is the general sense of their desire and willingness, similar to other immigrants who came at other times.

So what is their great violation? The violation is that they have violated our immigration laws. That is serious. What is on the other side of those barriers? The magnet of the American economy. The magnet of the American economy has drawn these individuals like moths to a flame. Sure, it is all there because they have violated our laws, but they work hard and they care for their families. They are men and women of faith, with an extraordinary record of looking after their grandparents, and they have a great desire to be part of the American dream. They have violated laws and they should have a penalty. We looked around and looked around, those of us, Republicans and Democrats, at what should be the penalty. Should they get a penalty? The $5,000 processing fee can vary. We can put a requirement in about learning English. In Boston, MA, it is not that the undocumented don't want to learn English; it is a 3-year wait. Courses in English cost from $2,000 to $3,000 in my part of the world. I look forward to the Alexander amendment—the Senator from Tennessee. He wants to at least provide greater access to individuals to learn English. We are for that. There are requirements that they have to learn English. They have to demonstrate they have worked here and that they paid their taxes and they have to demonstrate that they are good Americans and that they are learning English. We have those requirements. Before they can even think about moving on the pathway to a green card, they have to wait in line for the 8 years to clear up.

Then, according to a merit system, over the next 5 years, they will be able to hopefully get on the path for a green card and then wait another 5 years to become a citizen—8 years, 5 years, and 5 more years. That is 18 years for some of those individuals, plus the penalties and fines—for people who want to be a part of the American dream.

This has, as others have spoken to, very important provisions in here about the ag jobs. I remember going through the Southwest in the early 1960s when I arrived in the Senate. Americans were involved in the Bracero Program, which, outside of slavery, was the greatest exploitation of humanity. Perhaps we could talk about some of the incidents in terms of the Native Americans certainly. But this was a sanctioned program that continued for years and years with the exploitation and abuse of people.

That was the beginning of the rise of the farmworker movement and the extraordinary tensions that existed between the farmworkers and the agricultural interests. It took a long period of time. Finally, they got together to try to have a program which both of them agreed with, which is the AgJOBS bill, to make a difference to 800,000 or 900,000 people who are some of the hardest working people in America. Then there's the DREAM Act. There is some responsibility in the areas of education. We know of the difficulty so many have in completing high school. It is true in the Latino community. This kind of opportunity—if they are the sons of people who came here undocumented, these children didn't know about it, but if they work hard and complete school, they have the opportunity to serve this country and they can get on a pathway for citizenship, or if they are otherwise eligible and the State approves, they can also continue in education.

So there are, I know, strong views about these different provisions; but, quite frankly, I think it is a compelling story that demands and requires action. If we fail this opportunity, we know we are going to miss this opportunity for some time. It is getting late into the season now, July and August we will be out and in September is the appropriations time. We will move into a highly politicized period of time, and we will move into a Presidential campaign. So we will miss an incredible opportunity.

I hope the Senate is going to be responsible tomorrow. We know if we fail, those individuals are all going to be out there; the numbers are going to increase, exploitation will increase, and we are going to have the silent amnesty that others have referred to. That is the real alternative. I don't say that because I believe the failure to act is bad, and it is going to get worse, although I believe it will. It is that if we can take this action and make this downpayment, we can continue to work on this issue as the House does. That will take time. We can obviously work with those who are interested in it and try to make adjustments and changes and try to strengthen and improve it. That is the way the legislative process works. Hopefully, we will be able to come to the period where we can all feel the final product is the best judgment we have had on this bill. That is the optimum, and it seems to me this is an exceedingly important opportunity we should not miss.

Finally, I again thank our leaders for giving us a chance to come back to this issue. We know it has been a complicated and difficult one. As I have said repeatedly, immigration and civil rights are the hot-button issues. We have had complex issues in our HELP Committee dealing with biologics, an enormously complex and difficult issue. We came together and passed that legislation. We had issues dealing with information technology, privacy, grants, and we came together and took action. Our committee has been dealing with the general cost of education and loan programs, and we were able to, Republicans and Democrats, cut some $18 billion from the lenders and return $17 billion to the students. We came together, Republicans and Democrats, and have been able to get reauthorization of the Food and Drug Administration. We look forward to continuing with mental health parity and other issues. But it is the issues of immigration and civil rights that are the hot-button issues, and they get the juices flowing.

I hope tonight people will stand back and think through the significance of this vote tomorrow. It is going to be a matter of enormous importance to our country. It is going to have enormous importance in terms of quality of life for millions of people. We are going to make the decision whether they are going to continue to live in fear or whether they are going to be able to come out of that darkness into the sunshine and be part of this country. If we don't act, we all know what is going to be happening in local communities all across the country and the increasing backwash that is going to arise that is going to make other matters much more difficult for us to continue to make progress on.

I look forward to tomorrow, and I hope all our Members will exercise their best judgment. We will have an opportunity to move ahead and complete this legislation and then hopefully we will continue the progress we made in the Senate so we can work with those who have differing views in the House and in the Senate and ultimately get legislation that is worthy of the Senate.

Mr. LEAHY. Mr. President, I am pleased to offer my support for the

Baucus-Tester-Collins-Leahy amendment to strip the references to the problematic REAL ID program from the underlying immigration bill. We may agree or disagree about the merits of the actual REAL ID program, but as hearings in the Judiciary Committee and the Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for prime time.

While the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation, REAL ID licenses are rapidly becoming a de facto national ID card, since you will need one to enter courthouses, airports, Federal buildings, and—if this bill passes—workplaces all across the country. With roughly 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID and this immigration bill up and running by the 2013 deadline set in this bill. Moreover, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years.

In addition to numerous privacy and civil liberties concerns, REAL ID is a massive drivers' tax that could cost Americans taxpayers more than $23 billion. Opposition spans the political spectrum, from the right to the left, and a large number of States have expressed concerns about the mandates of the REAL ID Act by enacting bills and resolutions that oppose REAL ID. Georgia, Washington, Oklahoma, Montana, South Carolina, Maine, and New Hampshire have gone so far as to pass binding legislation that says they intend to refuse to comply with REAL ID. The National Conference of State Legislatures and the National Governors Association have expressed serious reservations about the costs imposed on the States—and the structure of the poorly drafted grant program in the underlying bill. The Center for Democracy and Technology and the ACLU have expressed serious concerns about the lack of privacy and civil liberties protections within the REAL ID program. The reaction to the unfunded mandates and lack of privacy standards in the REAL ID Act is a good example of what happens when the Federal Government imposes a unilaterally devised and ill-considered mandate rather than working to meet goals through cooperation, bipartisanship, and partnership.

For any new immigration measures to be effective, they must be well designed. Forcing employers, employees, and the States to use this troublesome national ID card will slow down the hiring process, stifle commerce, and not serve as an effective strategy. In addition, the States have already told us that they will not all have their new license programs up and running by the 2013 deadline called for in this bill. On top of that, I have gone through this bill several times, and I have found money for border fences, money for surveillance technologies, money for border patrol agents, and money for detention facilities, but I cannot find any hard money that actually goes into REAL ID implementation. So doing away with this poorly drafted grant program will not take $1 away from the $4.4 billion in enforcement money contained in this bill.

As a result, I do not believe that we should jeopardize the future success of the immigration reforms sought in this bill by tying REAL ID too closely to it. Instead of mandating REAL ID licenses for employment verification, I think we should support the Baucus-Tester-Collins-Leahy amendment to strip REAL ID from this bill and put together a workable employment verification system that does not needlessly burden every legal job seeker in this country with the onerous and problematic requirements of REAL ID.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I know my friend from South Dakota wishes to speak. I have a unanimous consent request I wish to make that will put us into a situation where he can speak. I understand he wants to speak for 5 minutes. This will only take a minute, and then I will be recognized to do some other business we have to do tonight. It is nothing in relation to immigration. No one need worry about that.

ORDERS FOR THURSDAY, JUNE 28, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes business today, it stand adjourned until 9:30 a.m., Thursday June 28; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1639, the immigration bill, with an hour for debate only prior to a cloture vote on S. 1639, with the time equally divided and controlled between Senators KENNEDY and SPECTER or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments; and that the mandatory quorum required under rule XXII be waived.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. REID. Mr. President, it is my understanding the Senator from South Dakota, Mr. THUNE, wishes to be recognized. Is the Senator going to use the full 10 minutes? He is entitled to it.

Mr. THUNE. Mr. President, I shouldn't take that long. I guess maybe 7 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

IMMIGRATION

Mr. THUNE. Mr. President, I thank the majority leader for his indulgence. I appreciate very much the opportunity to speak to the issue before the Senate today.

The debate over immigration has been a contentious one. Soon we are going to come to that moment of truth when we all have the opportunity to cast a vote either for or against the so-called ''grand bargain'' that is before the Senate. Most of us are going to make that vote formed by our own experiences, formed by our conscience, formed by our constituents, and like so many others in this Chamber, those are all factors that come into play and influence the way that I view this very important and serious issue.

In fact, to speak to some of the experiences I have had, it was not too long ago I was in a supermarket in my home State of South Dakota in Sioux Falls. I was approached by someone who was working there who had asked me to help with a problem. It turns out he was in this country, and his wife had been here illegally. They had a child here. The child, therefore, is a citizen. His wife determined that she wanted to be legal. So she left this country and went back home and decided to come here through a legal mechanism. That was a year ago. For the past year, she has been trying to come back to this country legally. I have been working with her. They have to first get an immigrant waiver and then ultimately go through the process where she can come into this country and come legally.

I make that point because I believe it is very relevant to the debate we are having on the floor of the Senate. If this woman who wanted to do the right thing and decided to go back because she wanted to come into the United States of America legally—she didn't want to be here illegally—had just stayed here, under this bill, she could become legalized. What does that say to all the people such as her who are trying to follow the laws, who are trying to play by the rules we have created?

That is one episode, one example, as I look at this debate and think about the consequences for those who have played by the rules, those who follow our laws, those who observe the rule of law in America, how it forms the way I view this issue.

We have been told throughout this debate that this is the best compromise

that can be achieved and, after all, isn't compromise the essence of what the Senate is all about, is coming to a consensus after a long debate? The difference with this grand bargain is that the die was cast long before the debate began. The process whereby this bill came to the floor bypassed the regular order, and its outcome has been ordained by the grand bargainers to prevent amendments that might actually improve the bill from becoming part of the solution to America's broken immigration system.

Opposing the underlying bill or proposing amendments to improve it has led to labels such as anti-immigrant or nativist or xenophobic. I am none of the above. It is not anti-immigrant to be for the rule of law. It is not nativist to be for enforcing America's laws. And it is not xenophobic to believe that those who come to America should come here legally.

America has a long tradition as a welcoming nation. I am a product of that tradition. In 1906, two Norwegian brothers named Nicolai and Matthew Gjelsvik came to America from Norway. The only English they knew were the words ''apple pie'' and ''coffee,'' which evidently they learned on the way over.

When they arrived at Ellis Island, the immigration officials determined that their given name would be too difficult to spell and pronounce for people in this country so they asked them to change it. G-j-e-l-s-v-i-k was how they spelled it. They picked the name of the farm where they worked near Bergin, Norway, which was called the Thune Farm. So Nicolai Gjelsvik became Nick Thune, my grandfather.

Then, as now, there was a great demand in America's economy for workers. They went to work on the transcontinental railroad doing hard manual labor. they learned English and made enough to start a small merchandising company which subsequently became a hardware store that to this day bears their name. They came here for the opportunity that America offered—the opportunity to succeed and the opportunity to fail.

Their story has been duplicated millions and millions of times over and continues today. Millions and millions of Americans came here from other places, but they came here legally. I support them and the millions more who are still to come. You see, you can be pro-immigration and pro rule of law. The two are not mutually exclusive. Unfortunately, the bill before the Senate violates that bedrock American distinction of the rule of law. Under this bill, somewhere between 12 and 20 million illegal immigrants will be immediately legalized.

Ironically, it is that very rule of law that serves as a magnet that attracts people to America. The reason America's economy is the most prosperous in the world is its foundation is in the rule of law. Concepts such as legal certainty, private property rights, and an independent judiciary provide the framework for the most successful economy in the history of civilization. It doesn't happen by happenstance. It happens because the rule of law is an inviolable principle of American democracy.

The solution to America's broken immigration system is really quite simple: Enforce the laws in the workplace and enforce the laws at the border. Sacrificing America's most basic foundational principle in the interest of a short-term fix betrays the belief of the millions who are here legally and the millions more to come that America is different because here the rule of law matters.

President Ronald Reagan once said that a nation that ''can't control its own borders can't control its destiny.'' We are a country, we are a nation. We need the strong border security measures in this bill, and we need the strong workplace verification measures in this bill, but the immediate legalization of 12 million people is a bridge too far.

It contradicts one of the great ideals of our democracy and sends wrong and conflicting signals to those who are here currently and those who will come in the future. The demand for workers in America can be met when those here illegally go back and return through legal channels or when they are replaced by those who wait to come legally. This bill is the wrong solution, and I believe and I hope that the Senate will reject it.

We can get a good immigration bill, a solid immigration bill that secures the border, that deals with the issue of workplace verification, and it sends the right message to those who are waiting to come to America that America is a nation, a welcoming nation, a nation that is pro-immigration, but a nation that fundamentally respects its great tradition as a nation that is based upon the rule of law.

I hope my colleagues, as they consider how they will vote tomorrow on these important votes, will think about the importance of that tradition of the rule of law, the importance of the message we send to those who have observed our laws, such as the lady I mentioned whose husband is in Sioux Falls, SD, and she hopes to come back to our great country and to our State. She made a fundamental decision that she was going to play by the rules, she was going to follow the laws. There are so many like her. What we want to do is send a message that people like her are welcome here, people who follow our laws. We don't want to reward those who come here illegally. I believe on a most basic level that is what the legislation before the Senate does.

I urge my colleagues to vote ''no'' on these important votes tomorrow.

Mr. President, I yield back the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—H.R. 1

Mr. REID. Mr. President, despite the fact that we are fast approaching the 6-year anniversary since the terrorist attacks of September 11, it is painfully clear that we have a lot of work to do to protect this Nation from further terrorist attacks. The threats are real, they are growing, and when Democrats took control of the Congress at the start of this year, we said we would implement the unanimous recommendation of the bipartisan 9/11 Commission. That matter passed this body by a big vote. That is where we said we should implement into law the 9/11 Commission recommendations. Democrats voted for that, and Republicans voted for it. It was one of the first bills we passed at the start of this session of Congress. The House passed its version of the bill on January 9. The Senate passed our bill on March 13. The House bill was 299 to 128; ours was 60 to 38.

As my colleagues know, Democrats and Republicans who serve on the House and Senate committees with jurisdiction over this bill have worked tirelessly to resolve the differences on these two bills. I myself have spoken to Chairman LIEBERMAN, I don't think it is an exaggeration to say a dozen times. The American people expect us to finish this work quickly, and that is why we believe we need to take the next procedural step as part of our regular order, which is to appoint conferees to finish these negotiations.

When this bill is signed into law, it will make America more secure. It will improve the screening of maritime cargo so that Americans can be assured we are doing all we can to prevent the smuggling of weapons into this country, including nuclear weapons. It will improve the congressional oversight of intelligence to ensure we are building the best capabilities possible to stop terrorist attacks. It will improve information sharing and communications interoperability among first responders so that they can work swiftly to prevent terrorist attacks. It will ensure that transportation and mass-transit structures are hardened against terrorist attacks.

This legislation wasn't something a couple of Senators dreamed up. It was the recommendations of the bipartisan 9/11 Commission, chaired by Governor Kean and cochaired by Congressman Hamilton, a Republican and a Democrat. This is what we are doing. We are long past when we should have done this. We need to do this.

I make the following request, Mr. President: I ask unanimous consent

that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1 and that the Senate then proceed to its consideration; that all after the enacting clause be stricken and the text of S.4, as passed by the Senate on March 13, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, the leadership has been continuing to consult with our colleagues who are working on this legislation, and I have the impression, from talking to Members who are involved, that they have done a lot of good work and perhaps have made some progress that will lead to being able to get a conference and act on it. They have been discussing some very significant issues.

One of the problems that I recall is that this legislation went well beyond what was just in the 9/11 Commission recommendations, and that is a major part of the problem. There was some other language that was of great concern and could lead this bill to be vetoed by the President, but he does not want to veto it, and we want to get a bill that we can agree on that can become law. We all want to strengthen our homeland security, but, as quite often is the case in the Congress—the House or the Senate or the both of us—we put language in these bills that is problematic and, in my opinion and others, counterproductive. So we don't want to get to a point where we can't get an agreement or get a bill signed into law and have to start back at square one.

I wish to emphasize that the impression of the leadership—and that is whom I am speaking for here—is that they are working and making progress, and we hope they will continue to do that and get a good, productive, and bipartisan agreement.

At this point, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I, of course, am very disappointed my Republican colleague has chosen to object to this request on moving forward on the 9/11 Commission recommendations bill. The minority stated yesterday that they had a problem with the bill. We agreed to take that out of the bill. I don't know how much more we can do.

It appears to me there are forces within the Republican Senate that simply don't want this bill enacted. This is really too bad. As my friend—and we have worked together on this Senate floor, my friend, the junior Senator from Mississippi, we have worked on this floor together for many years. When he was the majority leader, we worked together in detail on so many different issues, so this is not directed toward him. But I do say that there have been procedural roadblocks thrown up in front of virtually everything we have tried to do in the Senate this year. I was hoping we could reconsider this obstructionism when it comes to moving legislation that would make America more secure. Every day we wait on this is another day for the terrorists. For example, I talked about cargo screening. Other countries do it, but we don't.

These phantom issues which are blocking this bill do not exist. This is a bill which the managers, Senator LIEBERMAN and others, have worked out. We could go to conference and do this bill in one-half hour, an hour. And this is a real conference where conferees would sit down, there would be open debate, public debate, there is nothing to jam this through. This is the way we should do things.

The 9/11 victims' families have organizations, and these family representatives are calling for all parties to move this forward, and we are listening to them. This bill needs to pass. We are willing to be flexible. We have shown that. I would hope my Republican colleagues and the administration will demonstrate what they do not like about this bill, and what they do not like about it, tell us. This bill is important. It is important for me and my family, every Senator here and their families, everybody in this country, and every day we don't do something is a day lost.

I can assure my Republican colleague that Senator LIEBERMAN, our lead conferee, as well as the rest of our conferees will continue to work in a bipartisan manner, as they have to date. So I am very disappointed the Republicans are still objecting to moving the process forward on this bill. I say to my colleagues and to all Americans that I will be back on the floor again and again until our Republican friends allow us to move forward.

I do say, Mr. President, that it is a real shame we can't get this done before the Fourth of July recess. I am not exaggerating when I say this bill needs to be done. I think, without going into any confidential information, this bill should pass. We should do it as soon as we can. I urge my friend to speak to whomever needs to be spoken to on the other side to reconsider their objection.

Tomorrow, let us move this bill. It is Thursday. We could complete this before we go home, and it would be a day of celebration for all America that we are implementing the 9/11 Commission recommendations.

UNANIMOUS-CONSENT REQUEST—H.R. 1585

Mr. REID. Mr. President, I have a unanimous consent request that I would like to make, and I will do that right now.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, H.R. 1585, the Department of Defense Authorization Act, on Monday, July 9, following the period of morning business.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, it is my understanding the Senate bill is not yet available. I think the bill will be filed at some point soon so that Members can review it, but at this time, until Members see the legislation, I will object, and maybe we can revisit this when the bill is reported. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. If I could ask the indulgence of the majority leader briefly.

With regard to the effort on the homeland security, 9/11 Commission recommendations, I think the concerns we have on this legislation were made very clear, laid out in the CONGRESSIONAL RECORD when the legislation was being considered. We want homeland security in America, but we also want to make sure the money we provide and what we authorize is done in a responsible and appropriate way. There is the possibility of gorging the system without getting a lot of results.

I have flown to the different ports in this country and looked at port security and all the intermodal activities and the security that goes on there. More is being done than maybe some people realize. But also there were some labor provisions in this legislation that clearly needed to be worked out in order for this legislation to make it through the process.

But I agree, hopefully we can get something worked out here where this legislation could perhaps get into conference and get it done before we leave for the Fourth of July. The conferees know where the problems are; if they would meet and get those problems worked out, then I think probably this legislation could be cleared.

I just wanted to respond to the majority leader's concern. I understand how he feels and what he is trying to do, but I did want to put those comments and those thoughts on the record.

Mr. REID. Mr. President, I would say this: The labor provisions about which the distinguished Senator talked, we have agreed to take care of those. Everybody knows that. Maybe my friend doesn't, but we certainly have conveyed this to the minority in great detail. I would simply say, if it is not this, then what is it? We have agreed to handle the labor situation in this bill. The Speaker and I have agreed, and I don't know what other assurance anyone could give.

This is really stunning to me, that on the Defense authorization bill I am

going to have to file cloture—Defense authorization bill—a motion to proceed to it. We have already filed—I don't know the exact number, I lose track of it, but 12 to 14 motions, clotures on motions to proceed, far more than were done in the last Congress just in this little period of time we have been here. Why? Because everything we move to, there is an objection.

Keep in mind what this is. It is the Defense authorization bill, a bill we have to pass to take care of our troops in Iraq, in Afghanistan, in Korea, in Germany, and troops here at home. It is for training. It has a pay raise in it. It is a good piece of legislation worked on by Senator WARNER and Senator LEVIN. It is a bipartisan bill, and I just think everyone who is listening to these proceedings, wherever they might be, should understand the Republicans are objecting to going to the bill to fund our troops.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 189, H.R. 1585, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will now report the motion to invoke cloture on the motion to proceed to H.R. 1585.

The assistant 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 motion to proceed to Calendar No. 189, H.R. 1585, Department of Defense Authorization, 2008.

Harry Reid, Richard J. Durbin, Daniel K. Inouye, Byron L. Dorgan, Ted Kennedy, Joe Biden, Patty Murray, Bill Nelson, Jack Reed, Debbie Stabenow, Jim Webb, Ben Nelson, Ron Wyden, Pat Leahy, H.R. Clinton, Claire McCaskill, Carl Levin.

Mr. REID. Mr. President, I now withdraw the motion to proceed and ask the mandatory quorum call with respect to the motion required under rule XXII be waived.

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

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 320(c) of S. Con. Res. 21, the 2008 Budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that extends the Transitional Medical Assistance program, so long as that legislation does not worsen the deficit over the period of fiscal years 2007 through 2012 or fiscal years 2007 through 2017.

