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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

PRAYER

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

Let us pray.

Almighty Creator, the source of blessings, thank You for blessing us with the opportunity to work with a diverse group of people from different racial and religious backgrounds. Thank You for the strength and courage to face this new day.

Help our Senators to produce legislation to guide America on a proper course. Clear their minds and speak to their hearts so that they will succeed in their worthwhile endeavors.

Strengthen us all to tackle life's challenges as You unite us to achieve Your will. Bless us with the forbearance to forgive and work even with our enemies. Hear our prayer and guide us to Your salvation. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CORNYN assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, this morning we will resume debate on the pending amendment related to the orange card visa program offered by Senator FEINSTEIN. We have an agreement of 60 minutes of debate prior to the vote. Senators should be on notice that a vote will occur sometime between 10:45 and 11 o'clock this morning. We expect additional votes throughout the day and perhaps into the evening.

Last night, the majority leader filed cloture. The order now provides that all first-degree amendments must be filed by 2:30 today in order to qualify under rule XXII. Senators should also be reminded that the Senate will take its customary Tuesday recess from 12:30 until 2:15 for the party caucus meetings.

IMMIGRATION

Mr. SPECTER. Mr. President, last week and up to our vote yesterday has been, I think, a very productive week for the Senate. We had 17 rollcall votes: 11 by Republicans, 6 by Democrats. We had 8 voice votes evenly divided: 4 by Democrats, and 4 by Republicans. We moved through some very contentious issues. I think the debate was of a high caliber.

I thank the Democratic leader, who is on the floor of the Senate, for his cooperation, and I thank all Senators for their cooperation and I am looking forward to similar activity. I think we are poised to complete action on this bill this week as contemplated.

We have maintained a delicate perhaps even tenuous coalition in support of the bill reported by the Judiciary Committee as we have worked through the underlying contentious issue as to how to handle 11 million undocumented immigrants with a view not to creating a fugitive class of Americans, remembering our roots as a nation, that we are a nation of immigrants, and recognizing the contribution which the undocumented immigrants, although here illegally, the contribution which they make to our economy.

We have faced a significant resistance to the bill on the ground that it constitutes amnesty. As I have contended before, it is not amnesty. We can't repeat that too often to remind people that amnesty is when you forgive transgression or forgive a wrong or forgive a crime. The undocumented immigrants will have to pay a fine. They will have to pay back taxes. They will have to go through criminal background checks. They will have to learn English. They will have to hold a job for a protracted period of time. And the reality is that they will earn their citizenship.

We have worked through some difficult amendments. Some could have gone either way without destroying the delicate coalition, and others would have perhaps been killer amendments which would have fractured the bill, which has not happened.

For those who are opposed to the bill or want to limit immigrants, the Bingaman amendment reduced the number of future guest workers from 350,000 to 200,000.

We had a very spirited and contentious debate on an amendment by Senators CORNYN and KYL which would have precluded H–2C guest workers to self-petition. Then Senator KENNEDY

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

came back with a modification which opened up self-petitions which, in my view, is indispensable if we are not to put the immigrants at the mercy of the employer and provide the background for unfair treatment by employers to hang the sword of Damocles over the heads of the undocumented immigrants.

We had a very spirited debate on what to do about English, whether it is the national language or the common and unifying language or how to categorize it.

In my view, there was not a great deal of difference between the amendments offered by Senator INHOFE and Senator SALAZAR. We do know that we are looking for English to be a unifying factor. There is in the law today a series of procedures where other languages are printed for balance in a variety of contexts, but I think ultimately we will work that through on a satisfactory basis.

There was an amendment by Senator KYL to strike the provisions that the green card by H–2C workers would be a path to citizenship. That was a very important amendment not to adopt but to keep that path open consistent with the remainder of the bill.

The amendment to allow undocumented immigrants to receive credit for Social Security even though those payments were made during the time of illegal status, I think, was decided properly, although a close vote, 50 to 49. So that survived.

Yesterday, we rejected the amendment offered by Senator CHAMBLISS on a very complicated matter as to how we deal with the prevailing wage or adverse effect, and I think we are moving forward.

The amendment by the distinguished Senator from California is now on the floor. There is a great deal to recommend in favor of it, in a sense, because it would open up more generously the path to citizenship. But I believe if it were to be adopted it would fracture the very tenuous and delicate coalition which we have on this bill.

I compliment the Senator from California for her work on this bill. She has been a major contributor in the Judiciary Committee generally, and she brought forward the agriculture provisions which have been adopted. She is an effective fighter and, as always, the presenter of important and constructive ideas.

I am constrained to oppose the amendment because I think if we were to allow everybody who has been in this country since January 1, we will destroy the coalition, and we have made a distinction for those here longer than 5 years from those here 2 to 5 years on a principle basis—that those who are here longer and who have roots ought to be accorded greater consideration. We have drawn a line on January 7, 2004, because that was the date the President made a speech on immigration and people who came to the United States in illegal status after that date were on notice, you might say, maybe constructive notice, if they didn't know about it exactly, but they were on notice that they would not be accorded the same status as those who have been here earlier. We have used that as a cutoff date.

My view is that we are working on legislation which is of great importance to our country. We face a real test as to whether we will retain our principle of a welcoming nation to immigrants who earned their status to become citizens.

I think we have worked through the Judiciary Committee where we had a very difficult markup, and one marathon session to meet the timetable established by the majority leader.

The bill has been vigorously debated on both sides. I think there has been some concession of significance from the votes to those who are opposed to having an expansive view of guest workers and an expansive view according to immigrant status to move toward citizenship.

We have a great deal more work to do. I am confident, or optimistic or perhaps even hopeful that we will pass this bill in the Senate, and then we will look forward to the conference with the House of Representatives which has evidenced a very different view. But we have worked through with the House, with Chairman SENSENBRENNER, difficult issues on the PATRIOT Act and other matters, and our bicameral system has worked for America. We will move ahead to forge legislation which is principled but recognizing that there are different points of view, and accommodating as many views as we can. Where there is a basic disagreement, we vote to express the will of the body.

I have spoken a little longer than usual, but I wanted to summarize where we are on the bill.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

Feinstein-Harkin amendment No. 4087, to modify the conditions under which aliens who are unlawfully present in the United States are granted legal status.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of debate for up to 60 minutes on amendment No. 4087, with the Senator from California, Mrs. FEINSTEIN, in control of 30 minutes, the Senator from Pennsylvania, Mr. SPECTER, in control of 20 minutes, and the Senator from Massachusetts, Mr. KENNEDY, in control of 10 minutes.

The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the President. I also want to thank the chairman of the committee. He has been a very good chairman. I want him to know that the only reason I offer this amendment is because when we read the bill language of Hagel-Martinez, which has not been voted on by this body, I believe it to be unworkable. I believe it will create another class of illegal immigrants in this country. I believe it is impossible to carry out the deportation requirements of the Hagel-Martinez amendment.

AMENDMENT NO. 4087, AS MODIFIED

I send an amendment to the desk, as modified, on behalf of Senators HARKIN, KENNEDY, REID, KERRY, and myself. This is a modification of my earlier amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

(The amendment, No. 4087, as modified, is as follows:

On page 345 strike line 10 and all that follows through page 395, line 23, and insert the following:

Subtitle A—Earned Adjustment of Status

SEC. 601. ORANGE CARD VISA PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Orange Card Program''.

(b) EARNED ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

''SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

''(a) ADJUSTMENT OF STATUS.—

''(1) PRINCIPAL ALIENS.—Subject to subsection (c)(5) and notwithstanding any other provision of law, including section 244(h), the Secretary of Homeland Security shall adjust an alien's status to the status of an alien lawfully admitted for permanent residence, if the alien satisfies the following requirements:

''(A) APPLICATION.—The alien shall file an application establishing eligibility for adjustment of status in accordance with the procedures established under subsection (n) and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

''(B) CONTINUOUS PHYSICAL PRESENCE.—

''(i) IN GENERAL.—The alien shall establish that the alien—

''(I) was physically present in the United States on or before January 1, 2006;

''(II) was not legally present in the United States on or before January 1, 2006, under any classification set forth in section 101(a)(15); and

''(III) did not depart from the United States on or before January 1, 2006, except for brief, casual, and innocent departures.

''(ii) LEGALLY PRESENT.—For purposes of this subparagraph, an alien who has violated any conditions of the alien's visa shall be considered not to be legally present in the United States.

''(C) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

''(D) EMPLOYMENT IN THE UNITED STATES.—

''(i) IN GENERAL.—The alien shall—

''(I) submit all documentation of the alien's employment in the United States before January 1, 2006; and

''(II) be employed in the United States for at least 6 years, in the aggregate, after the date of the enactment of the Orange Card Program.

''(ii) EXCEPTIONS.—

''(I) IN GENERAL.—The employment requirement in clause (i) shall be reduced for an individual who—

''(aa) cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy; or

''(bb) is under 18 years of age on the date of the enactment of the Orange Card Program, by a period of time equal to the time period beginning on such date of enactment and ending on the date on which the individual reaches 18 years of age.