I find that S. 1701, introduced today by Senator BAUCUS, satisfies the conditions of the deficit-neutral reserve fund for Transitional Medical Assistance. Therefore, pursuant to section 320(c), I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 320(c) DEFICIT-NEUTRAL RESERVE FUND FOR TRANSITIONAL MEDICAL ASSISTANCE

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,376.360
FY 2008	2,496.053
FY 2009	2,517.001
FY 2010	2,569.530
FY 2011	2,684.693
FY 2012	2,718.954
(3) Budget Outlays:	
FY 2007	2,299.752
FY 2008	2,468.314
FY 2009	2,565.585
FY 2010	2,599.174
FY 2011	2,691.658
FY 2012	2,703.160

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 320(c) DEFICIT-NEUTRAL RESERVE FUND FOR TRANSITIONAL MEDICAL ASSISTANCE

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,515
FY 2007 Outlays	1,017,805
FY 2008 Budget Authority	1,078,809
FY 2008 Outlays	1,079,815
FY 2008–2012 Budget Authority	6,017,388
FY 2008–2012 Outlays	6,021,713
Adjustments:	
FY 2007 Budget Authority	12
FY 2007 Outlays	3
FY 2008 Budget Authority	96
FY 2008 Outlays	99
FY 2008–2012 Budget Authority	−9
FY 2008–2012 Outlays	−3
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on June 11, I was unable to vote on the motion to invoke cloture on the motion to proceed to the consideration of S.J. Res. 14, a joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzalez no longer holds the confidence of the Senate and of the American people. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 207, I would not have voted in favor of the motion to invoke cloture on the motion to proceed to the consideration of S.J. Res. 14. My vote would not have altered the result of this motion.

OPEN GOVERNMENT ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 41st anniversary of the Freedom of Information Act, FOIA, landmark legislation that has guaranteed the public's ''right to know'' for generations of Americans. Regrettably, the Senate will mark this very important anniversary without having passed the Openness Promotes Effectiveness in Our National Government Act, the OPEN Government Act, S. 849, comprehensive legislation that Senator CORNYN and I introduced earlier this year to strengthen and reinvigorate FOIA for all Americans.

Responsive government and transparent decisionmaking are bedrock American values. FOIA honors and helps translate those values into practice, and the OPEN Government Act will help FOIA work better in serving the public's interest.

The Judiciary Committee favorably reported this bipartisan legislation in April. But a Republican hold is delaying consideration of this important FOIA reform bill. The Senate Republican leadership has also ignored requests to debate this bill on the Senate floor, needlessly stalling these long-overdue, bipartisan reforms to strengthen FOIA.

For more than four decades, FOIA's timeless values of openness and transparency in government have ensured access to Government information. Just this week, we witnessed the great value of FOIA in shedding light on a controversial policy within the Office of the Vice President regarding the handling of classified information, with news reports that a FOIA request to the Justice Department first revealed that the Attorney General may have delayed a review into the legality of this troubling policy.

Although FOIA remains an indispensable tool in shedding light on bad policies and Government abuses, this open Government law is being hampered by excessive delays and lax FOIA compliance. Today, Americans who seek information under FOIA remain less likely to obtain it than during any other time in FOIA's 40-plus year history. According to the National Security Archive, an independent research institute, the oldest outstanding FOIA requests date back to 1989, before the collapse of the Soviet Union.

Moreover, more than a year after the President's FOIA Executive order to

improve agency FOIA performance, FOIA backlogs are at an alltime high. According to a recent report by the Government Accountability Office, Federal agencies had 43 percent more FOIA requests pending and outstanding in 2006 than in 2002. In addition, the percentage of FOIA requestors who obtained at least some of the information that they requested from the Government declined by 31 percent in 2006, according to a study by the Coalition of Journalists for Open Government.

As the first major reform to FOIA in more than a decade, the OPEN Government Act would help to reverse these troubling trends and to restore the public's trust in their Government. In so doing, this bill is a fitting tribute to FOIA and a wise investment in our American democracy.

The OPEN Government Act promotes and enhances public disclosure of Government information under FOIA by helping Americans to obtain timely responses to their FOIA requests. This bill also improves transparency in the Federal Government's FOIA process by restoring meaningful deadlines for agency action under FOIA; imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to Government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

Let me also be clear about what this bill does not do. This bill does not harm or impede in any way the Government's ability to withhold or protect classified information. Classified, national security and homeland security-related information are all expressly exempt from FOIA's disclosure mandate, and this bill does nothing to alter these important exemptions. Senator CORNYN and I have also offered an amendment to this bill that would preserve the right of Federal agencies to assert these and other FOIA exemptions, even if agencies miss the 20-day statutory deadline under FOIA.

The OPEN Government Act is cosponsored by a bipartisan group of 13 Senators, including the bill's lead Republican cosponsor, Senator CORNYN. This bill is also endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative, and the Vermont Press Association. I thank all of the cosponsors of this bill for their commitment to open government. I also thank the many organizations that have endorsed the OPEN Government Act for their support of this legislation.

The OPEN Government Act is a good-government bill that Democrats and Republicans alike can and should work together to enact. If there are legitimate concerns with this bill, those concerns should be openly debated and the Senate should promptly pass this legislation.

Senator CORNYN and I both know that open government is not a Democratic issue or a Republican issue. It is an American issue. It is in this bipartisan spirit that I urge the Senate to promptly consider the OPEN Government Act and that I encourage all Senators to support this important FOIA reform legislation.

I ask unanimous consent to have printed in the RECORD a list of the bill's supporters following my remarks.

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

LIST OF SUPPORTERS OF THE LEAHY-CORNYN OPEN GOVERNMENT ACT, S. 849

Alliance for Justice
America Association of Law Libraries
American Association of Small Property Owners
American Booksellers Foundation for Free Expression
American Civil Liberties Union (ACLU)
The American Conservative Union
American Families United
American Library Association
American Society of Newspaper Editors, Member of Sunshine in Government Initiative
Animal Welfare Institute
ASPCA
Assassination Archives and Research Center
Associated Press, Member of Sunshine in Government Initiative
Association of Alternative Newsweeklies, Member of Sunshine in Government Initiative
Association of American Publishers
Bill of Rights Defense Committee
Biodiversity Conservation Alliance
Blancett Ranches, Aztec, NM
Californians Aware
Californians for Western Wilderness
Center for Democracy and Technology
Center for Energy Research
Center for National Security Studies
Citizen Action New Mexico
Citizens for Responsibility and Ethics in Washington (CREW)
Chamber of Commerce of the United States
Coalition of Journalists for Open Government, Member of Sunshine in Government Initiative
Common Cause
Community Recovery Services
Conservation Congress
Doctors for Open Government
DownsizeDC.org, Inc.
The E-Accountability
FoundationlParentadvocates.org
Electronic Frontier Foundation
Environmental Defense Institute
Environmental Integrity Project
Ethics in Government Group
Fernald Residents for Environmental Safety & Health, Inc.
Florida First Amendment Foundation
Forest Guardians
Friends Committee on National Legislation
Friends of Animals
Friends of the Wild Swan
Georgia Forest Watch
Georgians for Open Government
Government Accountability Project
Great Basin Mine Watch
Gun Owners of America
HALT,Inc
The Health Integrity Project
HEAL Utah
The Humane Society of the United States
Idaho Sporting Congress, Inc.
Indiana Coalition for Open Government
The James Madison Project
Law Librarian Association of Greater New York
Law Librarians Association of Wisconsin
League of Women Voters of the U.S.
Liberty Coalition
Los Alamos Study Group
Maine Association of Broadcasters
Mine Safety and Health News
The Multiracial Activist
National Association of Broadcasters, Member of Sunshine in Government Initiative
National Association of Manufacturers
National Coalition Against Censorship
National Freedom of Information Coalition
National Newspaper Association, Member of Sunshine in Government Initiative
National Press Club
National Security Archive
National Taxpayers Union
National Treasury Employees Union
National Whistleblower Center
Natural Resources Defense Council
The New Grady Coalition
Newspaper Association of America, Member of Sunshine in Government Initiative
No FEAR Coalition
Northern California Association of Law Libraries
Northwest Environmental Advocates
Nuclear Watch New Mexico
Okanogan Highlands Bottling Company
OMB Watch
Open Society Policy Center
OpenTheGovernment.org
Oregon Natural Desert Association
Oregon Peace Works
Owner-Operator Independent Drivers Association, Inc.
People For the American Way
Project On Government Oversight
Public Citizen
Radio-Television News Directors Association, Member of Sunshine in Government Initiative
ReadtheBill.org Education Fund
Reporters Committee for Freedom of the Press, Member of Sunshine in Government Initiative
Republican Liberty Caucus
Reynolds, Motl & Sherwood, PLLP
The Rutherford Institute
Sagebrush Sea Campaign
Semmelweis Society International
Snake River Alliance
Society of American Archivists
Society of Professional Journalists, Member of Sunshine in Government Initiative
Southern California Association of Law Libraries
Southwest Research and Information Center
The Student Health Integrity Project
Tax Analysts
Tri-Valley CAREs (Communities Against a Radioactive Environment)
Union of Concerned Scientists
VA Whistleblowers Coalition
Vermont Coalition for Open Government
Vermont Press Association
Western Environmental Law Center
Western Lands Project
Western Resource Advocates
The Wilderness Society
Wild Wilderness
Wilderness Workshop

REMEMBERING SENATOR CRAIG THOMAS

Ms. COLLINS. Mr. President, it has been said that we all have a birth date

and a death date, with a dash in between. It is what we do with our dash that counts.

Senator Craig Thomas made his count. He was a dedicated public servant, a vigorous advocate, a compassionate leader, a marine, a proud patriot. To the citizens of his beloved Wyoming and to his colleagues in the Senate, he was a cherished friend.

Although my State and his are miles apart, with vastly different geography and history, I am struck by the similarities in the character of our people. Both the rugged Maine Yankee and the tough Wyoming cowboy are steadfast and modest. Both are determined, committed to doing what is right rather than what is easy. An old cowboy proverb says, ''The best way out of a tight spot is to go straight through it,'' and Craig Thomas always faced challenges head-on. I have no doubt that he would have been just as at home on the deck of a lobster boat as he was on horseback, riding the range.

As a Senator representing a large rural State, I deeply appreciate Craig's devotion to preserving and enhancing a way of life that is such a vital part of the American spirit. His tireless work on such issues as agriculture, Indian affairs, natural resources, rural health care, and educational opportunity will help ensure a better future for people in small communities throughout our nation.

The courage and integrity with which he led his life were evident until the very end. Although stricken with a terrible disease, Craig always put his Nation and his State first. There was no time for self-pity or regret while there was still work to be done. He stayed in the saddle.

Craig was a public man, but, first and foremost, he was a loving husband, a devoted father, and a proud grandfather. In this time of sorrow, I know that his wonderful family finds strength in his honorable legacy. Senator Craig Thomas filled his dash with service, courage, and commitment, with life and love. May his memory inspire us all to do the same.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On April 12, 2007, in Crothersville, IN, Coleman King and Garrett Gray beat a man to death for allegedly making a sexual proposition to one of them. As the two young men were returning to Gray's house from an errand that day, they picked up 35-year-old Aaron Hall. The two men told police that Hall had propositioned King; in retaliation, King and Gray began to beat Hall. The two men allegedly struck Hall until his eyes were swollen shut and he was spitting blood. They then carted him off to a ditch, continued to beat him and left him for dead. The two men drove back to the ditch with a shotgun later that day in order to make sure Hall was dead, but found him instead several days later dead in a nearby field, where he had apparently crawled.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM BOWMAN

• Mr. ALLARD. Mr. President, I pay tribute today to a legend of the U.S. Air Force Academy's athletic department, Mr. Jim Bowman. After dedicating 49 years of service over six decades to the Air Force Academy, Mr. Bowman, the associate athletics director for recruiting and support, will retire at the end of July 2007.

Mr. Bowman excelled on the football field at Michigan's Charlevoix High School. Following graduation, Mr. Bowman brought his on-the-field tenacity to the University of Michigan, where he played 3 years for the Wolverines, lettering at center his senior year. After graduation in 1956, Bowman joined the Air Force and completed pilot training in 1957 and also attended B–47 transition school.

In 1958, Lieutenant Bowman arrived at the Air Force Academy as junior varsity football coach. He led the junior varsity team for a total of 5 years and the freshman team for 11 years. In addition to his coaching duties, Mr. Bowman also began serving as the Academy's associate athletic director for admissions. However, after the 1975 season, when the Academy added 10 Varsity women's teams in addition to the 17 existing men's teams, Bowman stepped down from coaching to devote his full-time duties to recruiting support.

At the Air Force Academy, Bowman served on a coaching staff that led the Falcons to 17 postseason bowl games and 16 Commander-in-Chief's Trophies, as the top service academy football team. Since arriving at the Academy, Bowman has seen every class graduate, totaling 38,797 cadets to date, has overseen the appointment of an estimated 14,000 recruited athletes, and administered 49 admission cycles. Through this period, Mr. Bowman worked with 16 superintendents, 22 commandants of cadets, 8 deans of faculty, 8 athletic directors, 10 directors of admissions, and 120 assistant football coaches. His extensive experience in all phases of intercollegiate athletics has contributed immensely to the development of the Air Force Academy's athletic programs. Mr. Bowman is an honorary member of the Academy Association of Graduates and a lifetime member of the American Football Coaches Association. In 2001, Bowman was inducted into the Colorado Springs Sports Hall of Fame as part of the 1958 Cotton Bowl team.

Jim Bowman's retirement from the Academy marks the end of an era in Air Force Academy athletics. His 49 years of dedication to Falcon athletes, our future Air Force officers, and the Academy is simply unparalleled. Although his service at the Academy will be missed, I know Mr. Bowman will continue to serve his country in whatever future endeavors he chooses to pursue.

I ask my colleagues to join me in recognizing Mr. Jim Bowman's hard work and commitment to the U.S. Air Force Academy, the Air Force, and our country. While Mr. Bowman described his service to the Academy as ''a privilege and an honor,'' it is our Nation that is indebted to Jim Bowman for his positive influence in helping to shape the characters of so many of our future military leaders.•

CONGRATULATING CHARLES J. MARTINEZ

• Mr. BUNNING. Mr. President, today I pay tribute to Charles J. Martinez of Bowling Green, KY, on being recognized as a winner of the Library of Congress's 2007 Letters About Literature competition.

Letters About Literature is a reading and writing program sponsored by the Library's Center for the Book. Throughout the country more than 56,000 young readers in grades 4 through 12 participated in the program, which encourages young kids to read and write a letter to their favorite author, of any era, whose books inspired them.

Charles chose to write about author J.K. Rowling's ''Harry Potter'' series. He was one of two winners chosen this year in the Commonwealth of Kentucky.

I now ask my fellow colleagues to join me in congratulating Charles for his dedication and commitment to reading and writing. In order for our society to continue to advance in the right direction, we must encourage more young people like Charles to read and write as often as possible. He represents Kentucky at its finest.•

CONGRATULATING CARLEY SMITH

• Mr. BUNNING. Mr. President, today I also pay tribute to Carley Smith of Harrodsburg, KY, on being recognized as a winner of the Library of Congress's 2007 Letters About Literature competition.

Letters About Literature is a reading and writing program sponsored by the

Library's Center for the Book. Throughout the country more than 56,000 young readers in grades 4 through 12 participated in the program, which encourages young kids to read and write a letter to their favorite author, of any era, whose books inspired them.

Carley chose to write about author Judith Guest's ''Ordinary People.'' She was one of two winners chosen this year in the Commonwealth of Kentucky.

I now ask my fellow colleagues to join me in congratulating Carley for her dedication and commitment to reading and writing. In order for our society to continue to advance in the right direction, we must encourage more young people like Carley to read and write as often as possible. She represents Kentucky at its finest.●

HONORING NEW ENGLAND OUTDOORS CENTER

● Ms. SNOWE. Mr President, today I honor an exceptional small business from my home State of Maine that is striving to employ more Mainers and revive tourism in one of Maine's hidden natural treasures. The New England Outdoors Center of Millinocket is a multifaceted ecotourism and recreational sports business and a wonderful example of entrepreneurial spirit in Maine. Local residents of the Millinocket region and tourists, who come from far and wide to see Maine's splendor and beauty, enjoy the Outdoors Center's diversity of services. In addition, the Center's owner, Matt Polstein, is working to add a resort to his business which would bring additional jobs to the Katahdin region.

The New England Outdoors Center is an all-season facility that consists of a snowmobile business, the River Drivers restaurant, and a white water rafting enterprise. The Outdoors Center provides a gateway to Baxter State Park and the spectacular Mount Katahdin, the Appalachian Trail's northern terminus. The Center has won numerous commendations throughout its decades of operation, including a Maine Tourism award. It is a member of the Katahdin Area Chamber of Commerce, the Maine Tourism Association, the Maine Snowmobile Association, and many other groups. Matt Polstein and the New England Outdoors Center's endeavors greatly benefit the local economy, which has recently been suffering due to a slump in visitors to Baxter State Park.

In light of this decline in tourism, Matt Polstein's vision of building the new Ktaadn Resorts on Hammond Ridge is particularly critical in bringing people back to the Katahdin region and to all of Maine. Mr. Polstein's $65 million proposal evidences his commitment and determination to create new jobs for Mainers and to contribute to the growth of Millinocket's regional economy. The plan has garnered the support of the Millinocket community and its leaders, as well as the unanimous endorsement of Maine's Land Use Regulation Commission, which oversees the state's planning and zoning for plantations, townships, and unorganized areas without local governance. This forward-thinking proposal for a new resort is one of the largest resort proposals in Maine's Unorganized Territory history—a true victory for all involved. Conscious of the environment, Mr. Polstein is seeking to grow crops and livestock for use at the resort and in the community. The new Ktaadn Resorts will be an extraordinary feat when finished, complete with a state-of-the-art conference center, a lodge, rental cabins, and restaurants. The Resort is expected to create at least 100 new jobs and to shed light on Millinocket as a hub of tourism in Maine and New England.

It is vital that we respect our natural surroundings, and Matt Polstein's proposal does just that. It is a bright example of the kind of intelligent planning that benefits Maine's economy while protecting the State's natural environment. Mount Katahdin is a shining example of what makes Maine beautiful, and Mr. Polstein's dedication to the improvement of his community exemplifies what makes Maine people so special. I commend Matt Polstein for his public service as a city councillor in Millinocket, his current business ventures that provide accommodations and services to tourists year-round, and for his smart and bright entrepreneurial savvy with the future Ktaadn Resorts. I wish Mr. Polstein and everyone at the New England Outdoors Center continued prosperity, and a successful completion to the Ktaadn Resorts.●

KEAN UNIVERSITY CHAMPIONS

● Mr. LAUTENBERG. Mr. President, I wish to pay tribute to the Kean University Cougars baseball team's dramatic victory in the 2007 NCAA Division III National Championships. Bringing joy to the more than 13,000 Kean University students and all of the Cougar fans in Union, NJ, Kean University capped off their impressive season with a thrilling 5-to-4 victory in the 10th inning of the championship game. The victory ushered in the Cougars' first baseball championship title and was the culmination of an inspiring undefeated run through the postseason.

Throughout the season the team played with courage and determination. Boasting a roster with 28 New Jerseyans, the Cougars finished in first place in the New Jersey Athletic Conference, NJAC, with an impressive record of 15 wins and only 3 losses, best in the conference. Although the Cougars fell to the College of New Jersey in the conference championships, the team recovered quickly and finished the season with an overall record of 43 wins and 8 losses and the national championship.

Championship baseball requires strong leadership, and under coach Neil Ioviero, the Cougars played team baseball that allowed them to realize their full potential. With the help of assistant coaches Jamie Ioviero, Lewis France, Jack Nagy, Francisco Romero, and Frank Beckhorn, the coaching staff created a winning environment and offered the guidance that allowed the Cougars to excel on the field.

The entire Cougars squad played with heart and the championship was truly a team effort. I would like to congratulate and commend all of the players on the Kean University 2007 Division III Championship Team: Maikel De La Rosa, Ryan Clark, Joseph Augustine, Mike Shymanski, Keith Kwiatek, Aaron Richard, Joseph D'Andrea, Eric Ammirata, Perry Schatzow, Chris Carrano, Thomas Paglione, Brandon Aich, Mike Manganiello, Kevin O'Neill, Kyle Murphy, Andrew Cupido, Colin Feneis, Matt Donaghue, Derek Gianakas, Mark Blevins, Dan Mattonelli, Matt Grinkevich, Joe Rizzo, Tim Lowe, Daniel Zeffiro, Joe Bartlinski, Matt Merrigan, Nick Nolan and Nick Cesare.

Mr. President, on behalf of the State of New Jersey I am honored to congratulate the Cougars for their NCAA Division III Championship season. They played hard and displayed an admirable commitment to competition and sportsmanship that instills a sense of pride in the students of Kean University, the team's fans, and the people of my State.●

TRIBUTE TO VIC ATIYEH

● Mr. SMITH. Mr. President, there is a word Senators traditionally use when referring to one of our male colleagues on the floor of the Senate. That word is ''gentleman.'' It is a word that you don't hear often in today's society, as many consider it too old-fashioned. I disagree. Calling someone a gentleman is one of the highest compliments one can give.

I pay tribute to the career and accomplishments of a truly outstanding gentleman—the former Governor of Oregon Vic Atiyeh. Anyone involved in the Oregon political arena over the past several decades, Republican or Democrat, will tell you about Vic Atiyeh's kind and courteous nature, his personal integrity, and his civility in a business that is all too often uncivil.

On Wednesday, July 18, 2007, Oregonians will gather at the Portland International Airport to officially dedicate the international concourse as the ''Governor Victor G. Atiyeh International Concourse.'' This is an outstanding and truly fitting honor. During his eight years as Oregon's Governor, Vic Atiyeh implemented policies that transformed Oregon into a hub for international commerce. Long before the term ''global economy'' was part of our lexicon, Vic understood the importance of opening Oregon's doors to international commerce, tourism, and cultural exchange programs.

Vic Atiyeh's leadership in transforming Oregon's economy was critical as his swearing-in came just as Oregon entered an economic nosedive the likes of which unseen since the Great Depression.

How bad was the situation? His first year in office, Governor Atiyeh called a special legislative session to deal with a $242 million budgetary shortfall. Just as he and the legislature agreed on a package of budget cuts, they were presented with new estimates increasing the shortfall by nearly $100 million. Several months later, the deficit jumped again by another $100 million.

Tough and unpleasant decisions had to be made. Vic Atiyeh rolled up his sleeves and made them. One of Oregon's most respected journalists, Brent Walth, wrote:

> Quietly, diligently, without whining or badgering or a single ''I told you so,'' Atiyeh demonstrated how to manage a state through a crisis.

As a tribute to Vic's leadership, and the wisdom of Oregonians, in the darkest days of the recession he was reelected Governor by one of the largest margins in our State's history.

I can't help but think that at the naming of the international concourse, Vic Atiyeh will be thinking of his parents. Both Vic's father and mother were immigrants from the Middle East. They made their way first to Ellis Island, and then on to Oregon where in 1900 they started a family-owned carpet business—a business that continues to thrive today. I also know that Vic will be thinking about his wonderful wife Delores, who from the beginning has helped Vic to remember his priorities as a public servant, dedicated father, and husband.

A few years ago I invited a small contingent of Oregon leaders to join me for a breakfast to discuss issues important to our State. Vic called to say he would like to attend, but had a prior engagement: attending his granddaughter's soccer game. I assured Vic that I agreed, he was making exactly the right decision.

Mr. President, I am proud to call Vic Atiyeh my friend, and I am delighted the International Concourse at Portland International Airport will soon bear his name. While I will be here in Washington at the Senate on July 18, my thoughts and best wishes will be with one of Oregon's truly great gentlemen—Governor Vic Atiyeh.●

ANNIVERSARY OF HURRICANE AUDREY

● Ms. LANDRIEU. Mr. President, June 27, 2007, marks the 50th anniversary of Hurricane Audrey, which ravaged Cameron Parish in southwest Louisiana. It was the deadliest storm our Nation had ever experienced until Hurricane Katrina came ashore in 2005.

Hurricane Audrey was a hurricane like no one had ever seen before in south Louisiana. Some residents rode out the fierce category 4 storm in the Cameron Parish Courthouse, where a memorial service was held today. More than 400 lives were lost—men, women and children.

Don Kingery describes the wrath of Hurricane Audrey in today's Lake Charles American Press:

> Cameron Parish residents swam, clung, gasped and prayed. Those who reached cheniers—ridges slightly higher than the surrounding marshes found fear-crazed water moccasins and wild marsh animals snapping and striking at each other and at humans.

But the people of Cameron Parish and southwest Louisiana are resilient. We rebuilt our homes, our schools, our churches, our communities.

In September 2005, Hurricane Rita, the third worst hurricane our nation has ever seen, struck this same coast. Once again, the people of Cameron have shown unbelievable resilience—again, returning to their homes and rebuilding, literally, from the ground up. The Cameron Courthouse again managed to survive a devastating hurricane and truly became a symbol of strength and hope for the Parish. Every Cameron resident who suffered through Rita is linked by family and community to Audrey's survivors and victims.

Today is an opportunity to look back and remember Audrey and the lives lost, but also to look forward to a better, more vibrant community in the years ahead. At the Cameron Courthouse today, survivors shared with the younger generation their many vivid stories. We will take these stories and lessons from Audrey, learn from them and grow from them.

Today, I want the Senate to recognize the National Guard, Civil Air Patrol and American Red Cross, all of which worked so bravely 50 years ago in the wake of Hurricane Audrey, helping to bring Cameron Parish back to its feet.

I would also like to recognize BG Robert LeBlanc, who spoke at the memorial service in Cameron today. He formed the first Louisiana National Guard unit in Abbeville. In the aftermath of Audrey, he helped command the evacuation. He is now the Vermillion Parish director of homeland security and emergency preparedness and was recently inducted into the Louisiana National Guard Hall of Fame.

For the record, I want to honor Cameron Parish President Darryl Farque and Sheriff Theos Duhon as well as their 1957 counterparts: Parish President Eraste Hebert and Sheriff O.B. Carter.

Nola Mae Ross and Cathy Post also deserve recognition today, as their books on Hurricane Audrey will ensure future generations will never forget that fateful June day in 1957.●

HONORING FRANCIS CREE

Mr. CONRAD. Mr. President, I want to pay tribute to a friend and distinguished North Dakotan, Francis Cree, who passed away on June 15 at the age of 86.

Francis Cree was a highly respected Ojibwe elder of the Turtle Mountain Band of Chippewa of North Dakota. He was the official pipe carrier for the tribe, a position of honor and leadership. He led the tribe as chairman in the 1960s and served several terms on tribal council. Francis spent countless hours teaching young people about Ojibwe culture and traditions. He was also a singer, a crafter and artist, a spiritual leader, a carver of pipes, and a keeper of the ceremonial drum for the Dunseith community. On November 8, 2001, we had the honor here in the Senate of being led in opening prayer by Francis. It was indeed a proud day for Francis and his family.

Francis was married to Rose Cree, herself a well-known artist who made beautiful willow baskets, several of which were featured at the Smithsonian's Festival of American Folk Life on The Mall here in our Nation's Capital. The Crees collaborated on these baskets. Both collected the materials, while Francis made the frames from ash, and Rose wove the willows. In 2002, Francis and Rose received the National Endowment for the Arts National Heritage Fellowship, which recognizes the significant contributions of American folk artists.

Francis was a kind, humble, and generous man. He gave selflessly and never expected or wanted anything in return. Francis and Rose raised 14 children and opened their hearts and home to many more. They were also proud grandparents to more than 100 grandchildren and great-grandchildren and many, many great-great grandchildren. Each and every one of them is a reflection of Francis's caring and endearing spirit.

Mr. President, this is a tremendous loss for the Cree family, but it is also an incredible loss to North Dakota and the Nation. Francis's life and the legacy he leaves behind is truly an inspiration to us all.

HONORING J. CLEVELAND CADY

● Mr. CONRAD. Mr. President, today I wish to recognize the contributions of a New Yorker with North Dakota ties—J. Cleveland Cady.

A few weeks ago while reading the New York Times, I happened across an article that referenced Mr. Cady's contributions to Manhattan's architecture. Mr. Cady was a prominent architect in New York during the late 1800s. He designed the American Museum of Natural History as well as the original Metropolitan Opera House. He also designed a significant portion of a fairly notable institution we know today as Yale University.

This article caught my eye because of a special connection between Mr. Cady and the State of North Dakota.

Early in the last century, a young North Dakotan named William Langer was attending a concert during his time at Columbia University when he noticed a beautiful woman sitting below him on the orchestra level. According to the William Langer Papers

collected at the University of North Dakota, Mr. Langer was fond of recalling how he managed to have the woman's date called away on a phantom phone call. Seizing his opportunity, Mr. Langer approached the young lady and struck up a conversation. They began a long courtship shortly thereafter before marrying in 1918.

That woman was Lydia Cady, the daughter of J. Cleveland Cady.

Sadly, Mr. Cady died just 1 year after his daughter's wedding.

However, as the New York Times piece indicates, Mr. Cady's momentous architectural contributions continue to shape the landscape of New York City today.

In much the same way, his son-in-law's achievements played a key role in shaping the North Dakota of today. ''Wild Bill'' Langer was a larger-than-life figure in North Dakota politics for nearly half a century. Mr. Langer was elected attorney general of North Dakota in 1916. He went on to be elected Governor of North Dakota in 1932 and again in 1936. He then represented North Dakota in the U.S. Senate from 1941 to 1959, holding the seat I am now privileged to hold. In the Senate, Bill Langer was a champion for a range of issues that remain important to North Dakota today, including rural electrification, agriculture, and health care.

Mr. President, I ask unanimous consent that the New York Times article on Mr. Cady's architecture be printed in the RECORD.

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

[From the New York Times, May 18, 2007]

J. CLEVELAND CADY

On a morning in March when pedestrians were sliding around on the ice in front of the American Museum of Natural History, hard hats were walking along wooden planks 120 feet overhead installing blue metal scaffolds around a tiled tower that resembled an upside-down ice cream cone with one scoop on top. A vast scrim was stretched tightly down to the ground; behind it a three-year restoration of the building's facade would take place—dentistry on a grand scale. The goal? To preserve the robust and magnificent neo-Romanesque building designed by J. Cleveland Cady of Cady, Berg & See in the 1890s.

EAGLES

Fernando Fuentes, a foreman for the restoration company, stood on the sidewalk in his green hard hat. A former accountant, he began working high up on the sides of New York buildings 30 years ago. ''I didn't want to wear a tie anymore,'' he said. ''I wanted to get outdoors. The first time I looked down from the 60th floor of a building I went 'uh-oh' but I got used to it. Now I love it. You see for miles. Sometimes eagles have flown around us while we worked. We restored the tallest and most beautiful buildings in New York—the Chrysler Building, Rockefeller Center.''

CADY

Cady, who was influenced by the great H.H. Richardson, designed the original Metropolitan Opera House in 1883. He built hospitals, churches, houses and college buildings (15 at Yale alone) but today he is pretty much forgotten. Even in the natural history museum where everything from limpet to triceratops is labeled, the name of J. Cleveland Cady is nowhere to be seen.

MEMORY

The Church of the Covenant, a modest building, stands at 310 East 42nd Street. Inside the church, a graceful Romanesque arch curves above the altar, and cast-iron columns support screens of white flowers. In a hall by the front door is a photograph of Cady, framed in dark wood. Cady, who died in 1919, taught Sunday school in the church for 58 years. Across from the portrait that is—finally—a plaque devoted to Cady, even though it is turning black with age. ''In loving memory of J. Cleveland Cady,'' it says.

OUTSIDE THE MUSEUM—APRIL

Mr. Fuentes pokes his finger into a crack between two large blocks of pink granite: ''we're going to point up all the stone.'' Men in yellow hard hats are loading chunks of stone into blue wheelbarrows and dumping them into an open truck the color of ketchup. ''This place is beautiful,'' says Mr. Fuentes. ''One day years from now I'll drive by and I'll say, 'I worked there.' ''●

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 laid before 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.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 1710. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–107).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2007'' (Rept. No. 110–108).

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 966. A bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes (Rept. No. 110–109).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Reuben Jeffery III, of the District of Columbia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

*James R. Kunder, of Virginia, to be Deputy Administrator of the United States Agency for International Development.

*June Carter Perry, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Nominee: June Carter Perry.

Post: Sierra Leone.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Chad and Martha Perry, none; André Perry, none.
4. Parents: Bishop and Louise Carter, deceased.
5. Grandparents: Andrew and Martha Carter, deceased; Grover and Sadie Pendleton, deceased.
6. Brothers and spouses, no siblings.
7. Sisters and spouses, no siblings.

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*Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote D'Ivoire.

Nominee: Wanda L. Nesbitt.

Post: Abidjan, Cote d'Ivoire.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Jim Stejskal, none.
3. Children and spouses, not applicable.
4. Parents, deceased since 1992.
5. Grandparents, deceased since 1964.
6. Brothers and spouses: James W. Nesbitt, Jr., none.
7. Sisters and Spouses: Cheryl Diane Nesbitt, none; Gloria Lynn Nesbitt, none; Natalie Ann Nesbitt, none.

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*Frederick B. Cook of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Frederick B. Cook.

Post: Ambassador, Central African Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Heather L. O'Donnel, none; Michael O'Donnell, none, Trevor C. Cook, none.

4. Parents: Frederick B. Cook deceased; Myrtle C. Cook, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, not applicable.
7. Sisters and spouses, not applicable.

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*Robert B. Nolan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Robert B. Nolan.

Post: Lesotho.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Meghan and Steve Killiany (daughter and son-in-law) $100, 2004, Kerry Campaign;
4. Parents, none.
5. Grandparents, none.
6. Brothers and spouses: Judy F. Nolan (sister-in-law) $25, 2004, Kerry Campaign;
7. Sisters and spouses, none.

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*Maurice S. Parker, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Nominee: Maurice S. Parker.

Post: Mbabane, Swaziland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, $100, 2004, Democratic National Committee.
3. Children and spouses: Jeremy Parker, None; Karen Parker, daughter-in-law, none; Benjamin Parker (deceased).
4. Parents: Robert Parker, deceased; Gertrude Parker, deceased.
5. Grandparents: Alcide and Maude Heard, deceased; Philip and Victoria Parker, deceased.
6. Brothers and spouses: Robert Parker, none; Francis and Mary Parker, none; Bernard Parker, none; Barry and Kerry Parker, None.
7. Sisters and spouses: Madeline Smith, none; Patrice Parker, none.

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*William John Garvelink, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Nominee: William John Garvelink.

Post: U.S. Ambassador to the Democratic Republic of the Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $200, September 17, 2006, American Foreign Service Assoc. PAC. $200, September 24, 2005, American Foreign Service Assoc. PAC; $200, August 23, 2004, American Foreign Service Assoc. PAC; $200, August 17, 2003, American Foreign Service Assoc. PAC.
2. Spouse, $100, January 9, 2006, Democratic Congressional Committee; $100, March 26, 2006, Harris Miller for U.S. Senate; $100, May 15, 2006, Democratic Senatorial Committee; $500, September 3, 2006, Granholm for Governor; $250, September 12, 2006, Klobuchar for Senate; $500, May 16, 2005, DNC; $365, September 29, 2005, Emily's List; $200, December 31, 2005, DNC; $150, April 24, 2004, League of Women Voters; $1000, June 3, 2004, Gephardt Fundraiser; $1000, June 9, 2004, Kerry/Edwards; $100, August 20, 2004, Keever for Congress; $100, August 20, 2004, Moore for Congress; $100, August 20, 2004, Schwartz for Congress; $300, September 13, 2004, DNC; $500, November 5, 2004, DNC; $365, February 21, 2003, Emily's List; $100, June 22, 2003, Friends of Barbara Boxer; $150, August 17, 2003, Friends of Hillary; $500, November 12, 2003, Gephardt for President; $200, November 14, 2003, DNC.
3. Children and spouses, no children.
4. Parents: William Garvelink, deceased; Florence Garvelink, deceased.
5. Grandparents: Henry Garvelink, deceased; Gertrude Garvelink, deceased; Jacob DePree, deceased; Hannah DePree, deceased.
6. Brothers and spouses, None.
7. Sisters and spouses: Beverley Ruth Lubbers and Gerald Lubbers, none; Marjorie Lou Gras and Howard J. Gras, none; Susan Elaine Heinlein and Paul Heinlein, none.

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*William R. Brownfield, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Nominee: William R. Brownfield.

Post: Colombia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Kristie Ann Kenney, none.
3. Children and Spouses, none.
4. Parents: Albert R. Brownfield $100, 2002, RNC; $100, 2002, Republican Party of Texas; $100, 2002, Governor of Texas; $100, 2003, RNC; $100, 2003, Republican Party of Texas; $100, 2003, Governor of Texas; $100, 2004, RNC; $100, 2004, Republican Party of Texas; $100, 2004, George W. Bush; $100, 2005, RNC; $100, 2005, Republican Party of Texas; $100, 2006, RNC; $100, 2006, Republican Party of Texas; Virginia E. Brownfield, deceased.
5. Grandparents: all deceased for more than 30 years.
6. Brothers and Spouses: Albert R. Brownfield III $100, 2002, Democratic Party of Virginia; $100, 2003, Democratic Party of Virginia; $100, 2004, Democratic Party of Shenandoah County, VA; $100, 2004, Democratic Party of VA; $100, 2005, Democratic Party of VA; $100, 2006, Democratic Party of VA.
7. Sisters and Spouses: Barbara B. Rushing, none; Francis W. Rushing, $200, 2005, Brian Lehman, Mayor, Madison GA; $550, 2006, Bruce Gilbert, State Senate GA; $300, 2006, John Barrow, U.S. Congress; Anne Elizabeth Fay, none; Christopher W. Fay, none.

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*Peter Michael McKinley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Peter Michael McKinley.

Post: Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Claire (16), Peter (15), and Sarah (12), none.
4. Parents: Peter M. McKinley, $100–150, 2004 (o/a), RNC Committee; Enriqueta I. McKinley, deceased, 2001.
5. Grandparents: all deceased before 1990, Marjorie and Lindsey Parker McKinley, Vicenta Perez and Francisco Liano.
6. Brothers and Spouses: Brian Matthew McKinley, Rocio Comas McKinley, none.
7. Sisters and Spouses: Margaret McKinley Clarke, Hyde Clarke, $75–$100, 2006, DNC Committee.

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*Patrick Dennis Duddy, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

Nominee: Patrick Denis Duddy

Post: Venezuela.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents, none.
5. Grandparents, deceased.
6. Brothers and Spouses: Robert Terrance Duddy, Kathleen Duddy, $1,000, 2006, John Baldacci, Governor, Democratic Leadership PAC; Michael Andrew Duddy, Jennifer Duddy, $1,000, 2006, Darlene Curley, U.S. Congress; $100, 2006, Chandler Woodcock, Governor; $50, 2006, Jennifer Duddy, State Representative; $100, 2006, Cumberland County, Republicans.
7. Sisters and Spouses: Christina Duddy, none.

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*Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Nominee: Anne W. Patterson.

Post: Pakistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Edward, 25, Andrew, 20, none.
4. Parents: Carol and John Woods, none.
5. Grandparents: deceased.
6. Brothers and Spouses: John D. Woods, Jr., Jean Byers Woods, none.
7. Sisters and Spouses, none.

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*Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal.

Nominee: Nancy J. Powell.

Post: Kathmandu, Nepal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, N/A.
3. Children and Spouses: N/A.
4. Parents: Joseph W. Powell, deceased, J. Maxine Powell, none.
5. Grandparents: Boyd and Emma Crandall, deceased, Omar and Christina Little, deceased.
6. Brothers and Spouses: William C. Powell, none.
7. Sisters and Spouses, N/A.

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*Joseph Adam Ereli, of the District of Columbia, 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 Kingdom of Bahrain.

Nominee: Joseph Adam Ereli.

Post: Bahrain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Sonia Pastuhov Pastein, none; Masha Pastuhov Purdie, none; Roy Purdie, none.
4. Parents: Eli Ereli, none; Ruth Ereli, none.
5. Grandparents: deceased over 40 years ago.
6. Brothers and Spouses: Michael Ereli, none; Maria Ereli, none.
7. Sisters and Spouses, none.

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*Richard Boyce Norland, of Iowa, 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 Uzbekistan.

Nominee: Richard Norland.

Post: Uzbekistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, Mary Hartnett: $100, 12/10/03, Clark for Pres.
3. Children and Spouses: Daniel Norland and Jennifer Barkley: $50, 2004, Kerry for Pres.

Kate Norland: none.

4. Parents: Patricia Norland: None.

Donald Norland (Deceased 12/30/06): $250, 12/4/2003, Wesley Clark for Pres.; $300, 7/18/2006, Dem. Natl. Committee; $200, 6/7/2004, John Kerry for Pres.; $200, 7/23/2004, John Kerry for Pres.; $200, 8/16/2004, John Kerry for Pres.

5. Grandparents: E. Norman Norland, deceased: none.

Aletta Norland, deceased: none.

Emily Bamman, deceased: none.

August Bamman, deceased: none.

6. Brothers and Spouses: David Norland: $250, 2/6/2004, Goldman Sachs PAC; $250, 4/7/2005, Goldman Sachs PAC; $250, 5/9/2006, Goldman Sachs PAC; $400, 7/8/2004, George W. Bush, via Bush-Cheney 04 Inc.; $150, 7/8/2005, Republican Nat. Com.; $110, 2/24/2006, Republican Nat. Com.; $150, 9/21/06, Friends of George Allen.

Susan Norland: none.

7. Sisters and Spouses: Patricia Norland: none.

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*Stephen A. Seche, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Nominee: Stephen Seche.

Post: Chief of Mission, U.S. Embassy Sana'a.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: n/a.
2. Spouse: n/a.
3. Children and Spouses: Katherine Seche: n/a.

Lucy Seche: n/a.

Ariel Seche: n/a.

4. Parents: deceased.
5. Grandparents: deceased.
6. Brothers and Spouses: Thomas and Virginia Seche: $100 to the Kerry for President Campaign, 2004.

Wesley Seche: n/a.

Chris and Tinsy Seche: n/a.

7. Sisters and Spouses: Claudia Seche: n/a.

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*John L. Withers II, of Maryland, 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 Albania.

Nominee: JOHN L. WITHERS II.

Post: Ambassador to Albania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: Maryruth Coleman: none.
3. Children and Spouses: no children
4. Parents: John L. Withers (father); Daisy P. Withers (mother): none.
5. Grandparents: Robert and Florence Withers (deceased); Mervin and Lily Portee (deceased): none.
6. Brothers and Spouses: Gregory P. Withers and Carol Jones: $100, 2004, Democratic Party.
6. Sisters and Spouses: No sisters.

Charles Lewis English, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Nominee: Charles Lewis English.

Post: Ambassador to Bosnia-Herzegovina.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $100.00, 7/27/2004, Democratic Natl Cmte.
2. Spouse: $100.00, 2004, Kerry for President.
3. Children and Spouses: Cathryn L. English: none.

Matthew C. English: none.

4. Parents: Loretta S. English: none.

Frederick A. English Jr. (deceased 1999).

5. Grandparents: Helen English (deceased 1999).

Frederick A. English (deceased 1955).

Veronica Sullivan (deceased 1957).

Daniel Sullivan (deceased 1949).

6. Brothers and Spouses: Kenneth English: none.

Carolyn Kelly: none.

Kevin English: none.

Marianne P. English (deceased 2004): none.

Frederick A. English III (deceased 2006): none.

Donna Lee P. English: none.

7. Sisters and Spouses: Veronica English Moore: $50.00, 2004, Democratic Natl Cmte.

Gregory Moore: $110.00, 2005, Democratic Natl Cmte.

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*Cameron Munter, of California, 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 Serbia.

Nominee: Cameron Munter.

Post: Ambassador to Serbia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 0 N/A N/A
2. Spouse: Marilyn Wyatt: $250 2004 Democratic National Committee
3. Children and Spouses: Daniel Munter: none.

No spouse.

Anna Munter: none.

No spouse.

4. Parents: Leonard Munter: none.

Helen-Jeanne Munter: none.

5. Grandparents: Benno Munter (deceased).

Mary Muriel Munter (deceased).

Phelps Dodge Jewett (deceased).

Florence Bitner Jewett (deceased).

6. Brothers and Spouses: Seth Daniel Munter: none.

No spouse.

7. Sisters and Spouses: Mary Munter: $50, 2006, Hodes for Congress (NH).

Paul Argenti, spouse: none.

Lindsay Rahmun: none.

Richard Rahmun, spouse: none.

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*Roderick W. Moore, of Rhode Island, 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 Montenegro.