''(II) POSTSECONDARY STUDY.—The employment requirements in clause (i) shall be reduced by 1 year for each year of completed full time postsecondary study in the United States during the relevant period.

(III) The employment requirements in clause (i) shall not apply to an alien who is 65 years or older on the date of enactment of this Act.

''(iii) PORTABILITY.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

''(iv) EVIDENCE OF EMPLOYMENT.—

''(I) CONCLUSIVE DOCUMENTS.—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such employment:

''(aa) Records maintained by the Social Security Administration.

''(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

''(cc) Records maintained by the Internal Revenue Service.

''(dd) Records maintained by a union or day labor center.

''(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

''(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

''(aa) bank records;

''(bb) business records;

''(cc) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

''(dd) remittance records.

''(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

''(E) PAYMENT OF INCOME TAXES.—The alien shall establish the payment of all Federal and State income taxes owed for employment during the period of employment required under subparagraph (D)(i). The alien may satisfy such requirement by establishing that—

''(i) 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.

''(F) BASIC CITIZENSHIP SKILLS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

''(I) meets the requirements of section 312(a) (relating to a knowledge and understanding of English and the history and Government of the United States); or

''(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and Government of the United States.

''(ii) EXCEPTIONS.—

''(I) MANDATORY.—The requirements of clause (i) shall not apply to any person who is unable to comply with those requirements because of a physical or developmental disability or mental impairment.

''(II) DISCRETIONARY.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

''(G) SECURITY AND LAW ENFORCEMENT CLEARANCES.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

''(H) 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.

''(I) ANNUAL REPORTING REQUIREMENT.—

''(i) IN GENERAL.—An alien who has applied for an adjustment of status under this section shall annually submit to the Secretary of Homeland Security the documentation described in clause (ii) and the fee required under subsection (m)(3).

''(ii) DOCUMENTATION.—The documentation submitted under clause (i) shall include evidence of employment described in subparagraph (D)(iv), proof of payment of taxes described in subparagraph (E), and documentation of any criminal conviction or an affidavit stating that the alien has not been convicted of any crime.

''(iii) TERMINATION.—The reporting requirement under this subparagraph shall terminate on the date on which the alien is granted the status of an alien lawfully admitted for permanent residence.

''(J) ADJUSTMENT OF STATUS.—An alien may not adjust to legal permanent residence status under this section until after the earlier of—

''(i) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

''(ii) 8 years after the date of enactment of this section.

''(2) SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—

''(i) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident under this section, or provide an immigrant visa to—

''(I) the spouse, or child who was under 21 years of age on the date of enactment of the Orange Card Program, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

''(II) an alien who, within 5 years preceding the date of the enactment of the Orange Card Program, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

''(aa) the termination of the qualifying relationship was connected to domestic violence; or

''(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

''(ii) APPLICATION OF OTHER LAW.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

''(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

''(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

''(3) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

''(b) GROUNDS OF INADMISSIBILITY.—

''(1) APPLICABLE PROVISIONS.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

''(A) Paragraph (2) (relating to criminals).

''(B) Paragraph (3) (relating to security and related grounds).

''(C) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

''(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

''(3) WAIVER OF OTHER GROUNDS.—

''(A) IN GENERAL.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

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

''(4) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

''(5) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

''(6) INELIGIBILITY.—

''(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

''(i) the alien has been ordered removed from the United States—

''(I) for overstaying the period of authorized admission under section 217;

''(II) under section 235 or 238; or

''(III) pursuant to a final order of removal under section 240;

''(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

''(iii) the alien is subject to section 241(a)(5);

''(iv) the Secretary of Homeland Security determines that—

''(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(v) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

''(i) entry into the United States without inspection;

''(ii) remaining in the United States beyond the period of authorized admission; or

''(iii) failure to maintain legal status while in the United States.

''(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien—

''(i) was ordered removed on the basis that the alien—

''(I) entered without inspection;

''(II) failed to maintain status; or

''(III) was ordered removed under 212(a)(6)(C)(i) before April 7, 2006; and

''(ii) demonstrates that—

''(I) the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a);

''(II) the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

''(III) requiring the alien to depart from the United States would result in extreme hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(c) TREATMENT OF APPLICANTS.—

''(1) IN GENERAL.—An alien who establishes the requirements under subsection (a)(1)(B) for including a spouse or child of such alien—

''(A) shall be granted employment authorization upon the filing of an application fee of $1,000 pending final adjudication of the alien's application for adjustment of status;

''(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

''(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

''(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

''(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant orange card that—

''(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note);

''(B) reflects the benefits and status set forth in paragraph (1); and

''(C) contains a unique number that authorizes card holders who have resided longer in the United States to receive the status of lawful permanent resident before similarly situated card holders whose length of residence in the United States is shorter.

''(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

''(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

''(5) ADJUSTMENT TO PERMANENT RESIDENCE.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of an alien who satisfies all the requirements under subsection (a) to that of an alien lawfully admitted for permanent residence.

''(B) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this section, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

''(d) APPREHENSION BEFORE APPLICATION PERIOD.—The Secretary of Homeland Security shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a) and who can establish prima facie eligibility to have the alien's status adjusted under that subsection (but for the fact that the alien may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 180 days of the application period to complete the filing of an application for adjustment, the alien may not be removed from the United States unless the alien is removed on the basis that the alien has engaged in criminal conduct or is a threat to the national security of the United States.

''(e) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

''(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

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

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

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

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

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

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person to—

''(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or 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.

''(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

''(g) 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 in accordance with subsection (a) 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.).

''(h) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—

''(1) IN GENERAL.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States or is subject to reinstatement of removal under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

''(2) STAY OF REMOVAL.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

''(i) APPLICATION OF OTHER PROVISIONS.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

''(j) ADMINISTRATIVE AND JUDICIAL REVIEW.—

''(1) IN GENERAL.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

''(2) ADMINISTRATIVE REVIEW.—

''(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

''(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

''(3) JUDICIAL REVIEW.—

''(A) DIRECT REVIEW.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

''(B) REVIEW AFTER REMOVAL PROCEEDINGS.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

''(C) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

''(4) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

''(k) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also 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 the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

''(l) EMPLOYER PROTECTIONS.—

''(1) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

''(2) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

''(3) APPLICABILITY OF OTHER LAW.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

''(m) AUTHORIZATION OF APPROPRIATIONS; FINES; FEES.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $100,000,000 for fiscal year 2007, which shall remain available until expended, to carry out this section.

''(2) FINE.—An alien who files an application for adjustment of status to lawful permanent residence under this section (except for an alien under 18 years of age) shall pay a fine equal to $1,000.

''(3) FEE.—Annual processing fee of $50.

''(4) IMMIGRATION EXAMINATIONS FEE ACCOUNT.—Of the amounts collected each fiscal year under paragraphs (2) and (3), the Secretary of Homeland Security shall deposit—

''(A) $10,000,000 into the General Fund of the Treasury, until an amount equal to the amount appropriated pursuant to paragraph (1) has been deposited under this subparagraph; and

''(B) the remaining amount into the Immigration Examinations Fee Account established under section 286(m).

''(5) USE OF AMOUNTS COLLECTED.—Of the amounts deposited into the Immigration Examinations Fee Account under paragraph (4)(B)—

''(A) such amounts as may be necessary shall be available, without fiscal year limitation, to—

''(i) the Secretary of Homeland Security to implement this section and to process applications received under this section; and

''(ii) the Secretary of Homeland Security and the Secretary of State for administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section; and

''(B) any amounts not expended under subparagraph (A) shall be available to the Secretary of Homeland Security to improve border security.

''(n) RULEMAKING.—

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Orange Card Program, the Secretary of Homeland Security shall issue regulations to implement this section.

''(2) APPLICATION PROCESSING PROCEDURE.—The regulations issued under paragraph (1) shall include a procedure for the orderly, efficient, and effective processing of applications received under this section. Such procedure shall require the Secretary of Homeland Security to—

''(A) permit applications under this section to be filed electronically, to the extent possible; and

''(B) allow for initial registration with fingerprints of applicants to be followed by a personal appointment and completed application.''.

(2) TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 245A the following:

''Sec. 245B. Access to earned adjustment.''.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations across the country that support this amendment.