Nominee: Roderick W. Moore.

Post: Ambassador to Montenegro.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: n/a
3. Children and Spouses: none.
4. Parents: David N. Moore: (none—no contributions).

Winifred W. Moore: (none—no contributions).

5. Grandparents: Archibald C. Wemple: (deceased).

Sallie C. Wemple: (deceased).

Paul J. Moore: (deceased).

Audrey H. Moore: (deceased).

6. Brothers and Spouses: Geoffrey W. Moore: (none—no contributions).

Gillian P. Moore: (none—no contributions).
Dwight D. Moore: (none—no contributions).
Francesca Moore (none—no contributions).
7. Sisters and Spouses: no sisters.

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*J. Christian Kennedy, of Indiana, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

*Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning with John E. Peters and ending with Andrew P. Wylegala, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2007.

Foreign Service nominations beginning with Daniel K. Berman and ending with Scott S. Sindelar, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2007.

Foreign Service nominations beginning with Linda Thompson Topping Gonzalez and ending with Karen Sliter, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2007.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Richard Allan Hill, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009.

*Stan Z. Soloway, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011.

*James Palmer, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. BAUCUS (for himself and Mr. GRASSLEY):

S. 1701. A bill to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes; considered and passed.

By Mr. ROBERTS (for himself, Mr. KENNEDY, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1702. A bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Mr. COBURN):

S. 1703. A bill to prevent and reduce trafficking in persons; to the Committee on the Judiciary.

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

S. 1704. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; considered and passed.

By Mrs. CLINTON:

S. 1705. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1706. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to consider variations in the national average market price for different classes of wheat when determining the eligibility of wheat producers for counter-cyclical payments for the 2007 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1707. A bill to reduce the duty on certain golf club components; to the Committee on Finance.

By Mr. DODD (for himself, Mr. HAGEL, and Mr. SCHUMER):

S. 1708. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. ALEXANDER, Mr. CARPER, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, and Mr. OBAMA):

S. 1709. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1710. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BIDEN:

S. 1711. A bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 1712. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. BAYH, Mr. COLEMAN, Mr. BIDEN, Mr. LUGAR, Mr. BINGAMAN, Mr. VOINOVICH, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Ms. STABENOW, and Mr. REID):

S. 1713. A bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1714. A bill to establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, Mr. BIDEN, Ms. COLLINS, and Mr. REED):

S. 1715. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program; to the Committee on Finance.

By Mr. THUNE:

S. 1716. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. OBAMA, Mr. BROWN, Mr. CARDIN, Mr. LEVIN, and Ms. STABENOW):

S. 1717. A bill to require the Secretary of Agriculture, acting through the Deputy Chief of State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mr. SALAZAR):

S. 1718. A bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of student loans and reduced interest rates for servicemembers during periods of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 1719. A bill to amend title 38, United States Code, to provide additional educational assistance under the Montgomery GI Bill to veterans pursuing a degree in science, technology, engineering, or math; to the Committee on Veterans' Affairs.

By Mr. BROWN (for himself and Mr. SANDERS):

S. 1720. A bill to amend title IV of the Higher Education Act of 1965 to establish a Federal Supplemental Loan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1721. A bill to amend the Farm Security and Rural Investment Act of 2002 to promote growth and opportunity for the dairy industry in the United States, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1722. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 258. A resolution recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicutural dialogue, education, and cooperation; to the Committee on the Judiciary.

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

S. Res. 259. A resolution commending the Oregon State University baseball team for winning the 2007 College World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 39, a bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes.

S. 163

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 163, a bill to improve the disaster loan program of the Small Business Administration, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 234

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 234, a bill to require the FCC to issue a final order regarding television white spaces.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 543, supra.

S. 582

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 771

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 793

At the request of Mr. HATCH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 793, supra.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 966

At the request of Mr. SCHUMER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 966, a bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 979

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 979, a bill to establish a Vote by Mail grant program.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1138

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1138, a bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1246

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1246, a bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1322

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1322, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1338

At the request of Mr. VITTER, his name was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1353

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1353, a bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes.

S. 1372

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1372, a bill to provide for a Center for Nanotechnology Research and Engineering.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1406

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1416

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1481

At the request of Mr. VITTER, his name was added as a cosponsor of S. 1481, a bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes.

S. 1487

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1487, a bill to amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record under title III of such Act, and for other purposes.

S. 1500

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

S. 1529

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1545

At the request of Mr. ALEXANDER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1565

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1565, a bill to provide for the transfer of naval vessels to certain foreign recipients.

S. 1588

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1650

At the request of Mr. KERRY, the names of the Senator from California (Mrs. BOXER), the Senator from Mississippi (Mr. LOTT) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1650, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 1668

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1695

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1695, a bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, to promote innovation in the life sciences, and for other purposes.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 231

At the request of Mr. DURBIN, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 253

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 253, a resolution expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor.

AMENDMENT NO. 1930

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 1930 intended to be proposed to S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS (for himself, Mr. KENNEDY, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1702. A bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ROBERTS. Mr. President, today I rise for the purpose of introducing important legislation for the moral and fiscal posture of our great Nation: the Employer Work Incentive Act for Individuals with Severe Disabilities of 2007.

While there are obvious differences of opinion on the state of the U.S. economy, the U.S. workforce is experiencing relatively low unemployment rates. The average hourly wage and payroll employment levels are at an all-time high. As our economy has experienced a slow and steady rise, there is one sector of the population who has been left behind.

The unemployment rate for the severely disabled is higher than it has ever been. Despite previous efforts to increase employment opportunities for this population, the rate of unemployment has risen to 70 percent, that means increasing the amount of citizens relying on Social Security disability insurance.

In 1982, the amount of payments distributed through Social Security disability insurance was $15.8 billion. In 2004, that number climbed to $80.6 billion. According to a forecast by the Social Security trustees, the old age and survivors insurance trust fund will last until 2044, while the disability trust fund will be exhausted in 2029.

The Americans with Disabilities Act was enacted in 1990 as a means of leveling the playing field for citizens with disabilities. And while it has provided necessary reforms in employment practices, this legislation has had little to no effect on the rate of unemployment experienced by individuals with severe disabilities.

Even government-run programs such as the Javits-Wagner-O'Day Act or Randolph Shepard Act, have done little to improve this high unemployment rate. As our brave men and women serving in uniform in Iraq and Afghanistan return, this problem will be compounded. Many of our troops have been disabled in the cause of protecting this country, and it is incumbent upon us to ensure that there are opportunities for them in the workforce so that they can regain a semblance of their lives back.

It is time for a change in the way we think about employing individuals with severe disabilities. The goal should be to create job opportunities for the severely disabled in the national workforce, not just in government operated programs.

The Employer Work Incentive Act for Individuals with Severe Disabilities, a bipartisan bill authored by Senator KENNEDY and myself, creates these opportunities while reducing dependence on Social Security disability insurance. This legislation gives government contract procurement advantages to those companies who employ significant percentages of individuals with disabilities in their workforce.

Our goal is to employ at least 1 percent of individuals with severe disabilities, or 94,000 people. In doing this, we have the opportunity to save approximately $45 billion in Social Security disability insurance over the next 10 years.

I know firsthand how important individuals with severe disabilities are to our workforce. In my home State of Kansas, persons like my good friend, Pat Terick, play an important role in local business. His agency, the Cerebral Palsy Research Foundation of Kansas, has long advocated the importance of creating job opportunities for the severely disabled. This advocacy group, located in Wichita, is dedicated to showing companies the advantages of hiring individuals with disabilities. Our bill will be a powerful incentive for businesses to enhance their workforce.

I would like to thank Senator KENNEDY for his leadership in helping to craft this bipartisan legislation. Special thanks to my longtime friend and to a great Kansan and American, Senator Bob Dole, cochair of the One Percent Coalition. With Bob's remarkable devotion to disability advocacy, it comes as no surprise that he is leading the effort to increase job opportunities for those individuals with severe disabilities.

It is time for a change in the way we think about employing individuals with severe disabilities. We must create job opportunities for the severely disabled in the national workforce, not just in government-operated programs. With the support of my colleagues, this legislation will do just that.

Mr. KENNEDY. Mr. President, today we take one more giant step to open the workplace doors wider for people with disabilities. The joining of businesses, consumers, and the Congress is powerful—and we will pass this bill. I thank Senator ROBERTS for his vision and leadership on this legislation.

In the winter of 1999, President Clinton signed the last bill of the millennium into law at the FDR Memorial—it was the ''Ticket to Work'' Act.

Hundreds of disabled people managed through the snow to get to the memorial that day, in hopes of finally being of part of our Nation's great economy.

That law has made a big difference in giving disabled workers access to health care by allowing them to work and buy Medicaid—but securing actual employment has been a much harder challenge.

Many of the nation's ''return to work'' programs are outdated and do not engage employers to hire disabled workers to the fullest extent possible.

This legislation will expand opportunities for disabled workers and reward employers who are willing to do the right thing: by paying disabled workers a decent salary; by providing and contributing to the cost of their health care insurance; and by placing workers in an environment where they can work alongside their non-disabled friends and neighbors.

ADA has led to enormous societal change. It has fundamentally altered how our society views disability, and that change will be its most lasting and significant contribution.

But the ADA was also intended to address the very real barriers to people with disabilities looking for a job, a house, an education, and even a bus ride—and we still have a lot of work to do to meet that promise.

This legislation is one positive step forward as we continue to fight for more opportunities for disabled people to go to work and contribute to their communities.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. ALEXANDER, Mr. CARPER, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, and Mr. OBAMA):

S. 1709. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BIDEN. Mr. President, I rise today to introduce, with my good friend and colleague from Pennsylvania, Senator SPECTER, the Underground Railroad Network Reauthorization Act of 2007. The original act, signed into law in 1998, has increased public awareness of the Underground Railroad, a cornerstone in African-American heritage and history, with sites and programs in 28 States and the

District of Columbia. This is the only national program dedicated to the preservation, interpretation and dissemination of underground railroad history. I am pleased that we are joined in this effort by Senators ALEXANDER, CARPER, CARDIN, COCHRAN, KENNEDY, KERRY, LEVIN and OBAMA.

Throughout this Nation there are sites in the underground railroad network that, while still standing, have suffered structural damage. There are also many sites that no longer house a physical structure, but still are important to recognize. A good example is the Thomas Garrett House, located in Wilmington in my home State of Delaware. The Garrett House was the last station on the Underground Railroad before the slaves reached freedom in Pennsylvania. It has been estimated that Garrett, a well known Quaker, helped more than 2,000 runaway slaves escape from the Southern States. The legislation being introduced today will not only help pay to repair damaged structures, but also to educate the general public about those sites that are no longer in existence, like the Thomas Garrett House.

The underground railroad network is a special part of American history that we cannot afford to let slip away. This legislation will preserve these invaluable memorials and educational resources by raising the authorization level from $500,000 to $2.5 million. We must move now to ensure that the brave acts of these individuals are preserved for future generations to observe and honor.

A companion bill has already been introduced in the House by Representatives, H.R. 1239, by Representative ALCEE L. HASTINGS and my friend and colleague from Delaware, Representative MIKE CASTLE. I hope both Chambers move quickly to preserve this precious history.

It is my honor to ask my colleagues here in the Senate to join me today in supporting this bill so that this part of our Nation's past will not be forgotten.

By Mr. BIDEN:

S. 1711. A bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, 20 years ago, I helped write the law that established the current Federal cocaine sentencing scheme. Under this law, it takes 100 times more powder cocaine than crack cocaine to trigger the 5- and 10-year mandatory minimum sentences. And mere possession of five grams of crack, the weight of about two sugar cubes, gets you the same 5-year mandatory minimum penalty as trafficking 500 grams of the powder form of cocaine, which is equivalent to about a 1 pound bag of sugar.

The facts that informed our decision at the time have proved to be wrong, making the underlying cocaine sentencing structure we created unfounded and unfair. It is time to change the law to reflect this new understanding. That is why, today, I am introducing the Drug Sentencing Reform & Cocaine Kingpin Trafficking Act of 2007, which eliminates this unjustified disparity in Federal cocaine sentencing policy.

Back in 1986, when we wrote the law that established the current sentencing structure, crack was hitting our streets and communities like a storm. I remember one headline that I think summed it up. It read ''New York City Being Swamped by 'Crack'; Authorities Say They Are Almost Powerless to Halt Cocaine.'' That summer was called ''the summer of crack,'' and we were inundated with horror stories about how this new form of smokeable cocaine was ravaging communities. We were told that crack was instantly addictive, prompting the expression, ''Once on crack, you never go back.'' We heard that it caused users to go on violent rampages, was more harmful to babies than powder cocaine when used by mothers during pregnancy, and would lead to the disintegration of inner-city communities.

And in Congress, there was a feeling of desperation that summer, a sense that we had to give law enforcement the power they needed to save neighborhoods being ravaged by this drug.

More than a dozen bills were introduced to increase the penalties for this form of cocaine, but because we knew so little about it, the proposals were all over the map. They ranged from the Reagan administration's proposal of a 20-to-1 sentencing disparity between crack and powder cocaine to a 1000-to-1 disparity proposed by Senator Lawton Chiles. I joined Senators BYRD and Dole in leading the effort to enact the Anti-Drug Abuse Act of 1986, which established the current 100-to-1 disparity.

Our intentions were good, but as further scientific and sociological study has shown, we got it wrong.

We now know that these initial assumptions about crack and powder cocaine, which are just two forms of the same drug, simply were not true. Scientific evidence shows that crack does not have unique, inherent properties that make it instantly addictive. According to the Journal of the American Medical Association, ''cocaine in any form produces the same physiological and subjective effects.'' We also have learned that the dire predictions about a generation of ''crack babies'' whose mothers used crack during pregnancy have not proven true. The negative effects of prenatal exposure to crack cocaine and powder cocaine are identical. Furthermore, data that the U.S. Sentencing Commission has collected show that crack users rarely commit acts of violence. Almost all crack-related violence is associated with trafficking, not with someone on a so-called crack-induced rampage.

Looking back over more than 20 years, it is also clear that the harsh crack penalties have had a disproportionate impact on the African American community. Eighty-two percent of those convicted of crack offenses at the Federal level are African American, fueling the notion that the Federal cocaine sentencing scheme is unfair.

There is widespread recognition that the current cocaine sentencing scheme is out of date and out of touch with reality. There are others here in the Senate, on both sides of the aisle, who feel the current cocaine sentencing policy is unfounded. Like me, Senators SESSIONS and HATCH have introduced legislation to reduce the disparity and I want to congratulate them for their hard work and dedication to this issue.

As a matter of fact, when President Bush was asked about the longer sentences for crack cocaine, he said that the disparity, and I am quoting the President here, ''ought to be addressed by making sure the powder cocaine and crack cocaine penalties are the same. I don't believe we ought to be discriminatory.''

A slew of commentators, Federal judges, Federal prosecutors, doctors, academics, social scientists, civil rights leaders, clergy, and others have spoken out about the unwarranted disparity between crack and powder cocaine sentences.

And just last month, the U.S. Sentencing Commission, a bipartisan panel comprised in large part of Federal judges who preside over cocaine cases, issued a report stating that the current Federal cocaine sentencing scheme ''continues to come under almost universal criticism from representatives of the Judiciary, criminal justice practitioners, academics, and community interest groups.''

This is not the first time the Sentencing Commission has urged reform. In 1995, the Commission recommended eliminating the crack/powder sentencing disparity. Congress rejected this proposal. As scientific understanding of cocaine evolved, the Commisson urged Congress three more times to address this problem. Yet Congress did not act. We are long overdue in heeding the call for reform.

The Sentencing Cmission has provided us with a roadmap. In its most recent report, the Commission ''unanimously and strongly urge[d]'' Congress to: 1. Act swiftly to increase the threshold quantities of crack necessary to trigger the 5- and 10-year mandatory minimum sentences, so that Federal resources are focused on major drug traffickers as intended in the original 1986 legislation; and 2. repeal the mandatory minimum penalty sentence for simple possession of crack, the only controlled substance for which there is a mandatory minimum for a first time offense of simple possession. The Sentencing Commission also unanimously rejected any effort to increase the penalties for powder since there is no evidence to justify any such upward adjustment.

My bill implements all of these recommendations.

Specifically, my bill will eliminate the current 100-to-1 disparity by increasing the 5-year mandatory minimum threshold quantity for crack cocaine to 500 grams, from 5 grams, and the 10-year threshold quantity to 5,000 grams, from 50 grams, while maintaining the current statutory mandatory minimum threshold quantities for powder cocaine. It will also eliminate the current 5-year mandatory minimum penalty for simple possession of crack cocaine, the only mandatory minimum sentence for simple possession of a drug by a first time offender.

It also increases penalties for major drug traffickers and provides additional resources for the Federal agencies that investigate and prosecute drug offenses. Furthermore, because I have always believed that the best approach to fighting crime is a holistic one that incorporates enforcement, prevention, and treatment, my bill authorizes funds for prison- and jail-based drug treatment programs.

My bill both remedies the historic injustice in the current cocaine sentencing laws and focuses Federal resources on, and increases penalties for, the big fish, the major drug traffickers and kingpins who drive the drug trade. Unlike Federal powder cocaine offenders, over half of Federal crack offenders are low-level street dealers who could and should be prosecuted at the State level. States are better equipped to handle these small-time dealers and users, and under my bill, these offenders would still be punished, without expending precious Federal resources.

Drug use is a serious problem, and I have long supported strong antidrug legislation. But in addition to being tough, our drug laws should be rational and fair. My bill achieves the right balance. We have talked about the need to address this cocaine sentencing disparity for long enough. It is time to act. I hope that my colleagues will join with me to support this legislation.

By Mrs. CLINTON:

S. 1712. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today I am pleased to introduce the Screening for Health of Infants and Newborns Act, also known as the SHINE Act. This legislation is critical for the health of newborns and children because we know that public education and early detection are two of the greatest weapons we have in the battle against early childhood disorders.

Each year in our Nation, at least 4 million newborns are screened for severe disorders, with 5,000 newborns diagnosed as a result. Although these numbers may seem small, these disorders are often life threatening and can cause serious mental and physical disabilities if left untreated. Early detection by newborn screening can lessen these illnesses, or completely prevent progression of many of these disorders if medical intervention can be started early enough.

I am proud to say that New York has been a leader in newborn screening since 1960 when Dr. Robert Guthrie developed the first newborn screening test. Since then, more than 10 million babies have been tested. In 2004, New York expanded their newborn screening program from 11 conditions to encompass 44 conditions. These improvements were the result of a concerted effort by State officials and parent advocacy groups like the Save Babies through Screening Foundation and Hunter's Hope Foundation. They share a common goal, that every child born with a treatable disease should receive early diagnosis and lifesaving treatment so that they can grow up as healthy as possible. Today, we want to ensure that the great strides made by New York can be a model for all States and that New York can continue to make advancements that will benefit the children of New York and around the Nation.

Newborn screening experts suggest States should test for minimum of 29 treatable core conditions. However, as of today, some States only screen for seven conditions. Every child should have access to tests that may prevent them from a life threatening disease. This bill establishes grant programs so that States can increase their capacity to screen for all the core conditions. Grant funds are also available for States like New York to expand newborn screening panels above and beyond the core conditions by developing additional newborn screening tests.

We should expect equity within newborn screening so that it does not matter where your baby is born. This legislation will establish recommended guidelines for States for newborn screening tests, reporting, and data standards. By tracking the prevalence of diseases identified by newborn screening within States, we will be able to meet these goals and improve the long-term health of our children.

I hear from many parents how frightening it is to have a sick child and to not have a diagnosis. Many parents spend years trying to find out what is wrong with their child and feel helpless. This legislation will insure that current information on newborn screening is available and accessible to health providers and parents. The SHINE Act will provide interactive formats through the Maternal Child Health Bureau of the Health Services and Resources Administration so that parents and providers can ask questions and receive answers about newborn screening test, diagnosis, follow-up and treatment.

Early treatment can prevent negative and irreversible health outcomes for affected newborns. We should be doing all we can to give every child born in our country the opportunity for a happy and healthy life.

I ask unanimous consent to have printed in the RECORD letters of support.

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

HUNTER'S HOPE,
Orchard Park, NY, June 25, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: on behalf of the Hunter's Hope Foundation, I respectively submit this letter as our full and complete support for the bill titled ''Screening for the Health of Infants and Newborns (SHINE Act)''.

The Hunter's Hope Foundation was established in 1997 by Pro Football Hall of Fame member and former Buffalo Bills Quarterback, Jim Kelly, and his wife, Jill, after their infant son, Hunter, was diagnosed with Krabbe (Crab ã) Leukodystrophy, an inherited, fatal, nervous system disease.

The Foundation's mission is to: increase public awareness of Krabbe disease and other leukodystrophies, support those afflicted and their families, identify new treatments, and ultimately find a cure.

Since 1997, Cord Blood Transplant (CBT) has become a viable treatment for Krabbe disease as well as a few other leukodystrophies. But, CBT is only effective if the child is treated before the disease inflicts irreversible damage to the brain and nervous system. There are many other treatable diseases that if not treated early will cause irreversible damage. And, the number of such diseases continues to increase with advancements in science and technology. We must establish an infrastructure in our country that not only addresses the immediate need, but also creates a system for expansion. The SHINE Act will accomplish this.

Hunter passed away August 5, 2005. Like thousands of other children, if he had been screened at birth, he may be living a healthy life today. Please help these children and their families and pass this bill. We implore you to expedite the passing and implementing of this bill. With each day that passes, children are suffering and dying needlessly.

Thank you from the bottom of our hearts.

Sincerely,

JACQUE WAGGONER,
Board of Directors, Chair.

SAVE BABIES THROUGH SCREENING,
FOUNDATION, INC.,
Scarsdale, NY, June 25, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing on behalf of the Save Babies Through Screening Foundation to show our support for the Screening for Health of Infants and NEwborns (SHINE Act). As you know, our organization's mission is to improve the lives of babies by working to prevent disabilities and early death resulting from disorders detectable through newborn screening. Our organization was founded in 1998 and is the only organization solely dedicated to raising awareness in regard to newborn screening.

We believe that this bill will greatly enhance the expansion of newborn screening throughout the United States and will save the lives of thousands of babies—our tiniest citizens. Additionally, this will spare Parents the agonizing pain of watching their children suffer as I can attest to firsthand. With the great expansion of newborn screening, children will be able to live healthy and productive lives.

We thank you for your vision and hard work. Nobody should suffer the loss or impairment of a child when there are tests and treatment available and this bill will put an end to future suffering. Please feel free to contact me if we can be of any assistance.

Regards,

JILL LEVY-FISCH,
President.

FOD FAMILY SUPPORT GROUP,
Okemos, MI, June 26, 2007.

TO WHOM IT MAY CONCERN: As Founder and Director of an international Family Support Group for rare metabolic disorders called Fatty Oxidation Disorders (many of which can be screened for at birth, as well as many other metabolic disorders), I strongly endorse the Screening for Health of Infants and Newborns Act (SHINE Act of 2007) that Senator Clinton originally introduced on February 15, 2007. It would greatly enhance the lives of many families in our country.

My family, and many others in our Group, has experienced the tragedy of not having the awareness/education of, screening for, and short- and long-term followup treatment for an FOD. Our daughter, Kristen, died suddenly at the age of 21 months. Fortunately, by the time our 2nd child was born, we had become aware of these rare disorders and had Kevin tested at birth—he is now a healthy, active, and soon-to-be college graduate. If it wasn't for the newborn screening and follow-up treatment for MCAD, Kevin would have died when he had his 1st illness at 6 months of age.

I wholeheartedly endorse all parts of the bill that will help educate and create awareness of these many disorders (and more in the future) for families and professionals across our country. Many aspects of the bill mirror our Group's foundation and mission—to create awareness about FODs, to educate the public, to network and support FOD families and professionals around the world, to provide ongoing education and information about metabolic disorders, to inform families and the public of new developments in screening, diagnosis, research and treatment (I also endorse assisting in covering formulas, drugs, supplements etc), and to advocate expanded universal and comprehensive newborn screening and long-term follow-up treatment for FODs and other related metabolic disorders.

Please pass this bill for the benefit of many infants and families!

Take Care,

DEB LEE GOULD,
Director.

JUNE 25, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: We are pleased to write this letter of support for the Screening for Health of Infants and Newborns Act of 2007. We commend you for your leadership in calling for a uniform and comprehensive national approach to screening newborns for the full panel of core conditions recommended by the American College of Medical Genetics and endorsed by the American Academy of Pediatrics. If diagnosed early, these disorders, including metabolic and hearing deficiency, can be managed or treated to prevent severe consequences.

As a hospital which provides a wide array of services to children with special health care needs, we know how important early detection and treatment of conditions can be. We were particularly pleased to see the provisions of this legislation which provide for a Central Clearinghouse of current educational and family support information, critical to assuring a national standard of care.

According to the latest March of Dimes Newborn Screening Report Card, nearly two-thirds of all babies born in the United States this year will be screened for more than 20 life-threatening disorders. However, disparities in state newborn screening programs mean some babies will die or develop brain damage or other severe complications from these disorders because they are not identified in time for effective treatment.

At present, the United States lacks consistent national guidelines for newborn screening, and each state decides how many and which screening tests are required for every baby. As a result, only 9 percent of all babies are screened for all of the 29 recommended conditions. Clearly it is a wise investment to take full advantage of the information available to detect treatable conditions in children.

We commend you for your leadership on this most important issue and look forward to working with you and your colleagues to secure passage of this legislation.

Sincerely,

LARRY LEVINE,
President.
JUDITH WIENER GOODHUE,
Vice Chair, Board of Trustees, Chair, Government Relations Committee.

MARCH OF DIMES,
Washington, DC, March 5, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of more than 3 million volunteers and 1400 staff members of the March of Dimes, I am writing to thank you for introducing the ''Screening for Health of Infants and Newborns Act'' or the ''SHINE Act.'' We understand the purpose of this legislation would be to authorize grant programs to support state efforts to expand the number of conditions for which newborns are screened and to improve dissemination of educational resources to healthcare professionals and the public.

As you may know, the March of Dimes president served on the steering committee that developed the American College of Medical Genetics recommendation that every baby born in the United States be screened for a 'core' set of twenty-nine treatable disorders, including certain metabolic conditions and hearing deficiency. The March of Dimes has endorsed this recommendation because early detection and treatment of these disorders can avert lifelong disabilities (including mental retardation), other serious illnesses and even death. Parents are often unaware that the number and quality of newborn screening varies from state to state and while newborns are regularly screened and treated for debilitating conditions in some states, in others, screening may not be required and conditions may go undiagnosed and untreated.

Federal guidance and incentives for states to improve their newborn screening programs are sorely needed and the ''SHINE Act'' will go a long way to enhancing the capacity of states to expand their programs and to provide much needed educational materials to families via the internet.

We at the March of Dimes are sincerely grateful for your leadership on this issue and we look forward to working with you and others Members of Congress to expand federal support for newborn screening.

Sincerely,

MARINA L. WEISS,
Senior Vice President, Public Policy & Government Affairs.

AMERICAN COLLEGE OF MEDICAL GENETICS,
Bethesda, MD, June 27, 2007.

Re Screening for Health of Infants and Newborns (SHINE) Act.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing in reference to the SHINE Act, a bill that your office will introduce into the Senate imminently to ensure the health and quality of life of all newborns in the United States by providing resources to further improve the capacity and quality of newborn screening programs. The American College of Medical Genetics (ACMG), which represents approximately 1400 medical geneticists who comprise the workforce that cares for these patients and their families, as well as houses the National Coordinating Center for the Regional Genetic and Newborn Screening Services Collaboratives, appreciates that you have acknowledged our ongoing roles in the development of newborn screening programs in the United States. ACMG is fully supportive of the bill and recognizes the importance of each of the areas it addresses. Newborn screening programs have always represented a unique partnership between public health and private healthcare and as such, they require a high degree of coordination, collaboration and communication, as recognized by this bill. Likewise, surveillance and data collection are pivotal to harnessing new developments in the areas of diagnostics and therapeutics.

We are pleased that you have recognized this important public health program and have sought positive activities to improve it. If there is anything we can do to further the goals of this legislation, please feel free to contact us.

Sincerely,

MICHAEL S. WATSON,
Executive Director.
JUDITH L. BENKENDORF,
Project Manager.

Mr. KERRY (for himself and Ms. SNOWE):

S. 1714. A bill to establish a multi-agency nationwide campaign to educate small business concerns about health insurance options available to children; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in the coming weeks, the Finance Committee will meet to consider legislation to reauthorize the vitally important State Children's Health Insurance Program, S–CHIP. The legislation that comes through committee will represent this Congress's first opportunity to make a loud and clear statement regarding the importance of children's health as a national priority.

As a member of the Finance Committee, I am focused on one goal: to insure each and everyone of the 11 million kids under the age of 21 who are uninsured today, while making sure that no other kids slip through the cracks. The first bill I introduced in this Congress, S. 95, the Kids Come First Act, would accomplish just that.

Because the Bush administration and previous Republican Congresses have played fast and loose with our Nation's finances, today we face an enormous budget deficit. The unfortunate reality is that we may not be able to accomplish all of the goals set forth in Kids

Come First. But the Democratic Congress is committed to doing everything in our power to expand health coverage to children this year.

Much of our efforts will be focused on S–CHIP reauthorization. But there are additional steps we can take to begin to address this problem. The Small Business Children's Health Education Act, which I am introducing today with Senator SNOWE, represents one of those steps.

In February of 2007, the Urban Institute reported that among those eligible for the State Children's Health Insurance Program, children whose families are self-employed or who work for small business concerns are far less likely to be enrolled. Specifically, one out of every four eligible children with parents who work for a small business or who are self-employed are not enrolled. This statistic compares with just 1 out of every 10 eligible children whose parents work for a large firm.

We need to do a better job of informing and educating America's small business owners and employees of the options that may be available for covering uninsured children. To that effect, the Small Business Children's Health Education Act creates an intergovernmental task force, consisting of the Administrator of the Small Business Administration, the Secretary of Health and Human Services, the Secretary of Labor and the Secretary of Treasury, to conduct a campaign to enroll kids of small business employees who are eligible for S–CHIP and Medicaid but are not currently enrolled. To educate America's small businesses on the availability of S–CHIP and Medicaid, the task force is authorized to make use of the Small Business Administration's business partners, including the Service Corps of Retired Executives, the Small Business Development Centers, Certified Development Companies, and Women's Business Centers, and is authorized to enter into memoranda of understanding with chambers of commerce across the country.

Additionally, the Small Business Administration is directed to post S–CHIP and Medicaid eligibility criteria and enrollment information on its website, and to report back to the Senate and House Committees on Small Business regarding the status and successes of the task force's efforts to enroll eligible kids.

If you believe that we should be doing everything in our power to get every kid in this country insured, then this proposal is a no-brainer. It is estimated that 6 million of the 9 million uninsured children living in the United States are currently eligible for S–CHIP and Medicaid. These are kids who already meet the criteria for coverage, we just need to get the word to their parents and to their parents' employers that they are eligible. Ultimately, this is about priorities. I believe that the richest country on earth should not rest until all of our children are as safe and as healthy as they can possibly be.

I thank Senator SNOWE for our longstanding partnership on issues critical to America's small business owners, and for her work on this legislation. I urge my colleagues to support this bill.

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. 1714

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 Business Children's Health Education Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) nearly 2,000,000 of the 9,000,000 uninsured children in the United States are currently eligible for the State Children's Health Insurance Program based on their family income, but are not enrolled;

(2) nearly 4,000,000 uninsured children appear to be eligible for Medicaid, but remain uninsured;

(3) the State Children's Health Insurance Program appears to reach only 69 percent of its target population;

(4) according to a study conducted by the Urban Institute in February, 2007, among those eligible for the State Children's Health Insurance Program, children whose families are self-employed or who work for small business concerns are far less likely to be enrolled in that program, specifically that 1 out of every 4 eligible children with parents who work for a small business concern or are self employed are not enrolled, compared with 1 out of 10 eligible children whose parents work for a large firm who are not enrolled; and

(5) the Federal Government can improve the lives of uninsured families eligible for the State Children's Health Insurance Program through increasing awareness of the availability, eligibility, and enrollment process for the State Children's Health Insurance Program (and other private options for health insurance) among owners of small business concerns.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' means the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''certified development company'' means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term ''Medicaid program'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term ''State'' has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term ''State Children's Health Insurance Program'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term ''task force'' means the task force established under section 4(a); and

(10) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

SEC. 4. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(b) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(c) RESPONSIBILITIES.—The campaign conducted under this section shall include—

(1) efforts to educate the owners of small business concerns about the value of health coverage for children;

(2) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(3) efforts to educate the owners of small business concerns about assistance available through public programs; and

(4) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(d) IMPLEMENTATION.—In carrying out this section, the task force may—

(1) use any business partner of the Administration, including—

(A) a small business development center;

(B) a certified development company;

(C) a women's business center; and

(D) the Service Corps of Retired Executives;

(2) enter into—

(A) a memorandum of understanding with a chamber of commerce; and

(B) a partnership with any appropriate small business concern or health advocacy group; and

(3) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(e) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(f) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, Mr. BIDEN, Ms. COLLINS, and Mr. REED):

S. 1715. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce the Medicare Mental Health Copayment Equity Act of 2007. I am pleased to be joined again this year by my colleague from Massachusetts, Senator KERRY. Since the 107th Congress, Senator KERRY has worked tirelessly with me to address the problem of mental health care parity. Today, we unite yet again to achieve equality between mental and physical health services under Medicare.

Mental illness ranks as the second leading reason that Americans lose healthy years of life to premature death or disability. The occurrence of mental illness among older adults is widespread, with nearly one in five Americans aged 55 and older experiencing specific disorders that are not a part of normal aging. In fact, older Americans have the highest rate of suicide in the country, and their risk increases with age, and is further exacerbated by impediments to treatment.

It is critical to note that while Medicare is often viewed as health insurance for people over age 65, it also provides care for those with severe disabilities. In fact, mental disorders are the single most frequent cause of disability, affecting more than one out of four Medicare beneficiaries. So the problem of access to mental health treatment is a pressing one for Medicare.

The good news is that, today, there are increasingly effective treatments for mental illness. The majority of people with mental disorders who receive proper treatment can lead productive lives.

Yet Medicare pays far less for critical mental health services needed by these beneficiaries than it does for medical treatment for physical disabilities. Medicare beneficiaries typically pay 20 percent of the cost of covered outpatient services, including doctor's visits, and Medicare pays the remaining 80 percent. However, this does not apply to outpatient mental health services; here Medicare law imposes a special limitation, which requires patients to pay a much higher copayment of 50 percent.

Let me give an example of the current disparity in copayments. If a Medicare patient sees a doctor in an office for treatment of cancer, heart disease, or the flu, the patient must pay 20 percent of the fee for the visit. Yet if a Medicare patient sees a psychiatrist, psychologist, social worker, or other professional in an office for treatment of depression, schizophrenia, or any other type of mental illness, the patient must pay 50 percent of the fee. That impedes critically-needed treatment, creating disability and resulting in lives needlessly lost.

Our bill will eliminate the barrier to access which the present discriminatory copayment imposes, by phasing out the disparate payment policy over a 6-year period. This will lower the copayment rate for mental health services from the current 50 percent to the standard 20 percent. This means that, in 2013, patients seeking outpatient treatment for mental illness will pay the same 20 percent copayment that is required of Medicare patients today who receive outpatient treatment for other illnesses. Our bill creates ''copayment equity'' for Medicare mental health services. It is time to end the distinction between physical and mental disorders under Medicare.

I urge my colleagues to join with Senator KERRY and myself in supporting the Medicare Mental Health Copayment Equity Act of 2007 for equal treatment of mental health services under Medicare.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator SNOWE in once again introducing the Medicare Mental Health Copayment Equity Act of 2007. This legislation will establish mental health care parity in the Medicare Program.

Medicare currently requires patients to pay a 20 percent copayment for all Part B services except mental health care services, for which patients are assessed a 50 percent copayment. Thus, under the current system, if a Medicare patient sees an endocrinologist for diabetes treatment, an oncologist for cancer treatment, a cardiologist for heart disease treatment or an internist for treatment of the flu, the copayment is 20 percent of the cost of the visit. If, however, a Medicare patient visits a psychiatrist for treatment of mental illness, the copayment is 50 percent of the cost of the visit. This disparity in outpatient copayment represents blatant discrimination against Medicare beneficiaries with mental illness.

The prevalence of mental illness in older adults is considerable. According to the U.S. Surgeon General, 20 percent of older adults in the community and 40 percent of older adults in primary care settings experience symptoms of depression, while as many as one out of every two residents in nursing homes are at risk of depression. The elderly have the highest rate of suicide in the U.S., and there is a clear correlation between major depression and suicide: 60 to 75 percent of suicides among patients 75 and older have diagnosable depression. In addition to our seniors, hundreds of thousands of nonelderly disabled Medicare beneficiaries become Medicare-eligible by virtue of severe and persistent mental disorders. To subject the mentally disabled to discriminatory costs in coverage for the very conditions for which they became Medicare eligible is illogical and unfair.

There is ample evidence that mental illness can be treated. Unfortunately, among the general population, those in need for treatment often do not seek it because they are ashamed of their condition. Among our Medicare population, the mentally ill face a double burden: not only must they overcome the stigma about their illness, but once they seek treatment they must pay one-half of the cost of care out of their own pocket. The Medicare Mental Health Copayment Equity Act will provide for the reduction of the coinsurance rate for outpatient mental health services over a 6-year period. By applying the same 20 percent copayment rate to mental health services to which all other outpatient services are subjected, the Medicare Mental Health Copayment Equity Act will bring parity to the Medicare Program and improve access to care for our senior and disabled beneficiaries who are living with mental illness.

By Mr. THUNE:

S. 1716. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. THUNE. Mr. President, I rise today to introduce a bill that seeks to fix a potentially devastating mistake in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, Public Law No. 110–28.

In May 2007, Congress passed H.R. 2206, which included much-needed disaster assistance for our Nation's farmers and ranchers. After much delay, it is critical that those producers impacted by natural disasters receive the assistance they need and deserve.

Over the past few years, drought conditions and other natural disasters have financially strained tens of thousands of agriculture producers across the country. Congress has responded to the needs of America's producers by enacting emergency disaster assistance for our farm and ranch families.

However, it has been brought to my attention that many livestock producers will likely be ineligible for assistance due to an unintended technicality. Congress clearly intended disaster assistance to be available to those producers most impacted by years of devastating weather conditions. This assistance includes livestock producer eligibility for Livestock Indemnity Payments and Livestock Compensation Program without participation in the Non-Insured Crop Disaster Assistance program, NAP, or Federal crop insurance pilot program as a prerequisite.

However, it is my understanding that the Department of Agriculture will interpret section 9012 of Public Law 110–28 as Congress intending that all livestock producers must have NAP or pilot crop insurance coverage in order to be eligible for disaster payments. If disaster benefits are limited to only

those livestock producers with NAP or crop insurance coverage, the vast majority of livestock producers in drought-stricken regions will be ineligible for disaster assistance.

Only a small percentage of producers participated in the NAP program, which only paid $1 to $2 per acre. As a result, few grazing producers bought policies. It is not good policy to exclude producers from disaster assistance who chose not to participate in what many consider an ineffective program.

My legislation would strike section 9012 of Public Law 110–28, and ensure that those producers in need of assistance receive assistance in a timely manner.

It is my belief that both the Senate and the House of Representatives should pass my bill to ensure that livestock producers are able to qualify for the disaster assistance that President Bush signed into law earlier this year.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. OBAMA, Mr. BROWN, Mr. CARDIN, Mr. LEVIN, and Ms. STABENOW):

S. 1717. A bill to reqire the Secretary of Agriculture, acting through the Deputy Chief of State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I rise today to introduce the bipartisan Emerald Ash Borer Municipality Assistance Act of 2007, a bill designed to help local units of government manage the costs of combating this pernicious invasive pest species.

Although some of my colleagues in the Senate may not have heard of the Emerald Ash Borer, it is a destructive pest that poses a significant threat to our forests and urban and residential landscapes.

Some of my colleagues are all too familiar with the destructive power of EAB because of the speed with which it can move from State to State and the extensive damage it can cause to a State's ash tree population. Before this species was discovered in Illinois, I had been following its deadly march across the Midwest and had discussed the dangers of EAB with my colleagues from Michigan and Indiana.

The emerald-green beetle was most likely brought to North America in solid wood packing material from Asia about 10 years ago. Our new flat world means that in addition to improved global communications and more foreign trade and foreign travel, we are also witnessing the international movement of bugs like this beetle.

The beetle was first discovered in Michigan in 2002. Since then, the beetle has killed 20 million of the State's more than 700 million ash trees. Since then, the beetle has been found in Indiana, Ohio, and Maryland. The tiny beetle kills with astonishing speed. During the mating season, the ash borer lays its larva under the bark of the ash trees. When they hatch, hundreds of these beetles feed on the inner bark of the ash tree, disrupting the tree's ability to transport water and nutrients through the tree.

Within 2 to 3 years of introduction, the beetles will destroy a host ash tree and spread. Each beetle has a half mile flying range, widening the beetle's infestation every year in expanding concentric circles. The beetle is also spread artificially and often unknowingly by campers and others who transport ash firewood and thus introduce the beetle to new environments.

Managing this deadly beetle is a significant challenge. At an average cost of $500 per tree removal and a couple of hundred dollars to replant a tree to maintain forest and urban canopies, this bug presents a serious economic impact on our communities. Additional costs are incurred for equipment, marshalling yards, and survey activities.

While the Federal Government administers a national EAB program through USDA-APHIS, many of the costs of managing EAB are borne by municipalities and homeowners. For example, the city of Woodridge, IL, a town of 30,000, is home to 8,000 public trees, 25 percent of which are ash. If the Emerald Ash Borer were to infest the public-owned ash trees of Woodridge, the cost of removing and replanting Woodridge's trees would be about $1.8 million.

One of the missing pieces in the Federal Emerald Ash Borer, EAB, Program is a mechanism to help municipalities defray the costs of performing EAB prevention duties normally performed by the Federal Government. These costs include managing the EAB population by surveying trees, removing infested trees, and replacing removed trees. The expenses associated with these activities include purchasing bucket trucks, tub grinders, and replacement trees and renting or leasing space for marshalling yards.

The legislation would create a low-interest revolving loan fund for communities for the purchase of capital equipment and replacement trees within quarantine areas. Communities would have a 20-year window to repay the loan. In addition, the bill would allow states to contract with local units of government to perform EAB duties.

Ash trees are among the most commonly found trees in our forests and urban canopies. Wisconsin is home to more than 700 million of them. They make up 20 percent of the tree population of beautiful Madison, WI. The beetle threatens billions of ash trees in North America. Losing our ash trees would incur costs that are difficult to measure. Homeowners deeply love their trees and value the shade and aesthetic beauty they add. Ash trees are a part of our wildlife habitat and diverse environment.

In my State of Illinois, the beetle has been found in multiple locations, in several parts of both Kane County and Cook County. Experts say that unchecked, this beetle could threaten ash trees nationwide on a scale equal to the Dutch Elm Disease, which destroyed more than half of the elm trees in the northern United States.

It is a problem of significant magnitude and I hope my colleagues will join me in this effort to control and eradicate the Emerald Ash Borer.

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. 1717

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 ''Emerald Ash Borer Municipality Assistance Act of 2007''.

SEC. 2. EMERALD ASH BORER REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term ''authorized equipment'' means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term ''authorized equipment''includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term ''Fund'' means the Emerald Ash Borer Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Emerald Ash Borer Revolving Loan Fund'', consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by the emerald ash borer.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(I) on land under the jurisdiction of the eligible unit of local government; and

(II) within the borders of a quarantine area infested by the emerald ash borer; or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 3. COOPERATIVE AGREEMENTS RELATING TO EMERALD ASH BORER PREVENTION ACTIVITIES.

Any cooperative agreement entered into after the date of enactment of this Act between the Secretary of Agriculture and a State relating to the prevention of emerald ash borer infestation shall allow the State to provide any cost-sharing assistance or financing mechanism provided to the State under the cooperative agreement to a unit of local government of the State that—

(1) is engaged in any activity relating to the prevention of emerald ash borer infestation; and

(2) is capable of documenting each emerald ash borer infestation prevention activity generally carried out by—

(A) the Department of Agriculture; or

(B) the State department of agriculture that has jurisdiction over the unit of local government.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1722. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, agriculture is Pennsylvania's No. 1 industry. According to 2004 U.S. Department of Agriculture, USDA, statistics, the market value of all agriculture production in PA was approximately $7,026,739,000. Further, dairy is the number one sector of our agriculture industry. In 2005, Pennsylvania dairy farmers produced 10.5 billion pounds of milk from 558,000 cows on approximately 9,000 dairy farms. In 2004, milk production in PA contributed about $1,770,912,000 to the economy.