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

ACORN
Acercamiento Hispano de Carolina del Sur
The American-Arab Anti-Discrimination Committee
American Friends Service Committee, Miami
Asian American Justice Center
Asian Americans for Equality
Association of Mexicans in North Carolina (AMEXCAN)
CASA of Maryland, Inc.
Cabrini Immigrant Services, New York City
Center for Community Change
The Center for Justice, Peace and the Environment
Center for Economic Progress
Center for Social Advocacy
Central American Resource Center/CARECEN—L.A.
Centro Campesino Inc.
Church World Service Immigration and Refugee Program
Coalition for Asian American Children and Families (CACF)
Coalition for Humane Immigrant Rights of Los Angeles (CHlRLA)
Coalition for New South Carolinians
Committee for Social Justice in Colombia
Community Wellness Partnership of Pomona
Day without an Immigrant Coalition
Dignity Through Dialogue and Education
Dolores Mission Church, Los Angeles
Eastern Pennsylvania Conference of the United Methodist Church
El Centro Hispanoamericano
El Centro, Inc.
Empire Justice Center
En Camino, Diocese of Toledo
FIRM (Fair Immigration Reform Movement)
Family & Children's Service
Fann Ayisyen Nan Miyami/Haitian Women of Miami, Inc.
The Farmworker Association of Florida Inc.
Farmworkers Association of Florida

Filipno American Human Services, Inc. (FAHSI)
Florida Immigrant Advocacy Center
Florida Immigrant Coalition
Friends and Neighbors of Immigrants
Fuerza Latina
Fundacion Salvadoreña de la Florida
The Gamaliel Foundation
Georgia Association of Latino Elected Officials (GALEO)
Guatemalan Unity Information Agency
Haiti Women of Miami
HIAS and Council Migration Service of Philadelphia
Heartland Alliance
Hebrew Immigrant Aid Society (HIAS)
Hispanic American Association
Hispanic Coalition Corp.
Hispanic Directors Association of New Jersey
Hispanic Federation
Hispanic National Bar Association
Hispanic Women's Organization of Arkansas
Holy Redeemer Lutheran Church, San Jose, CA
Idaho Community Action Network
Illinois Coalition for Immigration and Refugee Rights
Immigration Equality
Immigrant Legal Resource Center
Interfaith Coalition for Immigrant Rights, California
Interfaith Coalition for Worker Justice of South Central Wisconsin (ICWJ)
The Interfaith Council for Religion, Race, Economic and Social Justice, San Jose, CA
Intl. Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Miami
International Immigrants Foundation
International Institute of Rhode Island
International Social Work Organization-University of Maryland School of Social Work
Institute of the Sisters of Mercy of the Americas
Irish American Unity Conference
Irish Apostolate USA
Irish Immigration Center
Irish Immigration Pastoral Center, San Francisco
Irish Lobby for Immigration Reform
ISAIAH, Twin Cities and St. Cloud Regions, MN
Kentucky Coalition for Comprehensive Immigration Reform (KCCIR)
Korean American Resource and Cultural Center, Chicago, IL
Korean Resource Center, Los Angeles, CA
JUNTOS
Jesuit Conference
Jewish Council For Public Affairs
Joseph Law Firm, PC
LULAC
Labor Council for Latin American Advancement, LCLAA
Lahore Foundation, Inc.
Latin American Immigrants Federation Corp.
Latin American Integration Center, New York City
Latino and Latina Roundtable of the San Gabriel Valley and Pomona Valley
Latino Leadership, Inc.
Latinos en Acción de CCI, a chapter of Iowa Citizens For Community Improvement
Law Office of Kimberly Salinas
League of Rural Voters
Lutheran Immigration and Refugee Service (LIRS)
Lutheran Office of Governmental Ministry in New Jersey
MALDEF
Make the Road by Walking
Mary's Center for Maternal and Child Care
Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)
Medical Mission Sisters' Alliance for Justice
Michigan Organizing Project
Migrant Legal Action Program
Minnesota Advocates for Human Rights
Minnesota Immigrant Freedom Network
The Multi-Cultural Alliance of Prince George's County Inc.
Nashville Area Hispanic Chamber of Commerce
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund
National Capital Immigration Coalition (NCIC)
National Council of Jewish Women
National Council of La Raza
National Employment Law Project
National Farm Worker Ministry (NFWM)
National Immigration Forum
National Korean American Service & Education Consortium, Los Angeles, CA
Nationalities Service Center
Nebraska Appleseed Center for Law in the Public Interest
Neighborhood House at The Paul & Sheila Wellstone Center for Community Building
Neighbors Helping Neighbors
NETWORK—A National Catholic Social Justice Lobby
New York Immigration Coalition
Northwest Federation of Community Organizations
ONE Lowell, Lowell, MA
Office for Social Justice, Catholic Archdiocese of St. Paul/Minneapolis
Organization of Chinese Americans (OCA)
Pennsylvania ACORN
Pennsylvania Immigration and Citizenship Coalition (PICC)
People For the American Way (PFAW)
Pilsen Neighbors Community Council
Pineros y Campesinos Unidos del Noroeste (PCUN)
Presbyterian Church (USA), Washington Office
Project HOPE
Project for Pride in Living
Proyecto Pastoral at Dolores Mission
Rockland Immigration Coalition
Rural Coalition/Coalicion Rural
S & G Enterprises
Service Employees International Union (SEIU)
SEIU Florida Healthcare Union
SEIU Local 32BJ
Seattle Irish Immigrant Support Group
Society of Jesus, New York Province
South Asian American Leaders of Tomorrow
Spanish Community of Wallingford, Inc.
Tennessee Immigrant & Refugee Rights Coalition (TIRRC)
UJA-Federation of New York
UN DIA (United Dubuque Immigrant Alliance)
UNITE HERE!
U.S. Committee for Refugees and Immigrants (USCRI)
Unite for Dignity for Immigrant Workers Rights, Inc.
United Church of Christ, Justice and Witness Ministries
United Farm Workers, Miami
United Food and Commercial Workers
United Methodist Church, General Board of Church and Society
United Methodist Hispanic Ministries of North Alabama
Virginia Justice Center for Farm and Immigrant Workers
Washington Citizen Action
We Count!
Westchester Hispanic Coalition
Westside Community Action Network Center (Westside CAN Center)
The Workmen's Circle/Arbeter Ring
YKASEC—Empowering the Korean American Community, New York, NY
Yee & Durkin, LLP

Mrs. FEINSTEIN. Mr. President, let me state why I think the Hagel-Martinez compromise is not workable. The Hagel-Martinez compromise essentially creates three tiers of people in this country in undocumented or illegal status. The first is 6.7 million who have been here more than 5 years; the second is 1.6 million who have been here less than 2 years; and the third is 2.8 million who have been here from 2 to 5 years. People here less than 2 years are subject to immediate deportation. Someone has to find them, go into their workplace or their homes, pick them up, and deport them. Then one has to consider the likelihood that in about 3 days, which is often the case in California, they will come back to their families and their job.

The second is the 2.8 million who must leave, touch back, get in a guest worker program or some other visa program, come back, be in this country, and then, after a period of time, get an employer to sponsor them for a green card or leave. They have a kind of mandatory departure. The guest worker program they would be eligible for is the H–2C program, which we reduced in size from 325,000 to 200,000 in an earlier amendment. The cap of the program is removed for them. Therefore, what is created for this group is a 3 million-person guest worker program, but they cannot earn a path to legalization unless they have an employer who will petition for them. They are limited in the time they can stay in the country, and they must return.

My sense, based on the reality of the largest immigration State in the Union, is that these two tiers in Hagel-Martinez simply will not work. We will have large-scale fraud. The people here slightly less than 2 years will present fraudulent documents to show they have been here for at least 2 years. That is what happens now. There is a wide market in fraudulent documents for the undocumented. And those here less than 5 years will shortly realize that when they have to go back they face a precarious situation of whether they can come back legally. If they can't come back legally, I hazard a guess they will come back and find a way to come back illegally. That is a major problem.

What we have tried to do is create a program, based on McCain-Kennedy, and to an extent on Hagel-Martinez, saying let's be realistic, let's understand what the situation is, that there is no way it is good to create another illegal class of up to 4.4 million people. It does not make sense to spend the time trying to seek out people living clandestinely.

It is much better to create the process for earned legalization which has some meaning and substance, and tests that individuals must pass. So we have created a three-step test for something we would call an orange card. That orange card is like this chart. I picked a

color that had no political connotation. This is a biometric card. It has the personal identifiers. It has the photo. It has the fingerprints. It has a number. Once someone has the orange card, that number, essentially, places them in a line. The line would begin with those people here the longest. They have the lowest numbers. Therefore, when the current green card line of 3.3 million people is expunged—estimated to take 6 to 11 years—the people here the longest in the undocumented status are the first to receive their green card.

In the meantime, this would be the identifier. It is biometric. It enables an individual to move in and out of the country, and the individual reports electronically every year with their work history. They will pay a $50 processing fee. They will pay a total $2,000 fine by the time they reach green card status. They will show they are trying to learn English. They will present their work history. To me, it makes better sense because it is able to be managed.

The Hagel-Martinez amendment is not able to be managed electronically. Therefore, we have 4.4 million people, plus the remainder of the 10 to 12 million people that you have to handle. It is extraordinarily complicated and difficult to do that.

The system was created with good intentions, but I don't believe it is workable. I believe it is subject to fraud. I believe the most difficult part of it is the guest worker part for those who have been here 2 to 5 years. Under Hagel-Martinez, if you are here for 4 years and 9 months, you are 3 months shy of earning legalization. These 3 months cost you the ability to get on a clear path to legalization. With those stakes and no formal documentation that proves when you cross the border, it is only logical to assume that people are going to try to falsify dates in order to qualify for the higher tier. This becomes the bureaucratic nightmare.

Then there is the problem for the 2- to 5-year person, of returning to their own country, getting into a legal program and coming back. I pointed out this makes the guest worker program 3 million people because the 200,000 cap is waived, and therefore the 2.8 million come into that program. That is way too many guest workers for any one time.