I have consistently fought for Pennsylvania's dairy producers since taking office in 1981. Last year, I fought to ensure the viability of the dairy industry by ensuring that the Senate Budget Committee opposed the administration's fiscal year 2007 proposals that would have been detrimental to our Nation's dairy farmers. I, along with 16 other Senators, wrote a letter on March 8, 2006, to the Senate Budget Committee urging rejection of the proposed budget cuts and tax increases on America's dairy farmers that included: 1. reducing the value of the price support program; 2. cutting Milk Income Loss Contract, MILC, payments by 5 percent; and 3. taxing every dairy farmer in America 3 cents per hundredweight, cwt., on all production. We were successful in this fight to protect Pennsylvania's, and the Nation's, dairy producers.

Also, I, along with five other Senators, requested that the Government Accountability Office, GAO, review the Chicago Mercantile Exchange, CME, cash cheese market because the price of cheese is strongly correlated to the price of milk. The GAO is expected to have a final report in the near future. This report will help us set legislative priorities by giving us a better understanding of the CME cheese market and its relation to the price of milk.

Even though milk production in Pennsylvania had a market value of $1,770,912,000 in 2004, dairy farmers across PA and the Nation experienced decreased prices of milk from November of 2005 until early this year. Our dairy producers should not be receiving decreased milk prices, especially with the increased costs of production, such as fuel, feed, and fertilizer.

These unpredictable fluctuations in the price of milk paid to our dairy farmers place an undue financial burden on our producers, which in turn negatively impact our rural communities. As a result, I worked hard with Senators SANTORUM, CHAMBLISS, KOHL, and LEAHY to extend the Milk Income Loss Contract, MILC, program until September of 2007. The MILC program was created as part of the 2002 farm bill to provide supplemental payments to dairy farmers when the market price falls below a statutory trigger. This program has provided timely and crucial payments to producers, particularly when prices were low in 2002, 2003, and 2006. Although milk prices are expected to be above the statutory trigger price of $16.94 through 2007, we need to ensure a more stable milk pricing system.

The 2007 farm bill creates an opportunity to address the current volatile milk pricing system. While many legislative measures have been proposed, it is essential that any program address costs of production, ensure market and price transparency, and provide a safety-net for our producers. Additionally, we need to provide dairy producers with tools to help them should milk prices fall below sustainable levels, such as a voluntary revenue insurance program.

I, along with Senator BOB CASEY, have worked with our constituents to propose two dairy legislative proposals to ensure that we continue to discuss America's milk pricing system and the need for change in the 2007 farm bill. I have met with dairy producers from across the Commonwealth and there is a broad consensus that the unpredictable milk pricing system needs to be addressed. The hard part is coming to a consensus on how to reform the system. Although these two legislative proposals may not be perfect, they provide ideas on assuring an equitable milk price for our dairy producers.

The first bill that we are introducing is the Federal Milk Marketing Improvement Act of 2007. This legislation would reduce the number of classes of milk from four to two with the intent of simplifying the pricing of milk. The bill would require the Secretary of Agriculture to determine the price of all milk used for manufacturing purposes, which will be classified as Class II milk, by using the national average cost of production. This price would then be the basis formula for calculating the price of Class I milk, which is fluid milk. Although costs of production can vary drastically farm by farm, this legislation would ensure that dairy farmers receive a fair price for their milk based on a national average cost of production figure.

Costs of production for dairy farmers all across America have increased, not

just in one region. Fuel, feed, and fertilizer costs have more than doubled. Only recently has the price of milk paid to farmers reached higher than the MILC program trigger price of $16.94 per cwt. With the price of milk above this target price, no payments to farmers will be made, even though input costs have more than doubled. Addressing costs of production is necessary to ensure that our family dairy farmers survive.

The second bill that we have introduced aims to promote growth and opportunity for the dairy industry. This bill would change the current MILC program to a Milk Target Price Program and would link payments to dairy farmers on Class III milk. The program would pay farmers when the price of Class III falls below $12.00 per hundredweight. This trigger price would be adjusted by a feed adjustment factor to reflect the feed cost of producing 100 pounds of milk. The USDA would determine this factor based on a feed price index using a baseline period of calendar years 2001 through 2005.

Further, the second bill would require the mandatory reporting of dairy commodities by requiring that dairy prices be reported on a daily and weekly basis. The current system is not mandatory and it is estimated that dairy farmers lost $6.4 million due to a Federal reporting error by the USDA over the past nine months. Along with 10 other Senators, I sent a letter to USDA Secretary Mike Johanns on May 9, 2007, requesting an explanation on how this misreporting occurred. This bill aims to close any loops in current law and assure proper auditing, data verification, and enforcement of reporting in order to ensure a transparent dairy market.

Finally, the second bill would provide authorization for a Federal dairy education loan forgiveness program. This would allow students at higher education institutions across America who focus on agriculture for a 2- or 4-year degree and become a full-time owner of a farm to become eligible to have their Federal student loans forgiven. This is aimed to ensure that there is a younger generation of farmers to work the lands across the fields in America.

Both of these bills aim to help our family dairy farms who deserve a fair price for their milk. I am committed to Pennsylvania's dairy farmers and will continue to work with my Pennsylvania colleague, Senator CASEY, and all my colleagues in the U.S. Senate to ensure our dairy farmers are not left behind. As more ideas and solutions are proposed, I will consider each and every one. Debate is important to finding a solution to any problem.

Farmers and rural America are the backbone of our great country. Every day, they work the fields, milk the cows, herd the cattle, and pick the produce. I myself grew up in rural Kansas and at the age of 14, I worked for Clyde Mills, father of my close friend and high school classmate Steve, driving a tractor in the wheat fields, providing lessons on the difficulties of working on a farm.

Agriculture is crucial to Pennsylvania and to the entire nation. We need to ensure that the next farm bill provides all our fanners with the assistance they need to overcome hardships, as well as providing our rural communities the financial and technical assistance they need to assure a vibrant and stable rural economy. Even though I voted against final passage of the 2002 farm bill because it disproportionately provided more Federal funds to other states and regions in the U.S., I look forward to working with the Senate Committee on Agriculture and my colleagues in the full Senate to ensure farmers across America are equitably treated when it comes to Federal agricultural programs and assistance.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 258—RECOGNIZING THE HISTORICAL AND EDUCATIONAL SIGNIFICANCE OF THE ATLANTIC FREEDOM TOUR OF THE FREEDOM SCHOONER AMISTAD, AND EXPRESSING THE SENSE OF THE SENATE THAT PRESERVING THE LEGACY OF THE AMISTAD STORY IS IMPORTANT IN PROMOTING MULTICULTURAL DIALOGUE, EDUCATION AND COOPERATION

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 258

Whereas the Slave Trade Act of the British Parliament in 1807 was the first major legislation to abolish the slave trade and began the march to end slavery;

Whereas, in 1839, 53 Africans were illegally kidnapped from Sierra Leone and sold into the transatlantic slave trade;

Whereas the captives were brought to Havana, Cuba, aboard the Portuguese vessel Tecora, where they were fraudulently classified as native-born Cuban slaves;

Whereas the captives were sold to José Ruiz and Pedro Montez of Spain, who transferred them onto the coastal cargo schooner La Amistad;

Whereas, on the evening of the rebellion, La Amistad was secretly directed to return west up the coast of North America, where after two months the Africans were seized and arrested in New London, Connecticut;

Whereas the captives were jailed and awaited trial in New Haven, Connecticut;

Whereas the trial of the captives became historic when former President John Quincy Adams argued on behalf of the enslaved before the United States Supreme Court and won their freedom;

Whereas, in 2007, the Freedom Schooner Amistad will embark on its first transatlantic voyage to celebrate the 200th anniversary of the abolition of the transatlantic slave trade; and

Whereas the Amistad case represents an opportunity to call to public attention the evils of slavery and the struggle for freedom and the restoration of human dignity: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad;

(2) the Senate encourages the people of the United States to learn about the history of the United States and better understand the experiences that have shaped this Nation; and

(3) it is the sense of the Senate that preserving the legacy of the Amistad should be regarded as a means in fostering multicultural dialogue, education, and cooperation.

SENATE RESOLUTION 259—COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM FOR WINNING THE 2007 COLLEGE WORLD SERIES

Mr. WYDEN (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 259

Whereas on June 24, 2007, the Oregon State University baseball team won the 2007 College World Series in Omaha, Nebraska after defeating California State University, Fullerton by a score of 3 to 2; Arizona State University by a score of 12 to 6; University of California, Irvine by a score of 7 to 1; and the University of North Carolina at Chapel Hill in the championship by scores of 11 to 4 and 9 to 3;

Whereas this is the second consecutive College World Series championship Oregon State University has won, making the University the first repeat College World Series champion in a decade;

Whereas the success of the team was a direct result of the skill, intensity, and resolve of every player on the Oregon State University baseball team, including Erik Ammon, Darwin Barney, Hunter Beaty, Scotty Berke, Reed Brown, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Jackson Evans, Kyle Foster, Drew George, Mark Grbavac, Chad Hegdahl, Chris Hopkins, Koa Kahalehoe, Greg Keim, Blake Keitzman, Josh Keller, Eddie Kunz, Joey Lakowske, Lonnie Lechelt, Jordan Lennerton, Mike Lissman, Anton Maxwell, Jake McCormick, Chad Nading, Jason Ogata, Ryan Ortiz, Joe Paterson, Tyrell Poggemeyer, Joe Pratt, Jorge Reyes, Scott Santschi, Kraig Sitton, Alex Sogard, Dale Solomon, Michael Stutes, Daniel Turpen, John Wallace, Braden Wells, and Joey Wong;

Whereas freshman pitcher Jorge Reyes was recognized as the Most Outstanding Player of the 2007 College World Series tournament;

Whereas Darwin Barney, Mitch Canham, Mike Lissman, Jorge Reyes, Scott Santschi, and Joey Wong were named to the 2007 All-College World Series tournament team; and

Whereas the 2007 College World Series victory of the Oregon State University baseball team ended a terrific season in which the team compiled a record of 49 wins to 18 losses: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and Oregon State University President Edward John Ray on their tremendous accomplishment in defending their 2007 College World Series championship title; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1948. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1949. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1950. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1951. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1952. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1953. Mr. SCHUMER (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1954. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1955. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1957. Mrs. FEINSTEIN proposed an amendment to amendment SA 1934 (Division I) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

SA 1958. Mr. SPECTER proposed an amendment to amendment SA 1934 (Division II) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

SA 1959. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1960. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1961. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1962. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1963. Mr. COLEMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1964. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1965. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1966. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1967. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1968. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1969. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1970. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1971. Mr. NELSON of Florida (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1972. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1973. Mr. DODD (for himself, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1974. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1975. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1976. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1906 submitted by Mr. CHAMBLISS and intended to be proposed to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1977. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1934 (Division XI) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1978. Mr. KENNEDY proposed an amendment to amendment SA 1934 (Division VII) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

TEXT OF AMENDMENTS

SA 1948. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 452, strike line 11 and all that follows through page 454, line 16, and insert the following:

''(D) under section 101(a)(15)(Y)(ii), may not exceed—

''(i) 100,000 for the first fiscal year in which the program is implemented;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 300,000 for any fiscal year.'';

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

''(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii) and (D)(ii) of paragraph (1)—

''(A) if the total number of visas allocated for that fiscal year are issued during the first 6 months that fiscal year, 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;

''(B) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

''(C) 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.'';

(4) in paragraph (10), as redesignated by paragraph (2) of this section, by amending subparagraph (A) to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(D) during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''; and

(5) in paragraph (11), as redesignated by paragraph (2) of this section—

(A) by inserting ''(A)'' after ''(11)''; and

(B) by adding at the end the following:

''(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.''.

SA 1949. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(f)(2), strike ''12 months'' and insert ''2 years''.

SA 1950. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 11 and 12, insert the following:

(e) AGREEMENT OF BORDER GOVERNORS.—The programs described in subsection (a) shall not become effective until at least 3 of the 4 governors of the States that share a land border with Mexico agree that the border security and other measures described in subsection (a) are established, funded, and operational.

(f) DEFINED TERM.—In this section, the term ''operational control'' means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SA 1951. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 580 between lines 7 and 8, insert the following:

(6) ENGLISH AND CIVICS.—An alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

SA 1952. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 582, strike line 11 and all that follows through page 584, line 4, and insert the following:

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(II) EXCEPTION.—The requirement under subclause (I) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable to comply because of physical or developmental disability or mental impairment to comply with such requirement; or

(bb) is older than 65 years of age and has been living in the United States for periods totaling not less than 20 years.

SA 1953. Mr. SCHUMER (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, after line 17, insert the following:

SEC. 716. CLARIFYING AMENDMENTS REGARDING THE USE OF SOCIAL SECURITY CARDS.

(a) USE OF SOCIAL SECURITY CARDS TO ESTABLISH IDENTITY AND EMPLOYMENT AUTHORIZATION.—Section 274A of the Immigration and Nationality Act, as amended by section 302, is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(III), by striking ''; or'' and inserting a semicolon;

(ii) in clause (iii), by striking the end period and inserting ''; or''; and

(iii) by adding at the end the following:

''(iv) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 716(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 716(f)(1) of such Act.''; and

(B) in subparagraph (D)(i), by striking ''may'' and inserting ''shall, not later than the date on which the report described in section 716(f)(1) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, is submitted,''; and

(2) in subsection (d)(9)(B)(v)(I), by striking ''as specified in (D)'' and inserting ''as specified in subparagraph (D), including photographs and any other biometric information as may be required''.

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2)(I)(i) of the Social Security Act, as added by section 308, is further amended by inserting at the end of the flush text at the end the following new sentence: ''As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act, the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.''

(c) INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.—Notwithstanding any other provision of this Act, section 305 of this Act is repealed.

(d) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(e) ADDITIONAL DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—In accordance with the responsibilities of the Commissioner of Social Security under section 205(c)(2)(I) of the Social Security Act, as added by section 308, the Commissioner—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) in consultation with the Secretary of Homeland Security, shall issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(f) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(c)(1) of the Immigration and Nationality Act, should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (d)(1), and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SA 1954. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PEACE GARDEN PASS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—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 of the United States described in subsection (b) to travel to the International Peace Garden on the borders of the State of North Dakota and Manitoba, Canada (and to be readmitted into the United States).

(2) MAINTAINING BORDER SECURITY.—The Secretary shall take any appropriate measures to ensure that the Peace Garden Pass does not weaken border security or otherwise pose a threat to national security, including—

(A) including biographic data on the Peace Garden Pass; and

(B) using databases to verify the identity and other relevant information of holders of the Peace Garden Pass upon re-entry into the United States.

(b) ADMITTANCE.—The Peace Garden Pass shall be issued for the sole purpose of traveling to the International Peace Garden from the United States and returning from the International Peace Garden to the United States without having been granted entry into Canada.

(c) CHARACTERISTICS OF THE PEACE GARDEN PASS.—The Peace Garden Pass shall be—

(1) machine-readable;

(2) tamper-proof; and

(3) not valid for certification of citizenship for any other purpose other than admission into the United States from the Peace Garden.

(d) IDENTIFICATION.—The Secretary shall—

(1) determine what form of identification (other than a passport or passport card) will

be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(e) LIMITATION.—The Peace Garden Pass shall not grant entry into Canada.

(f) DURATION.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(g) COST.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 1955. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 529, strike line 13 and all that follows through line 22, and insert the following:

''(2) redesignating paragraph (4) as paragraph (2);

''(3) redesignating paragraph (5) as paragraph (3);

''(4) redesignating paragraph (6) as paragraph (4).

SA 1956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 595, strike lines 19 through 23 and insert the following:

(B) ADJUSTMENT OF STATUS; PREFERENTIAL TREATMENT PROHIBITED.—The status of any Z–1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence if the Z–1 nonimmigrant meets the requirements under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255). Nothing in this Act may be construed to provide aliens who were unlawfully present in the United States before the date of the enactment of this Act with any preferential treatment over other aliens who are seeking to obtain legal permanent residence or United States citizenship.

SA 1958. Mrs. FEINSTEIN proposed an amendment to amendment SA 1934 (Division I) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1958. Mr. SPECTER proposed an amendment to amendment SA 1934 (Division II) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1959. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 11 and 12, insert the following:

(7) US–VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 1960. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 617, strike line 1 and all that follows through page 618, line 22, and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1961. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title VI, insert the following:

(a) ELIGIBILITY TO ENLIST IN THE UNITED STATES ARMED FORCES.—Notwithstanding section 504(b) of title 10, United States Code, an alien who receives Z nonimmigrant status shall be eligible to enlist in the United States Armed Forces.

SA 1962. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 268, line 13, strike ''.'', and insert ''and''

''requires, as a condition of conducting, continuing, or expanding a business, that, a business entity—

''(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority; or

''(ii) shall carry out any other activity to facilitate the employment by others of—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority.''.

SA 1963. Mr. COLEMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LANGUAGE TRAINING PROGRAMS.

(a) ACCREDITATION REQUIREMENT.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i) is amended by striking ''a language'' and inserting ''an accredited language''.

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations that—

(1) except as provided under paragraphs (3) and (4), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), be accredited by the Commission on English Language Program Accreditation, the Accrediting Council for Continuing Education

and Training, or under the governance of an institution accredited by 1 of the 6 regional accrediting agencies;

(2) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary of Education with documentation regarding the specific subject matter for which the program is accredited;

(3) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program, during the 3-year period beginning on the date of the enactment of this Act, if such program is not accredited under paragraph (1); and

(4) permit a language training program established after the date of the enactment of this Act, which is not accredited under paragraph (1), to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 3-year period beginning on the date on which such program is established.

SA 1964. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 711. WESTERN HEMISPHERE TRAVEL INITIATIVE IMPROVEMENT.

(a) CERTIFICATIONS.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking ''process'' and inserting ''read''; and

(ii) inserting ''at all ports of entry'' after ''installed'';

(B) in clause (vi), by striking ''and'' at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(viii) a pilot program in which not fewer than 1 State has been initiated and evaluated to determine if an enhanced driver's license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual's driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

''(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

''(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

''(xi) sufficient passport adjudication personnel have been hired or contracted—

''(I) to accommodate—

''(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

''(bb) a surge in such demand during seasonal peak travel times; and

''(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks.''; and

(2) by adding at the end the following:

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

''(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses;

''(vi) recommendations for improving the pilot program; and

''(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver's license program as compared with participating in an alternative program.''.

(b) SPECIAL RULE FOR MINORS.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MINORS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

''(A)(i) is less than 16 years old;

''(ii) is accompanied by the individual's legal guardian;

''(iii) is entering the United States from Canada or Mexico;

''(iv) is a citizen of the United States or Canada; and

''(v) provides a birth certificate; or

''(B)(i) is less than 18 years old;

''(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization, or team associated with a youth athletics organization; and

''(iii) provides a birth certificate.''.

(c) TRAVEL FACILITATION INITIATIVES.—Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsections:

''(e) STATE DRIVER'S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

''(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

''(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver's license or identity card meets the requirements of this paragraph if—

''(A) the license or card—

''(i) was issued by a State that is participating in the Program; and

''(ii) is tamper-proof and machine readable; and

''(B) the State that issued the license or card—

''(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

''(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

''(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

''(4) ADMISSION OF CITIZENS OF CANADA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

''(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

''(5) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

''(A) from a country other than Canada; or

''(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

''(6) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

''(7) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

''(f) WAIVER FOR INTRASTATE TRAVEL.—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a noncontiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

''(g) WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a

final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

''(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

''(B) develop not fewer than 6 mobile enrollment teams that—

''(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

''(ii) are operated along the northern and southern borders of the United States; and

''(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

''(2) DESIGNATION OF CITIES AND PORTS OF ENTRY.—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

''(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

''(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

''(h) COST-BENEFIT ANALYSIS.—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

''(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

''(2) any potential savings that would result from the implementation of the State Driver's License and Identity Card Enrollment Program established under subsection (e) as an alternative to passports and passport cards.

''(i) REPORT.—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

''(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

''(A) the average delay at border crossings; and

''(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

''(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

''(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

''(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.''.

(d) SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.—The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

(e) PASSPORT PROCESSING STAFF AUTHORITIES.—

(1) REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(A) in paragraph (1), by striking ''To facilitate'' and all that follows through '', the Secretary'' and inserting ''The Secretary''; and

(B) in paragraph (2), by striking ''2008'' and inserting ''2010''.

(2) REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(A) in paragraph (1)(B), by striking ''to facilitate'' and all that follows through ''Afghanistan,''; and

(B) in paragraph (2), by striking ''2008'' and inserting ''2010''.

(f) REPORT ON BORDER INFRASTRUCTURE.—

(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 Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(A) the ability of frequent travelers to access dedicated lanes for such travel;

(B) the total time required for border crossing, including time spent prior to ports of entry;

(C) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(D) the adequacy of readers to rapidly read identity documents of such individuals.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SA 1965. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of this Act, the Secretary shall permit an employee of United States Customs and Border Protection or United States Immigration and Customs Enforcement who carries out a function of such agencies in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area before the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SA 1966. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal such sums as may be necessary to carry out this section.

SA 1967. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, between lines 17 and 18, insert the following:

SEC. 716. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15) of the Immigration and Nationality Act, as added by section 715 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if'';

(2) by amending subparagraph (C) to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 85.72 percent shall be deposited in the Treasury in accordance with section 286(aa); and

''(ii) 14.28 percent shall be deposited in the Treasury in accordance with section 286(bb).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 714 of this Act, as subsection (aa) and moving the redesignated subsection to the end of section 286; and

(2) by inserting after subsection (aa), as redesignated by paragraph (1), the following:

''(bb) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1968. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an

amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, between lines 17 and 18, insert the following:

SEC. 716. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15) of the Immigration and Nationality Act, as added by section 715 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if an employer seeks to hire a merit-based, employer-sponsored immigrant described in section 203(b)(5), or if'';

(2) by amending subparagraph (C) to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 85.72 percent shall be deposited in the Treasury in accordance with section 286(aa); and

''(ii) 14.28 percent shall be deposited in the Treasury in accordance with section 286(bb).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 714 of this Act, as subsection (aa) and moving the redesignated subsection to the end of section 286; and

(2) by inserting after subsection (aa), as redesignated by paragraph (1), the following:

''(bb) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1969. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC._____. DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING [NELSON].

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

''(i) VISA APPLICATION INTERVIEWS.—

''(1) VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' includes an interview conducted by videoconference or similar technology after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies to the appropriate committees of Congress that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview using videoconference or similar technology are those of the visa applicant.

''(2) MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews using mobile teams of consular officials after the date on which the Secretary of State, in consultation with Secretary of Homeland Security, certifies to the appropriate committees of Congress that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process or the safety and security of consular officers.

''(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection the term 'appropriate committees of Congress' means—

''(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

''(B) the Committee on Foreign Affairs, Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.''.

SA 1970. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 602, add the following:

(b) SPECIAL RULE FOR HAITIAN CHILDREN.—

(1) ADJUSTMENT OF STATUS.—The status of an alien described in paragraph (2) shall be adjusted by the Secretary of Homeland Security under this subsection, if the alien—

(A) applies for such adjustment prior to the date that is the later of—

(i) 2 years after the date of the enactment of this Act; or

(ii) 1 year after the date on which final regulations implementing this section are promulgated; and

(B) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (6)(C)(i), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4), (5), (6)(A), (6)(C)(i), (7)(A), and (9)(B)) shall not apply.

(2) ELIGIBLE ALIENS.—An alien described in this paragraph is an alien—

(A) who is a national of Haiti;

(B) who—

(i) was on October 21, 1998 the child of an alien who—

(I) was a national of Haiti;

(II) was present in the United States on December 31, 1995;

(III) filed for asylum before December 31, 1995; and

(IV) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest; or

(ii) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(I) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival;

(II) became orphaned subsequent to arrival in the United States; or

(III) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(IV) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days; and

(C) applies for such adjustment and is physically present in the United States on the date the application is filed.

(3) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraphs (1) and (2), an application under such paragraph filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.

SA 1971. Mr. NELSON of Florida (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the table on page 526, after line 5, strike ''Employment'' and all that follows through ''Worker's age: 25–39—3 pts'' and insert the following:

Employment		**47**
Occupation	U.S. employment in Specialty Occupation (DoL definition) or professional nurse—**20 pts**	
National interest/ critical infrastructure	U.S. employment in High Demand Occupation (BLS largest 10-yr job growth, top 30) **16 pts.**	
	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of LPR application fee either 1) offers a job, or 2) attests for a current employee—**6 pts**	
Experience	Years of work for U.S. firm or as a licensed professional nurse for any employer—**2 pts/year (max 10 points)**	
Age of worker	Worker's age: 25–39—**3 pts**	

SA 1972. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 3 and 4, insert the following new subsection:

(f) ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.—

(1) SPECIFIED TERRORIST ACTIVITY.—In this subsection, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(2) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of any alien described in paragraph (3) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary establishes procedures to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (3) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver of the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or granted voluntary departure from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order or grant of voluntary departure, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants an application under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(3) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to paragraph (7), the benefits under paragraph (2) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien under the immigration laws of the United States on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant under the immigration laws of the United States on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(4) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (2).

(B) DURING CERTAIN PROCEEDINGS.—The Attorney General may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (2), unless the Secretary or Attorney General has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for adjustment of status under paragraph (2) to engage in employment in the United States during the pendency of such application.

(5) AVAILABILITY OF ADMINISTRATIVE REVIEW.—Applicants for adjustment of status under paragraph (2) shall have the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(6) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(A) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and paragraph (7) of this subsection, the Attorney General shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subparagraph (B), if the alien applies for such relief.

(B) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subparagraph (A) shall apply to any alien who—

(i) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(ii) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(C) STAY OF REMOVAL; WORK AUTHORIZATION.—

(i) IN GENERAL.—The Secretary shall establish a process to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subparagraph (A).

(ii) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for cancellation of removal under subparagraph (A) to engage in employment in the United States during the pendency of such application.

(D) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(i) IN GENERAL.—On motions to reopen removal proceedings, any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(ii) FILING PERIOD.—The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this Act and shall extend for a period not to exceed 240 days.

(7) EXCEPTIONS.—Notwithstanding any other provision of this subsection, an alien may not be provided relief under this subsection if the alien is—

(A) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(B) a family member of an alien described in subparagraph (A).

(8) EVIDENCE OF DEATH.—For purposes of this subsection, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

(9) PROCESS FOR IMPLEMENTATION.—The Secretary and the Attorney General—

(A) shall carry out this subsection as expeditiously as possible;

(B) are not required to promulgate regulations before implementing this subsection; and

(C) shall promulgate procedures to implement this subsection not later than 180 days after the date of the enactment of this Act.

(10) IMPLEMENTATION.—No provision of this subsection shall be subject to section 1 of this Act.

SA 1973. Mr. DODD (for himself, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 537, lines 23 and 24, strike ''not to exceed 40,000'' and all that follows through ''terminated.'' on page 555, line 21, and insert the following: ''not to exceed 90,000, plus any visas not required for the classes specified in paragraph (3), or''.

(2) By striking paragraph (2) and inserting the following:

''(2) Spouses or children of an alien lawfully admitted for permanent residence or a national. Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States as defined in section 101(a)(22)(B) of this Act who is resident in the United States shall be allocated visas in a number not to exceed 87,000, plus any visas not required for the class specified in paragraph (1)''

(3) By striking paragraph (3) and inserting the following:

''(3) FAMILY-BASED VISA PETITIONS FILED BEFORE JANUARY 1, 2007, FOR WHICH VISAS WILL BE AVAILABLE BEFORE JANUARY 1, 2027.—

''(A) IN GENERAL.—The allocation of immigrant visas described in paragraph (4) shall apply to an alien for whom—

''(i) a family-based visa petition was filed on or before January 1, 2007; and

''(ii) as of January 1, 2007, the Secretary of Homeland Security calculates under subparagraph (B) that a visa can reasonably be expected to become available before January 1, 2027.

''(B) REASONABLE EXPECTATION OF AVAILABILITY OF VISAS.—In calculating the date on which a family-based visa can reasonably be

expected to become available for an alien described in subparagraph (A), the Secretary of Homeland Security shall take into account—

''(i) the number of visas allocated annually for the family preference class under which the alien's petition was filed;

''(ii) the effect of any per country ceilings applicable to the alien's petition;

''(iii) the number of petitions filed before the alien's petition was filed that were filed under the same family preference class; and

''(iv) the rate at which visas made available in the family preference class under which the alien's petition was filed were unclaimed in previous years.

''(4) ALLOCATION OF FAMILY-BASED IMMIGRANT VISAS.—Immigrant visas totaling 440,000 shall be allotted visas as follows:

''(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (D).

''(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas totaling 110,000 immigrant visas, plus any visas not required for the class specified in (A).

''(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (A) and (B).

''(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas totaling 189,200 immigrant visas, plus any visas not required for the class specified in (A), (B), and (C).''.

(4) By striking paragraph (4).

(d) PETITION.—Section 204(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(i)) is amended by striking '', (3), or (4)'' after ''paragraph (1)''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

(2) PENDING AND APPROVED PETITIONS.—Petitions for a family-sponsored visa filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) which were filed before May 1, 2005, regardless of whether the petitions have been approved before May 1, 2005, shall be treated as if such provision remained in effect, and an approved petition may be the basis of an immigrant visa pursuant to section 203(a)(3).

(f) DETERMINATIONS OF NUMBER OF INTENDING LAWFUL PERMANENT RESIDENTS.—

(1) SURVEY OF PENDING AND APPROVED FAMILY-BASED PETITIONS.—The Secretary of Homeland Security may require a submission from petitioners with approved or pending family-based petitions filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) filed on or before May 1, 2005 to determine that the petitioner and the beneficiary have a continuing commitment to the petition for the alien relative under the classification. In the event the Secretary requires a submission pursuant to this section, the Secretary shall take reasonable steps to provide notice of such a requirement. In the event that the petitioner or beneficiary is no longer committed to the beneficiary obtaining an immigrant visa under this classification or if the petitioner does not respond to the request for a submission, the Secretary of Homeland Security may deny the petition if the petition has not been adjudicated or revoke the petition without additional notice pursuant to section 205 if it has been approved.

(2) FIRST SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—The Secretary shall establish procedures by which nonimmigrants described in section 101(a)(15)(Z) who seek to become aliens lawfully admitted for permanent residence under the merit-based immigrant system shall establish their eligibility, pay any applicable fees and penalties, and file their petitions. No later than the conclusion of the eighth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be 20 percent of the total number of qualified applicants. The Secretary will calculate the number of visas needed per year.

(3) SECOND SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—No later than the conclusion of the thirteenth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants not described in paragraph (2) who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be the lesser of:

(A) the number of qualified applicants, as determined by the Secretary pursuant to this paragraph; and

(B) the number calculated pursuant to paragraph (2).

(g) CONFORMING AMENDMENTS.—

(1) Section 212(d)(12)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking ''201(b)(2)(A)'' and inserting ''201(b)(2)'';

(2) Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)(2)'';

(3) Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by striking ''201(b)(2)(A)(i)'' each place it appears and inserting ''201(b)(2)'';

(4) Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)(2)''.

SEC. 504. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding a new section 203A reading:

''SEC. 203A. IMMIGRANT VISAS FOR HARDSHIP CASES.

''(a) IN GENERAL.—Immigrant visas under this section may not exceed 5,000 per fiscal year.

''(b) DETERMINATION OF ELIGIBILITY.—The Secretary of Homeland Security may grant an immigrant visa to an applicant who satisfies the following qualifications:

''(1) FAMILY RELATIONSHIP.—Visas under this section will be given to aliens who are:

''(A) the unmarried sons or daughters of citizens of the United States;

''(B) the unmarried sons or the unmarried daughters of aliens lawfully admitted for permanent residence;

''(C) the married sons or married daughters of citizens of the United States; or

''(D) the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age,

''(2) NECESSARY HARDSHIP.—The petitioner must demonstrate to the satisfaction of the Secretary of Homeland Security that the lack of an immigrant visa under this clause would result in extreme hardship to the petitioner or the beneficiary that cannot be relieved by temporary visits as a nonimmigrant.

''(3) INELIGIBILITY TO IMMIGRATE THROUGH OTHER MEANS.—The alien described in clause (1) must be ineligible to immigrate or adjust status through other means, including but not limited to obtaining an immigrant visa filed for classification under section 201(b)(2)(A) or section 203(a) or (b) of this Act, and obtaining cancellation of removal under section 240A(b) of this Act. A determination under this section that an alien is eligible to immigrate through other means does not foreclose or restrict any later determination on the question of eligibility by the Secretary of Homeland Security or the Attorney General.

''(c) PROCESSING OF APPLICATIONS.—

''(1) An alien selected for an immigrant visa pursuant to this section shall remain eligible to receive such visa only if the alien files an application for an immigrant visa or an application for adjustment of status within the fiscal year in which the visa becomes available, or at such reasonable time as the Secretary may specify after the end of the fiscal year for petitions approved in the last quarter of the fiscal year.

''(2) All petitions for an immigrant visa under this section shall automatically terminate if not granted within the fiscal year in which they were filed. The Secretary may in his discretion establish such reasonable application period or other procedures for filing petitions as he may deem necessary in order to ensure their orderly processing within the fiscal year of filing.

''(3) The secretary may reserve up to 2,500 of the immigrant visas under this section for approval in the period between March 31 and September 30 of a fiscal year.

''(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the unreviewable discretion of the Secretary.''.

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) 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 ''(a), (b), or (c),'' and inserting ''(a) or (b),'';

(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)''; and

(5) in subsection (g), by striking ''(a), (b), and (c)'' and inserting ''(a) and (b)''.

(c) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I);

(2) by redesignating subparagraphs (J), (K), and (L) of subsection (a)(1) as subparagraphs (I), (J), and (K), respectively; and

(3) in subsection (e), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''.

(d) REPEAL OF TEMPORARY REDUCTION IN VISAS FOR OTHER WORKERS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105–100; 8 U.S.C. 1153 note), is repealed.

(e) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on October 1, 2008;

(2) No alien may receive lawful permanent resident status based on the diversity visa

program on or after the effective date of this section.

(f) CONFORMING AMENDMENTS.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and (g), respectively.

SEC. 506. FAMILY VISITOR VISAS.

(a) Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

''(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he or she has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure. The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;''.

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

''(s) PARENT VISITOR VISAS.—

''(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

''(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

''(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

''(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeit if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

''(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

''(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

''(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

''(B) must, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

''(C) may not be issued employment authorization by the Secretary or be employed.

''(4) CERTIFICATION.—No later than January 1 of each year, the Secretary of Homeland Security shall submit a written report to Congress estimating the percentage of aliens admitted to the United States during the preceding fiscal year as visitors for pleasure under the terms and conditions of this subsection who have remained in the United States beyond their authorized period of admission (except as provided in subparagraph (5)(B)). When preparing this report, the Secretary shall determine which countries, if any, have a disproportionately high rate of nationals overstaying their period of authorized admission under this subsection.

''(5) PERMANENT BARS FOR OVERSTAYS.—

''(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

''(i) asylum under section 208(a);

''(ii) withholding of removal under section 241(b)(3); or

''(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that—

''(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

''(ii) the alien has not otherwise violated his or her nonimmigrant status.

''(6) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y–1 nonimmigrant sponsor of an alien—

''(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

''(B) who remains in the United States beyond his or her authorized period of admission,

shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y–1 nonimmigrant sponsor, shall have his Y–1 nonimmigrant status terminated.

SA 1974. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 574, line 10, strike ''All documentary evidence'' and all that follows through line 13.

SA 1975. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SOUTHWEST BORDER EASEMENT FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Commissioner of the United States Section, International Boundary and Water Commission, shall conduct a study of the desirability of, and need for, border enforcement easements between the ports of entry along the international border between the United States and Mexico to facilitate the patrolling of such border to deter and detect illegal entry into the United States.

(b) IDENTIFICATION OF SPECIFIC LOCATIONS.—The study conducted under this section shall identify—

(1) the specific locations where agents of the United States Border Patrol lack immediate access to or control of the border, including any location where authorization by a third party is required to patrol the border or carry out the activities described in subsection (c); and

(2) for each such location—

(A) the actions required to create a border enforcement easement;

(B) the optimal distance from the border to which such easement should extend and the geographic size of the easement;

(C) the estimated costs of acquiring the easement and making the improvements described in subsection (c); and

(D) the changes to existing law that would be required to carry out such acquisitions and improvements.

(c) SCOPE AND USE OF EASEMENT.—Easements studied under this section shall be considered to provide the United States Border Patrol with access to and control of land immediately adjacent to the border described in subsection (a) for—

(1) installing detection equipment;

(2) constructing or improving roads;

(3) controlling vegetation;

(4) installing fences or other obstacles; and

(5) carrying out such other activities as may be required to patrol the border and deter or detect illegal entry.

(d) REPORT.—Not later than December 1, 2008, the Secretary shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

SEC. ____. REGISTRATION OF ALIENS; NOTICES OF CHANGE OF ADDRESS.

(a) REGISTRATION REQUIRED FOR WORK AUTHORIZATION.—Section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) is amended by adding at the end the following:

''(d) The Secretary of Homeland Security shall verify that each alien applying for work authorization under this Act has registered under this section and has complied with the requirements under subsections (a)(1), (a)(2), and (b) of section 265 before approving such application.''.

(b) ANNUAL NOTIFICATION.—Section 265(a) of such Act (8 U.S.C. 1305(a)) is amended by striking ''(a) Each alien'' and inserting the following:

''(a) IN GENERAL.—

''(1) ANNUAL NOTIFICATION.—Each alien required to be registered under this title who is within the United States on the first day of January of any year shall, not later than 30 days following such date, notify the Secretary of Homeland Security in writing of the current address of the alien and furnish such additional information as the Secretary may prescribe by regulation. Failure to comply with this paragraph shall disqualify an alien from being approved for work authorization under this Act.

''(2) NOTIFICATION IF ABSENT ON JANUARY 1.—Each alien required to be registered under this title who is temporarily absent from the United States on the first day of January of any year shall, not later than 10 days after date on which the alien returns to the United States, provide the Secretary of Homeland

Security with the information described in paragraph (1).

''(3) NEW ADDRESS.—Each alien''.

(c) TREATMENT OF CHANGE OF ADDRESS FORM AS REGISTRATION DOCUMENT.—Section 265 of such Act (8 U.S.C. 1305), as amended by subsection (b), is further amended by adding at the end the following:

''(d) TREATMENT AS REGISTRATION DOCUMENT.—For purposes of this chapter, any notice of change of address submitted by an alien under this section shall be treated as a registration document under section 262.''.

(d) TECHNICAL AMENDMENTS.—Section 266 of such Act (8 U.S.C. 1306) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) and (d) as subsections (b) and (c), respectively.

SEC. ___. ADDITIONAL TECHNOLOGICAL ASSETS.

There are authorized to be appropriated such sums as may be necessary to lease 6 additional aircraft and 12 busses for the purpose of achieving operational control of the borders of the United States.

SA 1973. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1906 submitted by Mr. CHAMBLISS and intended to be proposed to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of amendment No. 1906, insert the following:

SEC. 711. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the international registered traveler program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 365 days after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

SA 1977. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1934 (Division XI) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division 11, add the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1978. Mr. KENNEDY proposed an amendment to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

NOTICES OF INTENT

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1865, as follows:

At the end of section 1, insert the following:

(e) SECURE FENCE ACT OF 2007.—Notwithstanding subsection (a) or any other provision of law, this Act and the amendments made by this Act shall not take effect until the President certifies to the Congress that the Secretary of Homeland Security has taken all actions necessary to comply with the provisions of, and the amendments made by, the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), including completing the installation of all fencing and barriers required by such provisions and amendments.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1886, as follows:

On page 595, between lines 12 and 13, insert the following:

(s) DEFINITION OF AGGRAVATED FELONY AND ADDITIONAL GROUNDS FOR INELIGIBILITY FOR Z NONIMMIGRANT STATUS.—

(1) AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) by striking ''and'' at the end of subparagraph (T);

(B) by striking the period at the end of subparagraph (U) and inserting ''; and'' and

(C) by adding at the end the following:

''(V) a second conviction for driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.''.

(2) GROUNDS FOR INELIGIBILITY.—In addition to the grounds of ineligibility described in subsection (d)(1)(F), an alien shall be ineligible for Z nonimmigrant status if the alien has been convicted of driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1890, as follows:

Strike section 603, and insert the following:

SEC. 603. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—Notwithstanding any other provision of this Act, any amendment made by this Act, or any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a denial, termination, or recession of benefits or status under this title may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a denial, termination, or recession.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary shall be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under section 601(d)(1)(F)(ii) because the alien has been convicted of an aggravated felony, as defined in paragraph 101(a)(43) of the Immigration and Nationality Act, shall be placed immediately in removal proceedings pursuant to section 238(b) of such Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (i), (iii), or (iv) of section 601(d)(1)(F) shall be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION, OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall be final for purposes of section 242(h)(3)(C) of the Immigration and Nationality Act and shall represent the exhaustion of all review procedures for purposes of sections 601(h) and 601(o).

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection, an alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or the Attorney General's decision whether to consider any such motion is in the discretion of the Secretary or the Attorney General.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1891, as follows:

On page 184, line 12, strike ''(b)'' and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—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 to detention centers) an alien for the purpose of assisting in the enforcement of the immigration 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 Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), 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—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by 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. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement 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 subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), 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 subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

(d)

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1892, as follows:

On page 559, strike line 17 and all that follows through ''January 1, 2007'' on page 561, line 9, and insert the following:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

''(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, is employed, and seeks to continue performing labor, services or education;

''(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and such alien—

''(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

''(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent, who is a Z nonimmigrant; or

''(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and was born to or legally adopted by at least 1 parent who is at the time of application described in clause (i) or (ii).''.

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not lawfully present in the United States on January 7, 2004

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1904, as follows:

At the appropriate place, insert the following:

SEC. _____. CUSTOMS AND BORDER PATROL MANAGEMENT FLEXIBILITY.

Notwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Patrol may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Commissioner determines to be necessary to carry out the functions of the U.S.

Customs and Border Patrol. The Commissioner shall establish levels of compensation and other benefits for individuals so employed.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1927, as follows:

On page 117, line 4, insert '', even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements,'' after ''15 years''.

On Page 117, line 14, strike lines 14 beginning at and through page 118, line 8, and insert:

(4) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting ''(c),'' after ''924(b)'' and by striking ''or'' at the end, and

(B) by adding at the end the following new clauses:

''(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

''(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);''; and

(7) by amending subparagraph (F) to read as follows:

''(F) either—

''(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

''(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law,

for which the term of imprisonment is at least one year;''.

(b) EFFECTIVE DATE.—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 that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

SEC. 203A. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

''(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

''(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) 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 the date of enactment of this Act.

SEC. 203B. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

''(J) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(K) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(L) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.''; and

(2) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), and (L) of subsection (a)(2)'';

(B) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' in the next to last sentence and inserting ''if since the date of such admission the alien''; and

(C) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(b) DEPORTABILITY FOR CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

''(F) CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 119, lines 21 and 22, strike '', which is punishable by a sentence of imprisonment of five years or more''.

On page 121, beginning with line 15, through page 17, strike ''Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any'' and insert ''Any''.

On page 121, strike beginning line 8 then page 122. line 13.

On page 122, lines 10 through 13, strike ''The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.''.

On page 123, strike all text beginning at line 23 through page 128 line 25.

On page 562, strike lines 1 through 6, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

On page 563, strike lines 22 through page 564, line 3, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi);

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 564, line 14, strike ''(9)(C)(i)(I),''.

On page 565, line 11, strike ''section 212(a)(9)(C)(i)(II)'' and insert ''section 212(a)(9)(C)''.

On page 565, between lines 15 and 16, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 565, strike lines 16 through 22.

On page 567, between lines 13 and 14, insert:

(5) GOOD MORAL CHARACTER.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

On page 567, line 14 strike ''(5)'' and insert ''(6)''.

On page 569, line 22 strike ''(6)'' and insert ''(7)''.

On page 569, line 24 strike ''(7)'' and insert ''(8)''.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1929, as follows:

On page 7, line 21, strike ''(v) Implementation of programs authorized in titles IV and VI''.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1930, as follows:

On page 1, strike line 3 and all that follows through page 6, line 11 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—With the exception of the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that subsections (e) through (i) have been fulfilled and after the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109–13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as directed by Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367)

(B) The total miles of fence required under such Act, and as further amended by this Act, have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting ''sanctuary'' policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the

manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, the programs described in the matter preceding paragraph (1) of subsection (a) shall not be implemented unless, during the first 90-calendar day period of continuous session of Congress after the receipt of notice of Presidential Certification of Immigration Enforcement, Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of such resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution

from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Presidential Certification of Immigration Enforcement'' means the certification required under this section, which is signed by the President, and reads as follows:

''Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.''.