Then there is the mandatory departure part of the guest worker program, which essentially says an individual, once in the country, can only be here for 6 years and then must return to their own country unless an employer will sponsor them for a green card. This in itself might appear to be a good thing, but I want to spend a minute on it. You are dependent on your employer for your legal status after that point. This is a huge burden for an employer to bear. It also means that for some employers that may not be good employers, they have a method to exploit an individual by threatening that, unless they do certain things, they will not recommend them for the earned legalization program and for their green card.

We know exploitation does happen. I believe the best step is clearly to put forward a process for everyone in this country, a process that allows you to electronically submit your data, fingerprints, photo, and work history. That is then verified. You then come in. If the verification of your criminal history is adequate, if you pay the fine, and if you are willing to sign up for the orange card, then you receive it. Therefore, you have your biometric identifier, and you can be tracked, if necessary. You are free to leave the country and come back. It is a much sounder path to legalization.

I hope this will be the program that eventually is accepted.

I now yield time to the Senator from Iowa, my distinguished colleague, Mr. HARKIN. I believe he has asked for 5 minutes, or such time as he may consume.

Mr. HARKIN. Up to 10 minutes.

Mrs. FEINSTEIN. I yield up to 10 minutes to the Senator from Iowa.

Mr. HARKIN. I commend and compliment my distinguished colleague from California for presenting this amendment.

I wonder if I might engage in a little colloquy with the author of this amendment. I am proud to join her as a cosponsor because this is the way we have to go.

I was interested in the pie chart that showed the 4.4 million, if I added it correctly, the people here less than 2 years and those here 2 years to 5 years. All of those people have to leave the country?

Mrs. FEINSTEIN. Correct.

Mr. HARKIN. Under Hagel-Martinez?

Mrs. FEINSTEIN. Correct.

Mr. HARKIN. Some will leave and can't come back and some will petition to come back?

Mrs. FEINSTEIN. That is correct.

Mr. HARKIN. I ask my friend, how are they going to deal with families? Many of these people who have been here 2 to 5 years, maybe some less than 2 years, may have gotten married, maybe they brought their spouse along with them, and there are children. I have come across some myself. What will happen to these children who have been born here who are American citizens?

Mrs. FEINSTEIN. That is exactly the point. It is a theoretical plan.

For those who live in big immigration States, who live this problem daily, who see the people and their families—many have bought homes, pay taxes, their children are born here and go to school here—it creates a dynamic which puts the Federal Government again in the place of having to find and deport 1.6 million people; and then if the 2.8 million don't follow the mandatory departure section of the program, they are subject to deportation.

Mr. HARKIN. If I could pursue that a minute longer, again, contemplating the breakup of families, I ask my friend from California, wouldn't that also then make it even more difficult, harder or less likely that these people would come forward. If they know their families may be split up or they might have to leave their children behind and in the care of someone else, why would they come forward?

Mrs. FEINSTEIN. The Senator is exactly right. The dynamic to add to that is, you create a work differential because these people will continue to be clandestine, embedded in the cultures of our country, and find ways to work, and employers, as they have in the past, will hire them. Then we will be faced with carrying out a program that has never worked and that is employer-sanctioned.

Mr. HARKIN. I thank my colleague from California for offering this amendment.

Quite frankly, the amendment offered by Senator FEINSTEIN is the only way I see that we can get out of the mess we are in, so to speak, with all of the undocumented people here, in a way that is pro-family, pro-worker, pro-American, pro-national security.

The amendment offered by the Senator from California meets all of those requirements. It will cost a heck of a lot less, just in terms of dollars.

While I respect the efforts by Senators HAGEL and MARTINEZ and others to craft some sort of compromise, the fact is the Hagel-Martinez bill will be difficult, costly to implement, will tend to separate families and will not be in the best interests of our country.

Quite frankly, as the Senator from California just pointed out, we do not even know if it is workable. How are you going to find these people? As the Senator so aptly pointed out, people who have been here just shy of 2 years, by a month, aren't they going to find some documentation, forging rent receipts, and things like that, to make it seem as though they have been here at least 2 years? And those who have been here 3 to 5 years, won't the same thing happen there also?

The Hagel-Martinez compromise is totally unworkable. By contrast, the approach taken by Senator FEINSTEIN to create a new kind of an orange card—because this is a unique group of people—this orange card is realistic, and it is enforceable, and it is fair. It would require undocumented immigrants, as the Senator said, to register immediately with the Department of Homeland Security. Once they have passed a criminal and national security background check, they could apply for an orange card.

As the Senator said, they would have to pay a $2,000 fine, any back taxes owed, learn English and American civics, and pass extensive criminal and security background checks. Then, after working for at least 6 years, orange card holders could apply for legal permanent residence, but, again, as the

Senator pointed out, they would have to get in back of all the green card holders who are existent right now. So, again, this is a tough approach, but it is workable. It will work. It is fair. And, as I said, it will cost a lot less money and a lot less manpower to implement.

I think, as the Senator from California said, we just have to deal with reality, what is real. Twelve million undocumented immigrants, many who have lived here for many years, have children, family members who are U.S. citizens. They are working. They are contributing to society. They may be undocumented. They may be living in the shadows. But, make no mistake about it, they are de facto members of the American economy and the American society. They are integrated into the fabric of our national life. They are filling jobs that in many cases would otherwise go unfilled.

In essence, they are a part of our American family. And they are not going away. In fact, we would face huge problems if they did. Just last week, I say to my friend from California, a delegation from the Marshalltown, IA, Chamber of Commerce was in town. Several of them pointed out that immigrants play an indispensable role in the Marshalltown economy. As one put it: If you rounded up and kicked out all the immigrants, our city's economy would come to a screeching halt.

I say to my friend from California, I was in Denison, IA, on Friday. There is a Job Corps center there. It is a small-town community in western Iowa. They have a couple meatpacking plants there. So we have a lot of Latinos who come in from Mexico, El Salvador, Honduras, Guatemala, places like that. The mayor took me aside and he said: I want to talk to you about immigration. I didn't know which side he was coming from. He said: I just wanted to let you know how important it is to Denison that you resolve this in a fair and equitable manner. He said: We have people here who have bought homes that were abandoned. People have left town because the town was kind of dying out. They bought these homes. They fixed them up.

Then he told me something very interesting. He said: A lot of Latinos have taken over small businesses on Main Street. They are operating these small businesses that were going out of business. He said: If you want an answer to Wal-Mart, here is your answer to Wal-Mart. He said: They are actually running businesses on Main Street in Denison. He said: I know for a fact that many of them are undocumented aliens. He said: We cannot afford to lose them.

So it is not just in the big cities, I say to my friend—Los Angeles and San Francisco—but in the small towns and small communities of rural Iowa that would be drastically affected by the Hagel-Martinez so-called compromise.

Most of these new immigrants have found work, but they have not found freedom. This spring, at United Trinity Methodist Church in Des Moines, IA, I met with a group of new immigrants, and I asked how many of them were undocumented. I looked around. They didn't know whether to raise their hand, and finally they decided, OK, they would. I would say probably a third of them were undocumented. They are living in the shadows. They live in fear. Many pay taxes. They make Social Security payments, but they receive nothing in return.

They want to become loyal, contributing American citizens, to pursue the American dream. But, instead, they are living an American nightmare of anxiety and exclusion and exploitation. One young girl there was 18 years old, just graduating from high school, who wants to go on to college. They have no money. Her folks work. They have a modest income. We know what college tuitions are like. She came here as a 3-year-old when her folks fled the strife in El Salvador. She is now 18. She is undocumented. She has no papers. She cannot get any loans to go to college. She cannot get any college aid or anything else to help her through. She just wants to be a good American citizen. What about her? What are we going to do about people like that?

So it is time to find a constructive and positive way to bring these people out of the shadows and into the sunshine. The Feinstein amendment does it. It establishes a legal framework, where people can learn English. They have to learn English. They have to pass security background checks, pay the fines and penalties, and can earn the right to eventually become U.S. citizens.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mrs. FEINSTEIN. Mr. President, I yield 2 additional minutes to the Senator.

Mr. HARKIN. I thank my friend from California.

Again, the orange card program will increase participation by decreasing fear. More people will come forward because fewer families will be separated. They will become full participants. It is pro-family, pro-work, pro-American, pro-national security.

Let me close by saying one personal thing. My mother came to this country as an immigrant. I have the documentation when she came to this country. Was she legal? Well, I don't know. She came on a boat with a lot of other people—steerage class. They landed in Boston. They could not get into New York because of a storm. They landed in Boston. She had $7 in her pocket and a one-way train ticket to Des Moines, IA. Yet she became a fully contributing member of our American community. Later on she became a citizen.

So when I see our new immigrants, and I look into their face, I see the face of my mother. Why do we have an immigration problem in America? Because people want to come here. They want to work. They love America. They love our freedoms. They love our society and the opportunities that it presents.

This is not the time to go to some convoluted thing such as the Hagel-Martinez amendment, which is going to make the mess even messier. It is going to make it even worse. Let's clear it up once and for all, in a fair and equitable manner. And the only way to do that, I submit, is with the Feinstein amendment.

I thank the Senator from California for coming up with this amendment. I am proud to be her cosponsor.

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

The ACTING PRESIDENT pro tempore. The Senator has 6½ minutes remaining.

Mrs. FEINSTEIN. Mr. President, I would like to reserve the remainder of my time. But I would like to also thank the Senator from Iowa. I think he showed, particularly speaking from the heartland of our country—a much smaller State than California—how much a local economy depends on this workforce. I think that is really important to understand.

I remember speaking—and I would like the Senator to know this—with Doris Meissner. She was the head of the U.S. Immigration and Naturalization Service, and I think a very good commissioner. She said: Whatever you do, make it simple. Make it enforceable. That is the key where we go astray with this because you cannot enforce it, basically. Good luck finding all of these people subject to immediate deportation. It is impossible. You cannot deport 1.6 million people. And then to expect the other 2.8 million are going to go home and touchback within 3 years is an unrealistic expectation.

So I hope somehow people will actually read the bill and understand the devil is in details of the language as to whether it can be carried out. I think the Senator from Iowa said it very eloquently, and I thank him for that.

I reserve the remainder of my time.

Mr. President, I ask unanimous consent that the time begin to run on the other side.

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

Mrs. FEINSTEIN. Mr. President, may I be clear as to what I just asked unanimous consent for: that the Presiding Officer allows the time against the amendment to run, and I reserve the remainder of my time.

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

Mrs. FEINSTEIN. I thank the Chair. I appreciate it.

Mrs. BOXER. Mr. President, currently, 10 to 12 million workers are in this country illegally living in the shadows. Of those, approximately 24 percent or 2.5 to 3 million undocumented immigrants are living in California.

Many of these people are longtime residents, hard workers, and with

American-born children. They are the parents of children in your school. They are members of your community whom you know and respect.

Any comprehensive immigration reform bill must address the plight of undocumented workers currently in the country. Unfortunately, the current provision in the bill is not rational and could leave millions of individuals without relief and forced to hide.

Under the three-tier process created by the Hagel-Martinez compromise, undocumented immigrants here less than 2 years are subject to deportation, and those here from 2 to 5 years must return to their country and seek reentry under a guest/worker program.

It is estimated that these tiers would apply to nearly 5 million people—that means approximately a million residents of California would either face voluntary departure or deportation.

Families would be broken apart and industries disrupted as workers are forced to leave or go into hiding. California cannot afford and most of its residents do not support the convoluted Hagel-Martinez approach.

That is why I was pleased that my colleague, Senator FEINSTEIN, has proposed a much more practical and humane approach in her orange card program.

Under the program, all undocumented immigrants who are in the United Stats as of January 1, 2006, would be eligible to get on a path to legality. They would be required to pass criminal and national security background checks, demonstrate an understanding of English and U.S. history and Government, have paid their back taxes and pay a $2,000 fine.

Moreover, orange card holders would have a continuing obligation to work, pay their taxes, and not to engage in criminal activity.

The Feinstein orange card program establishes a realistic approach to dealing with the 10 to 12 million undocumented workers currently in the country. In conjunction with her AgJOBS amendment, Senator FEINSTEIN has addressed two of the most important aspects of the comprehensive immigration reform bill.

I urge my colleagues to vote for the Feinstein amendment. It is a workable solution to a difficult problem.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I want to speak briefly on the overall bill and the progress we are making to date. And then I want to address, briefly, the Feinstein amendment.

I have great regard for the Senator from California. She is one of the top authorities in the Senate on immigration. She has dealt with this topic for many years, and in a very practical way she has dealt with it, and in a very knowledgeable way she has dealt with it.

We are making great progress on getting a comprehensive, bipartisan immigration bill through the U.S. Senate. Everybody is not going to agree with this bill at the end of the day, but it has been a delight to see the body work and to see us go on amendments—a Republican amendment might pass or fail, a Democrat amendment might pass or fail. We are really legislating and building a coalition, and I think building a vote total that, at the end of the day, will pass a strong bill. I think that is to the credit of the country, and I think it is to the credit of the body.

I oppose the Feinstein amendment, even though I have great respect for my colleague from California and her knowledge and ability and the practical impact of this on her State. I have opposition to it because I think it slows us down and possibly really disrupts us from being able to get a comprehensive bill through the body. We have worked to craft a delicate compromise that—it is my hope—could pass substantially in cloture, get well over 60 votes on final passage.

A key part of that coalition and building has been the Hagel-Martinez compromise, that makes the distinctions between if you have been here more than 5 years or if you have been here less than 2 years. That has been something where a number of people have said: OK, it is difficult to work in practice, but it makes some sense to me. It also makes some sense on the amount of roots you have put into this country. It makes some sense to me about if you have just come in the last 2 years and you are just trying to jump in over the line as things change.

If you break that compromise, I think you break the momentum in passing the bill, and I would not doubt that you break the ability for us to pass the bill. I think the Senator from California has some real issues that she raises. I think they are important issues she raises. I think there are key things for us to consider. But at the end of the day, I think it causes the bill to fail, and I do not think that is a useful thing for us to do—having invested the quantity of time we have in this bill, having the importance of this bill, and having it as the No. 1 topic across the country—for us now to adopt an amendment that I believe has the clear possibility of failing the whole bill and pulling the whole bill under.

For those reasons, with high regard for the Senator from California and her work, and with real recognition of the practicality of the issues she is dealing with, I oppose the Feinstein amendment. I hope that my colleagues will oppose it, and we can move forward toward closing the debate with a strong vote on final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I would like to speak for 5 minutes in opposition to the Feinstein amendment.

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

Mr. MARTINEZ. Following on the remarks of the Senator from Kansas, I have to agree with an awful lot of what he said. We came to this bill in a situation where it was a good concept. It had some obvious, positive qualities to it, but it was also a bill that was not gaining the favor of the vast majority of the Members of the Senate. In order for it to be successful, we had to tweak it. We had to find a way in which we could thread the needle, strike a balance, a way in which we could somehow bring more people to the table in understanding what it is that we were trying to do.

We came together and found a way of doing so by simply not treating everyone who was here the same. We talk about a group of 11 million people in our country illegally today. It was apparent that all of those people were not in the same situation. Some have been here for a number of years, well established, sometimes owning a home, certainly having a steady job, children who were probably by now United States citizens, having been born here. For the sake of family unity, we felt it was important to treat people who had been here a longer period of time differently than more recent arrivals.

Senator HAGEL and I came up with a concept of having a 5-year dividing line where those who have been here more than 5 years would be treated one way and those who had been here less would be treated a slightly different way. The requirement was that those who had been here less than 5 years would be divided in two different ways—those who have been here less than 5 years who might have come here with the expectation that there would be some immigration bill. The date was selected around the time the President first spoke on this issue of comprehensive reform. We settled on the idea that those who had been here 2 years or less would not be able to benefit from this bill, but that those who had been here between 2 and 5 years should be given an opportunity. We would require that they reenter the country, that they would have a legal entry into the country, but understanding that all the other categories or steps that were appropriate for those who had been here 5 years they would also have to meet before obtaining a path to regularization, to being here legally, and then, ultimately, to live the American dream to its fullest extent by becoming citizens of this country.

Not every immigrant who crossed the southern border intended to become an American. We could not treat everyone the same. People who have been here 10, 15 years certainly have a very different situation than those who have been here 3 years. A lot of times single men will come to work for a period of time, having no intention of being here for an extended visit.

At the end of the day, what we have to understand is that we are now at the crossroads where this bill is about to be completed. This bill is moving along in a very positive way with support from both sides of the aisle, which

makes an even stronger statement. As we move forward to do that, this amendment will take us a step back. This would bring us back to a time when we didn't have consensus, to a time when we were not all pulling in the same direction, and to a time when we didn't have what we have demonstrated, the support of as many as 66 Members of this body to defeat some of these amendments that would have taken the bill in a different direction, that would have taken us from comprehensive reform to something different.

So for those folks who have been here 2 to 5 years, we want to give them a path to regularizing themselves in this country. But also we have to understand that their situation is different than those who have been here for a long time.

I appreciate the effort of the Senator from California to do what I know in her heart she believes is fair. I do understand the difficulties. I don't want to be Pollyannish about it. This is a very difficult concept to implement. When the time comes, we must try. We are putting a lot of employment enforcement into this bill which will make it possible for this to be worked out. Without any idea that this is going to be easy to do, I do believe that there is a practical reason. It was a way for us to reach a resolution of how to deal with this country's population of illegal immigrants, which is a group of people the size of those people who live in the State of Pennsylvania.

I believe with ample protections to all, understanding the difficulties that may come about in the implementation, that we have to go forward and move ahead with the concept that has brought this body together, the concept that had the favor of the President. The President, when he spoke on this a week ago, clearly stated that, in fact, he favored the idea of creating a difference between the groups of people as they have arrived in this country and the length of time they have been here.