(2) CERTIFICATION.—The term ''certification'' means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term ''immigration enforcement measure'' means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Resolution of Presidential Certification of Immigration Enforcement'' means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

''That Congress approves the certification of the President of the United States submitted to Congress on _____ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.'',

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1959, as follows:

On page 5, between lines 11 and 12, insert the following:

(7) US-VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, June 27, 2007, at 2 p.m. in SR–328A, Russell Senate Office Building. This hearing will consider the nominations of Mr. Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2008, and Ms. Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2009.

PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Wednesday, June 27, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following bills: S. 950, S. 704, S. 1650, S. 1661, and to consider nominations for promotion in the United States Coast Guard (PN 581 and PN 582).

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, June 27,2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1171, a bill to amend the Colorado River Storage Project Act and Public Law 87–483; to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico; to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund; to authorize the conveyance of certain Reclamation land and infrastructure; to authorize the Commissioner of Reclamation to provide for the delivery of water; and to resolve the Navajo Nation's water rights claims in the San Juan River basin in New Mexico.

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

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 27, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''The Stealth Tax that's no longer a Wealth Tax: How to stop the AMT from Sneaking up on unsuspecting taxpayers.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 27, 2007, at 11:15 a.m. to hold a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 27, 2007 at 10 a.m. in SD–628. We will be considering the following:

Agenda

1. S. 1695, Biologics Price Competition and Innovation Act.
2. S. 1693, Wired for Health Care Quality Act.
3. S. 793, The Reauthorization of the Traumatic Brain Injury Act.
4. S. 1011, Recognizing Addiction as a Disease Act of 2007.
11. Any nominations ready for action.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 27, 2007, at 11:30 a.m. in order to conduct a hearing entitled ''Violent Islamist Extremism: The European Experience.''

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on the Constitution be authorized to meet to conduct a hearing on ''Oversight of the Federal Death Penalty'' on Wednesday, June 27, 2007, at 9:30 a.m. in Dirksen Senate Office Building, room 226.

Witness List

Panel I: Barry Sabin, Deputy Assistant Attorney General, U.S. Department of Justice, Washington, DC; David I. Bruck, Esq., Federal Death Penalty, Lexington, VA; The Honorable Roberto J. Sanchez Ramos, Secretary of Justice, Commonwealth of Puerto Rico, San Juan, Puerto Rico; David B. Mulhausen, Ph.D., Senior Policy Analyst, Center for Data Analysis, The Heritage Foundation, Washington, DC; and William G. Otis, Falls Church, VA.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 27, 2007 in order to conduct a mark up on pending legislation before the Committee. The markup will begin at 9:30 a.m. in room 562 of the Dirksen Building.

Immediately after the conclusion of our mark up, the Committee will hold a hearing on the nomination of Charles L. Hopkins, of Massachusetts, to be an

Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

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

JOINT ECONOMIC COMMITTEE

Mr. SPECTER. I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, ''Investing in Young Children Pays Dividends: The Economic Case for Early Care and Education'', in room 216 of the Hart Senate Office Building, on Wednesday, June 27, 2007, from 11 a.m. to 1:30 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, June 27, 2007 from 10:30 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing on the relationship between doctors and the drug industry.

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

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality be authorized to meet during the session of the Senate on Wednesday, June 27, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Protecting Water Quality at America's Beaches.''

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

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that two members of my staff, Jared Najvar and Crystal Y'Barbo, be given the privilege of the floor through July 1, 2007.

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

Mr. NELSON of Florida. I ask unanimous consent that my staffers, Neal Higgins and Matt Nosanchuk, be allowed to stay on the floor of the Senate throughout the duration of the debate over S. 1639, the immigration bill.

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

EXTENDING TRANSITIONAL MEDICAL ASSISTANCE AND THE ABSTINENCE EDUCATION PROGRAM

Mr. REID. I ask unanimous consent the Senate proceed to S. 1701.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1701) to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD with no intervening action or debate.

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

The bill (S. 1701) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1701

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

SECTION 1. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM THROUGH THE END OF FISCAL YEAR 2007.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432) is amended—

(1) by striking ''June 30'' and inserting ''September 30''; and

(2) by striking ''third quarter'' each place it appears and inserting ''fourth quarter''.

SEC. 2. SUNSET OF THE LIMITED CONTINUOUS ENROLLMENT PROVISION FOR CERTAIN BENEFICIARIES UNDER THE MEDICARE ADVANTAGE PROGRAM.

Section 1851(e)(2)(E) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)(E)), as added by section 206(a) of division B of the Tax Relief and Health Care Act of 2006, is amended—

(1) in clause (i), by striking ''2007 or 2008'' and inserting ''the period beginning on January 1, 2007, and ending on July 31, 2007,''; and

(2) in clause (iii)—

(A) in the heading, by striking ''YEAR'' and inserting ''THE APPLICABLE PERIOD''; and

(B) by striking ''the year'' and inserting ''the period described in such clause''.

SEC. 3. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by 301 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''the Fund during the period'' and all that follows and inserting ''the Fund—

''(I) during 2012, $1,600,000,000; and

''(II) during 2013, 1,790,000,000.''.

Mr. REID. I compliment Senators BAUCUS and GRASSLEY for getting this done. We were running out of time.

COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 259, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 259) commending the Oregon State University baseball team for winning the 2007 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WYDEN. Mr. President, just about a year ago, Senator SMITH and I came down to the floor of the Senate to take a few moments to talk about the Oregon State University baseball team, which had just won its first College World Series national championship out in Omaha, NE.

I can't tell you how happy I am to be standing here on the floor of the Senate 1 year later to applaud the team's defense of that title.

This is a tough, determined baseball team. When most folks counted them out, they didn't give up. After finishing 6th in the Pac–10, they squeaked their way into the post-season and never looked back.

On the road and at home, the Oregon State squad was virtually unstoppable, winning their last 10 games. In fact, the team trailed in just one of the 45 innings it played in Omaha and it was the first team to ever win 4 College World Series games by 6 or more runs.

The Beavers are the first back-to-back champions since Louisiana State University accomplished the feat back in 1996–97 and the first ''cold-weather'' state repeat champions ever.

It is a proud day for the players and coaches on the Oregon State team. It is a proud day for the University. And it is a proud day for all Oregonians.

Today, with Senator SMITH as my cosponsor, I have therefore submitted a resolution commending the Oregon State University baseball team for winning the 2007 College World Series.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 259) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 259

Whereas on June 24, 2007, the Oregon State University baseball team won the 2007 College World Series in Omaha, Nebraska after defeating California State University, Fullerton by a score of 3 to 2; Arizona State University by a score of 12 to 6; University of California, Irvine by a score of 7 to 1; and the University of North Carolina at Chapel Hill in the championship by scores of 11 to 4 and 9 to 3;

Whereas this is the second consecutive College World Series championship Oregon State University has won, making the University the first repeat College World Series champion in a decade;

Whereas the success of the team was a direct result of the skill, intensity, and resolve of every player on the Oregon State University baseball team, including Erik Ammon, Darwin Barney, Hunter Beaty, Scotty Berke, Reed Brown, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Jackson Evans, Kyle Foster, Drew George, Mark Grbavac, Chad Hegdahl, Chris Hopkins, Koa Kahalehoe, Greg Keim, Blake Keitzman, Josh Keller, Eddie Kunz, Joey Lakowske, Lonnie Lechelt, Jordan Lennerton, Mike Lissman, Anton Maxwell, Jake McCormick, Chad Nading, Jason Ogata, Ryan Ortiz, Joe Paterson, Tyrell Poggemeyer, Joe Pratt, Jorge Reyes, Scott Santschi, Kraig Sitton, Alex Sogard, Dale Solomon, Michael Stutes, Daniel Turpen, John Wallace, Braden Wells, and Joey Wong;

Whereas freshman pitcher Jorge Reyes was recognized as the Most Outstanding Player of the 2007 College World Series tournament;

Whereas Darwin Barney, Mitch Canham, Mike Lissman, Jorge Reyes, Scott Santschi, and Joey Wong were named to the 2007 All-College World Series tournament team; and

Whereas the 2007 College World Series victory of the Oregon State University baseball team ended a terrific season in which the team compiled a record of 49 wins to 18 losses: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and Oregon State University President Edward John Ray on their tremendous accomplishment in defending their 2007 College World Series championship title; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

REQUEST FOR THE RETURN OF PAPERS—S. 1612

Mr. REID. Mr. President, I ask unanimous consent the Senate request the return of papers on the bill S. 1612 from the House of Representatives. I further ask consent that upon compliance with this request, the Secretary of the Senate be authorized to make corrections in the engrossment of this bill.

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

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate stand adjourned following the remarks, for 28 minutes or thereabouts, or however much time the distinguished Senator from Alabama has left under the order before this body. When he finishes, we would adjourn.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, reserving the right to object, what is the plan for debate time in the morning prior to the cloture vote? I have been involved in the debate and would like to be involved in having some opportunity to speak in the morning prior to the vote, if that would be appropriate.

Mr. REID. I would say through the Chair, the time is equally divided between Senator KENNEDY and Senator SPECTER. Whatever time the Senator would request, I am sure one of those Senators might yield him time.

Mr. SESSIONS. How does that happen when they both agree on this bill?

Mr. REID. As I understand it, it is automatic, an hour before cloture.

Mr. SESSIONS. They both agreed. That is the problem. Is there any time set aside for the opposition?

Mr. REID. I think the Senator raises a valid point there. It is for the proponents of the resolution.

Mr. SESSIONS. I ask for 10 minutes.

Mr. REID. I ask unanimous consent out of Senator SPECTER's time and Senator KENNEDY's time, you have 10 minutes. How is that?

Mr. SESSIONS. That will be fine.

Mr. REID. Mr. President, if we wait, we are going to check to see if time has been allocated yet.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, what I had requested is that the Senator from Alabama would be recognized for 10 minutes; five minutes would come from the time of Senator KENNEDY, 5 minutes from that of Senator SPECTER, and I would further say the last 20 minutes of the debate wouldn't count against any of this time. The first 10 minutes would be for Senator MCCONNELL, if he so chooses and, if I so choose, I would have the last 10 minutes, right before the vote. That is additional time. That doesn't count against the time we have allocated here earlier.

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

The Senator from Alabama.

Mr. SESSIONS. Mr. President, is it now appropriate that I utilize a few of the minutes I have remaining—I am not going to use them all—before we adjourn? Is that what we agreed to?

The PRESIDING OFFICER. The Senator has 28 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 28 minutes.

Mr. SESSIONS. Mr. President, this has been a very important day, a day that was pretty contentious. The procedural mechanism that the Majority Leader had invoked to control the debate in the Senate had its wheels come off today. The plan by the group, the grand bargainers and the leadership, was to push through a controlled series of 27 or so amendments today. The plan was to vote on this controlled group of hand picked amendments, mostly by motions to table, today. Had they voted on all of these amendments today we would have heard claims about the full and fair amendment process that had taken place this week—even though it was all just a show—no amendment would have gotten a vote unless the Majority Leader had approved it. My amendments, Senator CORNYN's amendments, and amendments by Senators DOLE, VITTER, COBURN, and DEMINT would not have gotten votes.

Well, the Baucus amendment was part of their plan but a surprise happened, it was not tabled. As a result, that amendment remained alive and the majority leader had the plan that had been so carefully constructed, almost to the degree of the Normandy invasion, come to a halt. So we are now no longer voting and debating tonight. But we will be getting ready for a key vote in the morning. So I would say to anyone who might be listening, tomorrow morning is a very important vote. I believe a number of Senators who voted yesterday to move forward on this bill, some of the 64 who did, may not be for the legislation tomorrow.

I firmly believe that as the legislation and debate has gone along this week, more people have seen the fatal flaws that are in the legislation. I think we are going to see an erosion of the support tomorrow. I would say to my colleagues, let's end this tomorrow. Let's have this bill come down tomorrow. Let's not invoke cloture. Let's not continue to move forward on this bill because the legislation cannot be fixed in its present form.

I have had some people ask me, JEFF, why can't you compromise on this legislation? Why can't a compromise be reached? Well, I would just say that if you are trying to fix a leaky bucket, you can't compromise to fix the bucket by fixing four holes in the bucket and leaving six more holes in the bucket. Under that compromise, all of the water is still going to leak out.

The problem with the immigration bill currently before the Senate, and I have seen this problem repeatedly in the immigration realm, is that when we come up with provisions and concepts that would actually work, ones that would restore lawfulness to the immigration system, we pull back, we compromise too much. In my own mind, it has been like trying to jump across a 10-foot cavern, but only jumping 9 feet. You still fall to the bottom. You do not get across, you do not achieve your goal.

Until we complete some of the currently inadequate enforcement provisions, until we draft a bill that will create a legal system that will actually work, compromising about this or that matter is not going to amount to much.

The bill, I do believe, as I have indicated before, is only going to reduce illegal immigration by a net 13 percent over the next 20 years. That number comes straight from the Congressional Budget Office Cost Estimate on this bill, which they released June 4th, I did not make it up. Our own Congressional Budget Office, has told the Senate that we can expect to have an additional 8.7 million people illegally in our country after this bill becomes law.

That is not what we had been promised by the grand bargainers that brought this bill back to the floor. That is not what they are claiming will happen. They have promised us that this bill will secure the border. I assume that they mean they believe this bill will end illegal immigration. Well, it just simply will not secure the border and end or even substantially reduce illegal immigration. The Congressional Budget Office has told us it will not. In the beginning, I analyzed the bill and my staff worked on it, and we did not believe it would be an effective enforcement mechanism. The Congressional Budget Office has now also concluded that the bill will not fulfil the

enforcement promises being made on the floor of this Senate.

I will note again that the Association of Retired Border Patrol Agents roundly criticized the legislation. Two former chiefs of the Border Patrol of the United States, one of them under President Bush, one under President Reagan, have strongly and totally condemned the legislation.

The current Association of Border Patrol Officers opposes the legislation. The former Assistant Attorney General, Kris Kobach, who served in the as counsel to Attorney General Ashcroft on issues dealing with immigration and national security says this bill will not make us safer but will make us less safe. So does Mr. Cutler, a former INS agent of many years of experience. He is worried that we will be issuing U.S. government identities to people who we have no idea who they really are.

So, bottom line, the bill is not going to do what supporters are promising it will do. Those of us who were not in the little group of grand bargainers certainly have no responsibility to affirm the deal they may have reached, especially if we know that it is not going to work.

If the bill before us was a good piece of legislation and it solved the problems it claims to solve, then maybe we would just have to hold our noses and live with this sort of secret pressure that our good friends, the masters of the universe, have put on us by meeting and writing up a bill and telling us we have to take it or leave it. They tell us they will only allow a few little amendments, but anything that goes to the core of the legislation we will not allow you to change. They tell us they are all going to stick together and vote against it amendments that offer any real changes to the deal.

I have had members of the group say to me, and I find this very disturbing: Well, JEFF, that is a pretty good amendment you have, but it changes what we agreed on. I might agree with your amendment, but I cannot support your amendment. That is a rather unusual way to do business on the floor of the Senate, it is not a way of doing business that should make us proud, not one that is worthy of a matter of this importance.

Constituents all across the country are opposed to this legislation. I think I earlier said 20 percent support it. I think more accurately it is 22 percent that support this legislation. According to the latest Rasmussen poll, there has been a continual drop in support for the last 3 consecutive weeks in the tracking they have been doing.

Twice as many said they prefer no legislation at all to the bill that is before us today. We have been told by our colleagues promoting this legislation, that the only way to get the enforcement we want, is to vote for this legislation. Well, I don't think that all enforcement items should be held hostage to amnesty, and I have just explained why the enforcement they promise is not going to work.

The bill does have some concepts that are fairly significant. For example, the idea that people get legal status in the form of the probationary benefits visa a mere 24 hours after filing an amnesty application is very significant. These are legal documents we will be giving them, a certification that a person is in our country legally. It can then be utilized to get a state driver's license, a Social Security card, and those kind of things.

So the only thing that is going to be done before people are given this document just 24 hours after filing an application is a cursory background check. I submit to my colleagues that a full background check can not possibly be performed within 24 hours. The only way an amnesty application will not get legal status in 24 hours is if they had been arrested and fingerprinted somewhere in the country, and their fingerprints have been put into the national fingerprint index. That is really the only thing that will disqualify them within that 24 hour period.

But I wish my colleagues would think back to 9/11. Several of the 9/11 hijackers were stopped by state and local police at various times prior to 9/11 for speeding or such and each time they were let go by local law enforcement. Local law enforcement was now aware that some of them were here illegally. In the future, all of these 12 million would be given an identification document that would give them legal status, so, in fact, their position would be enhanced to an even greater status than the 9/11 hijackers. They would have U.S. government issued identification and a driver's license. They could travel the whole country with freedom under these documents.

So Mr. Kris Kobach and Mr. Mike Cutler and others have written op-eds and editorials that point out that this could be a tremendous advantage for terrorists, not a disadvantage.

These are complex issues. I think it would be better if our wise colleagues had invited somebody like Mr. Kobach, who is a professor of law now, a former Assistant Attorney General, to speak on these issues. Maybe they should have sought his opinion instead of the special interests they were listening to when they cobbled together this political deal.

Maybe they would have been better off if they asked some of experts, such as the former chairmen of the Border Patrol, what they thought, or the present head of the Border Patrol Association.

SO, the question is, what do we need to do now? The first thing we need to do is take this bill off the agenda tomorrow by defeating the cloture motion. Let's just end this agony, please. Let's not continue down this path. Let's say: No, it is time to pay a decent respect to the opinions of our constituents. They do not like this. Let's respect them. Let's acknowledge that independent experts say this bill will not work. This is not just the opinions of some radio talk show hosts, as I have heard my colleagues talking about this week, but we have independent experts saying it will not work. I will just observe that the radio talk show hosts know more about the bill than most of the Senators do, if you want to know the truth.

But at any rate, this is where we are. I think we ought to come down with it. We should probably follow what the people have suggested in the polling data that I saw. The American people would favor incremental steps emphasizing enforcement. There are some things that we could do to achieve what the American people want. I suggest that if we can come up with a credible enforcement mechanism—and we can—then we need to enact it. Then we can begin to talk about the future flow in immigration levels. I don't think most people know—I am not sure most Senators have fully understood—this bill over the next 20 years will double the number of people given green cards, legal permanent residence in America. It will double the current numbers. It has only a 13-percent reduction in the 500,000 or so who come illegally every year. Remember, it was last year when we arrested 1 million people coming into our country illegally. What kind of system is this when our Border Patrol agents are out there working their hearts out and risking their lives to arrest a million people and we want to give immigration benefits for those that snuck past our agents?

That type of immigration system does not work. The way to make it work is for this Nation to state with crystal clarity that our border is not open anymore. Don't bother to try to illegally cross our border. People are coming from all over the world, not just Mexico, to sneak across the Mexican border, because it is wide open in their thoughts and it has been easier to get into the United States that way. It is not that difficult to create the reality that it is not open, and people will not spend their money trying to go through deserts and so forth to get into this country if the word gets out that it is no longer possible to be successful at it. That is what we need to do, reach that tipping point. We could see a big drop in the flow of illegal immigrants into our country. Then we could focus on a compassionate solution to those who have been here for a long time, who have children and families and have jobs and solid ties to our country. But the legislation before us today moved the date by which you could make claim for legal status from January of 2004 to January of 2007. Basically, no illegal alien is left behind; everybody is going to be a participant in this deal. I was stunned at that. Senator WEBB offered an excellent amendment today on that point to say it ought to go back 4 years. Why would we do that? The reason that is important is because we made an announcement that we were going to close the

border down. The President said so. He looked the American people in the eye and said we were going to do this. He called out the National Guard last year, and the National Guard has been at the border, I guess, now over a year.

This bill would say, if you got past the National Guard before last December 31, then you are in the pot. And the argument that I have heard is that we need to do something about the people who have been here for a long time. They have children. They are deeply embedded in the communities. We can't ask them to leave. But what about a person who ran past the National Guard last December? How can that person be deeply embedded in our society after sneaking in after we have said that the border is no longer open? What do you tell our Border Patrol officers when they are out there trying to enforce the law and somebody just got past them last November and now they are free and on the path to receiving some type of permanent status? Congress just says: Forget it, those who snuck past the border six months ago are going to be given a legal status and a path to citizenship.

These concerns should not be lightly dealt with. Politicians can meet and plot and think, but you have to remember what we are doing here. This is a great nation. A great nation creates laws. That nation should see that those laws are enforced and followed through effectively. If the laws are not enforced then that nation loses respect. Its law officers lose respect. Instead, people who are inclined to violate laws are encouraged. Clearly, the nation will have more violations if that nation doesn't enforce the laws it passed. The bottom line is that this bill evidences a lack of commitment to make sure that the system that is getting established will work any better than the old one. So if we are not able to establish with confidence and clarity and conviction a new system of immigration that we intend to enforce, what is the point of legislating another immigration bill that won't achieve those goals?

But the American people aren't ready to quit. If any Senator doubts that, I suggest they sit at their front desk a while and answer the phone. That is the deal. We need as a nation to make a decision, are we going to create a lawful system of immigration or not? That is the question. This bill answers it in the negative. This bill is not going to create a legal system. To pass it is one more indication of our lack of will and commitment. It will breed cynicism and unhappiness among our constituents.

I thank the Chair for its patience allowing me to wrap up. I do believe the last vote on the Baucus amendment that did not table the amendment sent a signal that Senators are frustrated and uneasy about this process. I do believe more and more Senators, some of whom voted for cloture just yesterday, may not vote for cloture tomorrow.

I urge my colleagues not to worry. The issue is not going away. We have had it going since 1986. Just because this grand compromise by the grand compromisers didn't work does not mean we don't have a problem that needs to be fixed. But next time let's make sure we do it right for our country.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:10 p.m., adjourned until Thursday, June 28, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 27, 2007:

DEPARTMENT OF STATE

GEORGE A. KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

FEDERAL EMERGENCY MANAGEMENT AGENCY

W. ROSS ASHLEY, III, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

EXECUTIVE OFFICE OF THE PRESIDENT

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE MARY ANN SOLBERG, RESIGNED.

THE JUDICIARY

REED CHARLES O'CONNOR, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE A. JOE FISH, RETIRING.