I urge Members of the Senate not to support the current amendment but to stick with the concept that has worked so far, the concept that has pulled us together. I believe if we do that, we will be very close to final resolution of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add the names of Senators DURBIN and OBAMA as cosponsors of my amendment.

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

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

The PRESIDING OFFICER. The Senator has 5 minutes.

Mrs. FEINSTEIN. My understanding is Senator KENNEDY has 10 minutes. Would the Senator like to use that time now?

Mr. KENNEDY. That would be fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from California for her amendment. It does, for the reasons she has outlined and that I will address briefly, seem to be a constructive and positive way to go. It effectively moves us back to what was originally the legislation that Senator MCCAIN and I introduced. I was enthusiastically in support of it because it achieves what we are trying to do in terms of earned legalization. In terms of simplicity and legality for those people who are here, that is the preferable way to go.

Since that time, as the Senate has worked its will, the Martinez-Hagel amendment has come in and, as has been outlined, establishes a tier system. It recognizes that those who are here for over 5 years will be able to have the earned legalization which many of us support—strong bipartisan support. Those who are here for just 2 years will be deported, and those from 2 to 5 will have to return and follow a different pathway in terms of earning citizenship. That is administratively more complicated and difficult and puts additional burdens on Homeland Security.

One of the basic concepts behind the legislation was to try to move people out of the shadows. This is going to move us back into creating a situation where a number of people will be back in the shadows. It does move us in a direction that I would not have hoped we would move. But frankly, this is the legislative process. The legislative process has brought us to where we are today. The underlying legislation is a good product and an important product which will mean a significant and important change in the opening of opportunity for people who are here, who want to work hard and pay a fine, pay their back taxes, play by the rules and become a part of the American dream.

I am enthusiastic for the underlying legislation which includes the Hagel-Martinez amendment. I will say that the Feinstein amendment is basically, in fact, what Senator MCCAIN and I had originally hoped for. It is difficult for someone like myself to argue against it. It makes sense. But as legislative proceedings go, at least as far as I am concerned, you are sort of stuck with where you are in terms of the process.

I thank the Senator from California for again raising an issue which is a matter of enormous importance. And her reasons are excellent, as she outlined in her comments. I am sympathetic to that. If the Senator's amendment is not successful, we still have a very strong bipartisan document which will deserve to move ahead in this process.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. SPECTER. I yield 4 minutes to the Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to oppose the pending amendment. It is interesting how causes line up. I find myself critical of the Hagel-Martinez compromise. I also find myself in agreement with the diagnosis of the Senator from California that the tiered method of trying to divide up the undocumented population will result in rampant fraud, just as it did in the post-1986 amnesty. But while I agree with her on the diagnosis, I don't agree with her prescription. The prescription, the alleged cure for the diagnosis, is that basically we throw up our hands and say that we cannot enforce the law. We can't secure our borders. We can't verify eligibility to work at the work site. We can't sanction employers who cheat. So we have to let anyone and everyone who has come to the United States, either in violation of the law or legally and overstayed, get basically the best gift that America can confer, and that is legal permanent residency and American citizenship and to jump in line ahead of those who have waited patiently outside the country and revisit the mistakes of 1986 when amnesty was tried.

I have two articles from the New York Times, one dated June 18, 1989 and one dated November 12, 1989. I ask unanimous consent that these be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. CORNYN. The June 18 article says:

> The most sweeping effort to halt illegal immigration in American history, the 1986 overhaul of immigration law, may have cut the flow of illegal aliens less than expected and may have actually encouraged unlawful entry in several ways.

It quotes a professor Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California in San Diego:

> We found no evidence that the 1986 immigration law has shut off the flow of new undocumented migrants.

The article, dated November 12, 1989, includes a quote from the junior Senator from New York, who was then serving in the House of Representatives. It says:

> Representative Charles E. Schumer, a Brooklyn Democrat who was an author of this Special Agricultural Worker provision, said that in retrospect the program seemed ''too open'' and susceptible of fraud. But he argued that the budget decisions had made the battle to combat fraud more difficult.

In other words, alluding to the fact that notwithstanding the policy decisions made by Congress in 1986, that, in fact, it was the failure to actually finance and implement the policy for work site verification and employer

sanctions that contributed to the ineffectiveness of the 1986 amnesty.

I hope we will learn from the mistakes of the past and are not condemned to relive them with this bill. But I do agree with my colleagues, Senator KENNEDY, Senator SPECTER, the chairman of the Judiciary Committee, Senator MARTINEZ and others, that while the Senator from California is absolutely correct in her diagnosis, this sets us up for a repeat of massive fraud. The prescription she recommends is not well advised.

I yield the floor.

EXHIBIT 1

[From the New York Times, June 18, 1989]

1986 AMNESTY LAW IS SEEN AS FAILING TO SLOW ALIEN TIDE

(By Roberto Suro)

HOUSTON, June 17.—The most sweeping effort to halt illegal immigration in American history, the 1986 overhaul of immigration law, may have cut the flow of illegal aliens less than expected and may have actually encouraged unlawful entry in several ways.

Two years after it began to take effect, experts around the country are starting to draw conclusions about the law's effect. As thousands of people continue to enter the country illegally every day, the first arguments are being entered in a debate over whether the legislation has achieved its goals, and whether it ever will.

Some in Congress seek more effective enforcement of the law; others want to focus on the poverty and turmoil in the third world that force people out of their homelands. Meanwhile, the Immigration and Naturalization Service has proclaimed the law a clear success, and the Bush Administration has yet to put its own stamp on immigration policy.

''We have found no evidence that the 1986 immigration law has shut off the flow of new undocumented migrants,'' said Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California at San Diego.

A DECADE OF STUDY

The Immigration Reform and Control Act of 1986, whose measures began to take effect in May 1987, was the first nationwide response to a wave of illegal immigration that began in the mid-1960's and created a resident population of illegal aliens variously estimated between 6 million and 12 million people.

After a decade of study and argument in Washington, the 1986 law emerged as a mixture of humanitarian and restrictive measures. Unlike the two previous efforts to counter similar waves of illegal immigration in the 1930's and 1950's, there was no resort to mass deportations. The law offered legal status to illegal aliens who had lived in the United States continuously since Jan. 1, 1982, and it imposed penalties on employers who knowingly hired illegal aliens. It also allowed migrant workers to enter the United States during harvest season.

''The legislation bought time for everyone and made the problem more manageable for a while,'' said Leonel J. Castillo, who was Commissioner of Immigration and Naturalization during the Carter Administration and is now president of Houston International University. ''It seems, however, that time has passed more quickly than expected, and so it is important to see where we stand, because I think we will be dealing with the issue again soon.''

TORRENTS OF PEOPLE

According to indicators used by the immigration service to estimate traffic across the southern border, this year there will be 1.7 million to 2.5 million crossings. The most recent statistics signal that the flow may have increased in April and May.

Separate surveys of illegal aliens conducted by researchers based in Mexico, Texas and California all found that immigration by first-time travelers, as against those who had previously been to the United States, has been on the rise for at least a year. Experts also agree that the flow had dropped off through most of 1987. As a result, immigration experts say they have identified a ''wait and see'' response to the law among potential immigrants that may be producing a new wave of illegal immigration.

Doris Meissner, an expert on immigration for the Carnegie Endowment, a Washington research organization, said, ''There is evidence that many potential immigrants waited for a while to see how the law worked and have since begun moving again. If so, we should see the flow across the border accelerating any day.''

A MAGNET OF SORTS

The 1986 law allowed 3.1 million previously illegal aliens to obtain legal status here. Recent studies show that many thousands of people crossed the border surreptitiously to take advantage of the program, some of them with falsified documents and personal histories. The mass of newly legalized immigrants is also acting as a magnet for illegal aliens who want to come to the United States to join friends and relatives.

A plan to strengthen the Border Patrol was never fully carried out, and experts reach widely differing verdicts on the effectiveness of the sanctions against employers who hire illegal aliens.

Representative Charles E. Schumer, the New York Democrat who was instrumental in shaping the law's final compromises, said, ''The legislation has had some effect but not close to what it should have been.'' He complained that the Reagan Administration favored passage of the law but never gave the immigration service the resources to enforce it. ''So far, the law really has not been given a fair test,'' he said.

The current debate over immigration policy is likely to affect not only future law but also foreign policy. After hearings last month on the law's effect, Representative Bruce A. Morrison, a Connecticut Democrat who is chairman of the House Judiciary Committee's Subcommittee on Immigration, Refugees and International Law, said, ''Looking at what's happened the past few years it is increasingly obvious that most of the reasons for illegal immigration are in the countries people are leaving, and that unless those conditions change we may be able to reduce the flow somewhat, but no enforcement scheme will stop the tide.''

A LONELY ASSERTION

At those hearings Alan C. Nelson, Commissioner of the I.N.S., argued that a steady decline in the number of people apprehended trying to cross the border ''continues to demonstrate that the law is working and employer sanctions are having the intended effect of reducing illegal immigration.''

But the immigration service is now virtually alone in asserting that the sanctions have substantially cut the flow of illegal immigrants. Mr. Nelson has said repeatedly that the number of people apprehended on the border has dropped at a rate of 40 percent a year since the law went into effect. But many scholars dispute Mr. Nelson's statistics. Some researchers believe sanctions on employers have cut the flow, but not by 40 percent, and other experts argue the sanctions have had no effect at all.

The effects of the law are illustrated in the experiences of two recent illegal immigrants.

A 30-year-old woman from El Salvador said that in February 1988 she left home to live illegally in Texas in part because ''my cousin got papers under the amnesty, and so she was able to help me with money and a place to stay and generally in getting around.'' But as a result of the law, she said, ''there is no way to get a good job, because they always ask for your papers.''

The woman, a secretary in El Salvador, cleans houses in Houston, and although she would like better work here, she said she had no desire to return to the poverty and political violence of her homeland. ''Yes,'' she said, ''it is more difficult to get here and earn money now, but people still do it.'' Like other illegal aliens interviewed, she asked not to be identified.

A FAMILY ASUNDER

In the case of another woman from El Salvador, the law had contradictory effects. She arrived here in 1981, qualifying for the amnesty, but her five children, now 10 to 18 years old, arrived too late to be legalized. ''It is a great worry for me,'' she said, ''because my two oldest have graduated from American high school. Their home is with me here, but they cannot get real jobs. What is their future?'' According to the immigration service, 3.5 million to 4 million illegal aliens live in the United States on an established basis, as against 6.5 million to 7 million before passage of the 1986 law.

The drop is accounted for by the number of applicants for the amnesty programs. In effect, the amnesty divided illegal immigrants into those who were suddenly legalized and those who were not, but it did not physically separate these people.

The immigration service expects that a vast majority of amnesty applicants will receive permanent status as legal residents. If they then become citizens after a five-year waiting period, they will be able to get legal status for their spouses and children.

THE MEN WERE FIRST

In the meantime, however, the law has created a new and growing category of illegal alien: the relatives of amnesty applicants. Noting that nearly 70 percent of the amnesty applicants are men, Nestor Rodriguez, a sociologist at the University of Houston, said: ''Usually, the men were the first to migrate, and so more of them qualified for the amnesty. Many woman and children who followed along later did not qualify, and certainly the men who were here alone and got papers are now bringing in their families illegally.''

The effect of the amnesty on illegal immigration goes beyond relatives, however.

''Illegal immigrants have a long history of following well-established routes,'' said Mr. Castillo, ''and the amnesty program gave those routes a little more solidity. Now, instead of relying on other illegals, a new arrival is likely to know people here who are legal and can offer help with all kinds of things. It's my guess that it will take a generation to break those ties.''

Mr. Cornelius of the University of California at San Diego conducted extensive surveys of three rural Mexican communities and has concluded, ''There has been no significant return flow of illegals who suddenly found themselves jobless in the United States.'' In the short term at least, he said, the 1986 law ''may have kept more Mexicans in the United States than it has kept out'' because it granted some kind of amnesty to about 3.1 million people.

Although immigration experts agree that the prohibition on hiring undocumented workers has made it more difficult for illegal aliens to find work here, they differ widely on how much the sanctions on employers have reduced the flow across the border.

ARREST RATES ARE DEBATED

Much of the debate over the rate of illegal immigration centers on statistics for the apprehension of aliens along the Southern border because the immigration service uses these figures to support its assertion that the sanctions have been effective.

Almost all experts dismiss the immigration service view that proof of decreased flow lies in the 40 percent drop in apprehensions each year since 1986. The agency's critics say the number of Border Patrol agents assigned to watch the border also decreased markedly in that time, and so fewer apprehensions were inevitable.

Also, it is argued that since 1986 the agents remaining on the border have spent more time tracking down drug smugglers, another reason why a decline in apprehension would not necessarily mean there was a drop in the flow of illegal aliens. Yet other researchers insist that a substantial part of the decline in apprehensions is explained by the fact that most of the 3.1 million amnesty applicants can move across the border as they have for years but do it legally.

Chart of breakdown of legalization applicants and agricultural workers by gender, type of work, age, and state they applied in.

EXHIBIT 2

[From the New York Times, Nov. 12, 1989]

MIGRANTS' FALSE CLAIMS: FRAUD ON A HUGE SCALE

(By Roberto Suro)

HOUSTON, Nov. 11, 1989.—In one of the most extensive immigration frauds ever perpetrated against the United States Government, thousands of people who falsified amnesty applications will begin to acquire permanent resident status next month under the 1986 immigration law.

More than 1.3 million illegal aliens applied to become legal immigrants under a one-time amnesty for farm workers. The program was expected to accommodate only 250,000 aliens when Congress enacted it as a politically critical part of a sweeping package of changes in immigration law.

Now a variety of estimates by Federal officials and immigration experts place the number of fraudulent applications at somewhere between 250,000 and 650,000.

The Immigration and Naturalization Service has identified 398,000 cases of possible fraud in the program, but the agency admits that it lacks both the manpower and the money to prosecute individual applicants. The agency is to begin issuing permanent resident status to amnesty applicants on Dec. 1, and officials said they were approving 94 percent of the applicants over all.

Evidence of vast abuse of the farm worker amnesty program has already led to important changes in the way immigration policies are conceived in Congress. For example, recent legislation to aid immigration by refugees from the Soviet Union was modified specifically to avoid the uncontrolled influx that has occurred under the agricultural amnesty program.

Supporters of the farm worker amnesty argue that it accomplished its principal aim of insuring the nation a cheap, reliable and legal supply of farm workers and that it made an inadvertent but important contribution in legitimizing a large part of the nation's illegal alien population.

Critics point to cases like that of Larry and Sharon Marval of Newark. Last year they pleaded guilty to immigration fraud charges after immigration service investigators alleged that the Marvals were part of an operation that helped about 1,000 aliens acquire amnesty with falsified documents showing they had all worked on a mere 30 acres of farmland.

The amnesty for farm workers was a last-minute addition to the Immigration Reform and Control Act of 1986, which sought to halt illegal immigration with a two-part strategy. Under a general amnesty, illegal aliens who could prove they had lived in the United States since before Jan. 1, 1982, were given the chance to leave their underground existence and begin a process leading to permanent resident status. And to stem further illegal immigration, the employment of illegal aliens was made a crime.

The agricultural amnesty program was adopted at the insistence of politically powerful fruit and vegetable growers in California and Texas who wanted to protect their labor force. In several respects, the provisions for the program were much less strict than the general amnesty program, which drew 1.7 million applicants. Instead of having to document nearly five years of continuous residence, most agricultural worker applicants had to show only that they had done 90 days of farm work between May 1, 1985, and May 1, 1986.

Representative Charles E. Schumer, a Brooklyn Democrat who was an author of this Special Agricultural Worker provision, said that in retrospect the program seemed ''too open'' and susceptible to fraud. But he argued that budget decisions had made the battle to combat fraud more difficult.

''There has not been enough diligence in tracking down the fraud,'' he said, ''because funding for the I.N.S. has been cut by the White House in each of the last three budgets, even though everyone agreed when the bill passed that greater I.N.S. manpower was essential to make it work.''

Congress rarely raises the immigration service budget above Administration requests.

Aside from its budget problems, the immigration service has repeatedly come under fire this year in Congress and in an audit by the Justice Department for what was termed mismanagement and administrative inefficiency.

John F. Shaw, Assistant Immigration Commissioner, agreed that ''manpower restrictions'' at the agency were a major factor in the fraud in the agricultural amnesty program. He said much of the fraud ''shot through a window of opportunity'' when the agency was frantically trying to deal with many new burdens of the 1986 immigration law.

Mr. Shaw said law-enforcement efforts had been limited to the people who sold false documents to applicants for the farm worker amnesty. The immigration service has made 844 arrests and won 413 convictions in cases alleging fraud in the amnesty program. The people involved ranged from notaries public to field crew leaders. ''It was a cottage industry,'' Mr. Shaw said.

The immigration service can revoke legal status if it finds the applicant committed fraud, but even this effort is limited. Only applications that appear linked to a fraud conspiracy are held for review, as when an unusually large number of applicants assert that they have worked in same place. Some 398,000 aliens have fallen into this category since the application period ended last Nov. 30, but it is likely that many of them will get resident status.

Mr. Shaw said the fraud conspiracies often involved farms that actually did employ some migrant labor. So it is frequently impossible to separate legitimate from illicit claims.

Given the limited law-enforcement effort, no precise count of fraud in the agricultural amnesty program is possible. But some rough estimates are possible based on information from the aliens themselves. An extensive survey conducted in three rural Mexican communities by the Center for U.S.-Mexican Studies at the University of California in San Diego found that only 72 percent of those who identified themselves as applicants for farm worker amnesty had work histories that qualified them for the program. A similar survey conducted by Mexican researchers in Jalisco in central Mexico found that only 59 percent qualified.

But fraud alone does not explain why the program produced more than five times the applicants Congress expected. Frank D. Bean, co-director of the Program for Research on Immigration Policy at the Urban Institute in Washington, said the miscalculation in the Special Agricultural Worker program reflected longstanding difficulties in tracking the number of temporary illegal migrants from Mexico.

''It is at least plausible that a very large percentage of the S.A.W. applicants had done agricultural work in the U.S. even if they did not meet the specific time requirements of the amnesty,'' Mr. Bean said.

Mr. Shaw of the immigration service, and other critics of the law, believe there were more fundamental flaws. ''It was a weak program and it was poorly articulated in the law,'' he said.

Unlike almost all other immigration programs, which put the burden of proof applicant, the farm amnesty put the burden on the Government. Consequently, aliens with even the most rudimentary documentation cannot be rejected unless the Government can prove their claims are false.

Stephen Rosenbaum, staff attorney for California Rural Legal Assistance, a nonprofit service organization for farm workers, argued that there was no other way to structure an immigration program for an occupation ''that does not produce a paper trail.'' He noted that farm workers are paid in cash and neither the employers nor the workers keep detailed records.

''You can argue the wisdom of a farm worker amnesty, but if you have one, you have to recognize the immense logistical problems involved in producing evidence,'' he said.

The immigration service at first tried to apply the stringent practices common to other immigration programs, like rejecting applicants with little explanation when their documents were suspect. But three lawsuits brought in Florida, Texas and California over the last two years forced the agency to follow the broader standards mandated by Congress.

The burden-of-proof issue arose again earlier this year when the House of Representatives approved legislation that would have made any person who could prove Soviet citizenship eligible for political refugee status.

A legislator with a powerful role on immigration policy, Senator Alan K. Simpson, Republican of Wyoming, eliminated the provision because of concerns raised by the farm worker amnesty program, an aide said. Mr. Simpson, who is on the Senate Judiciary Subcommittee on Immigration and Refugee Affairs, substituted a series of specific circumstances that had to be met for a Soviet citizen to be considered a refugee, like denial of a particular job because of religious beliefs.

Immigration experts believe that the agricultural amnesty program will probably color policy debates over other categories of aliens whose qualifications will be difficult to document, like the anti-Sandinista rebels of Nicaragua.

''One certain product'' of the agricultural amnesty program, Representative Schumer said, ''is that in developing immigration policies in the future, Congress will be much more wary of the potential for fraud and will do more to stop it.''

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mrs. FEINSTEIN. Mr. President, I would like to make a couple of comments.

I very much appreciate my service and Senator CORNYN's service on the same committee and have great respect for him and also for Senator MARTINEZ who has introduced the Hagel-Martinez plan with the best of motives. Senator CORNYN said we shouldn't throw up our hands. I am not throwing up my hands. I want strong borders. I voted for a fence. I believe we should put National Guard on the borders. We provide 12,500 additional Border Patrol, 2,500 border inspectors, over $1 billion of equipment for the border. We should have our border enforced. We should get the help of Mexico to enforce it.

Secondly, with this plan, there is no jumping in line ahead of anyone waiting legally for a green card.

The line begins for the orange card recipients, if such should ever be, when that line is expunged. What we do is recognize the reality, learn from the streets, understand what happens, and then try to build a comprehensive solution to deal with the real world—border control, increase practical numbers of visas, as well as providing a path for earned legalization for those people who are here now.

That path has several hurdles. It will weed out those who should not receive an orange card from those who should. It is an electronic process. It is doable, and it is practical. It recognizes that if you leave 4.4 million undocumented immigrants subject to deportation, whether it is this year or 4 years down the pike, you create another illegal pool of workers in this country, which I think destroys the comprehensive approach.

Therefore, I just want to say that this orange card has specific requirements that have to be met over a 6-year period of work, of learning to speak English, of paying a fine, of paying taxes, of work history. That has to be met on an annual basis, submitting work history receipts on an annual basis. The program financially takes care of itself with the fines and fees. I believe it is a practical, humane way to go which can, in fact, with the other components of the bill, create a comprehensive solution to immigration reform which has a chance to stop illegal immigration into our country.

I am concerned that should Hagel-Martinez become the law, we are back where we started with a huge group of people subject to deportation at one point or another. We know that creates the underground labor pool, which then creates the incentive for an addition to that underground labor pool. I believe the orange card proposal we have before the Senate now does not do that. But the devil is in the details of all of this. We will see.

How much time do I have remaining?

The PRESIDING OFFICER. Less than 1 minute 50 seconds.

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

Mrs. FEINSTEIN. Mr. President, I would like to say one other thing. A lot of people come to me in desperate circumstances for private bills. I have tried to meet some of the families. What I have seen in these families is truly amazing. I have seen a legacy of work over a period of time that is amazing for any human being. I have actually seen families whose children are valedictorians of their high school class. I have seen them hide, but they pay their taxes, and they own a home. Some are even supervisors of companies.

If you look around America, the meatpacking industry, the chicken-processing industry, virtually all of the manufacturing and production, you will see these people as a dominant part of that workforce. I look at the great bread basket that is California, the largest agricultural State in the Union, and I know at least 600,000 of our workforce are undocumented and illegal. I know they come here because of the absence of any hope or opportunity or ability to make a decent living where they were living before.

I think this whole dialog we are having puts an enormous obligation on Mexico to begin to understand the needs of their people and do something to help them become economically more upwardly mobile because this is certainly the main problem that leads to the cross-border immigration that is illegal into our country. So we have tried to solve this with a comprehensive bill. I think it makes sense. It says to everybody that you have to earn this legalization. You have to get out there and work for at least 6 more years. You have to report in, but you have a card which identifies that you are in an adjusted status, you are not subject to deportation. You can raise your children. You can volunteer for community activities. You can become a constructive member of society. I believe that is worth a lot.

Enabling people to live to their fullest is worth a lot. I hazard a guess that there is not one person who is going to go home because of what we do in a bill. They are going to stay, they are going to continue, but the lifestyle is going to be clandestine, and they are never going to be able to reach their full potential. This amendment allows them to do so. I urge the Senate to vote yes.

I yield the floor and the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, it is with reluctance that I oppose the amendment offered by the Senator from California because if this amendment were to be adopted, I believe the very delicate and fragile coalition we have for this bill would fail. We are going to be looking for a cloture vote tomorrow, and if we were to go back to before the tenuous agreement that has been worked out to date with the three subdivisions—those here 5 years or more, those here 2 to 5 years, and those here less than 2 years—I think our efforts at cloture would fail and the prospects for failure of the bill would be very high.

We have structured the bill on a matter of principle, that those who are here the longest have the most roots and deserve the most consideration. The top tier was those who have been here 5 years or more. Selecting the date of January 7, 2004, as a cutoff date was done because that was the date of the President's speech on immigration reform. And anybody who came to the United States was on notice that they would be treated differently.

Under ideal circumstances, if we didn't have a tenuous coalition and we didn't have a conference prospectively with the House, I would be very sympathetic and inclined to support what the Senator from California has done. The reality is that it is going to be very difficult to find people who are here and not turn them into a fugitive class. The theory is that those people will not be able to find jobs and that they will, therefore, return.

But this legislation is on the edge of the ledge as it is. To keep the coalition intact—and I think that was the thrust of what Senator KENNEDY had to say, if I understood him, and I think others in the coalition are of the same mind—it is with reluctance that I oppose what the Senator from California has said. As a nation of immigrants, it would be nice to include everybody on the path to citizenship, but we face a lot of opposition, realistically, on the charge of amnesty, which I have dealt with on the floor. The bill is not amnesty; it is earned citizenship.

How much time do I have?

The PRESIDING OFFICER. Two minutes.

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

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

Under the previous order, all time having expired, the question is on agreeing to amendment No. 4087, as modified.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) was necessarily absent.

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

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—37

Akaka	Feinstein	Menendez
Bayh	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Jeffords	Obama
Boxer	Johnson	Reed
Cantwell	Kennedy	Reid
Chafee	Kerry	Salazar
Clinton	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

NAYS—61

Alexander	DeWine	Murkowski
Allard	Dole	Nelson (FL)
Allen	Domenici	Nelson (NE)
Baucus	Dorgan	Pryor
Bennett	Ensign	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Byrd	Hatch	Specter
Carper	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Coburn	Isakson	Talent
Cochran	Kyl	Thomas
Coleman	Lincoln	Thune
Collins	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCain	
DeMint	McConnell	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4087), as modified was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

Mr. SPECTER. The motion to lay on the table was agreed to.

DEATH OF SENATOR LLOYD BENTSEN

Mr. REID. Mr. President, I was just notified a few minutes ago that Lloyd Bentsen died. For those of us who have had the pleasure of serving with Lloyd Bentsen, this is a sad day. There was no one who better represented the Senate than Lloyd Bentsen. He looked like a Senator, he carried himself so well, and he acted like a Senator. He legislated like a Senator. He died at age 85. He was sick for a number of years. He was a person who had a great political record. He served in the House of Representatives for three terms, and he served in the Senate—he could have served as long as he wanted—and became Secretary of the Treasury during the Clinton administration. He, of course, ran for Vice President and he ran for President.

For me personally, he was such a guiding light. I can remember when I was elected to the Senate, and I was trying to get on the Appropriations Committee. I met in his hideaway.

This speaks about the way Lloyd Bentsen conducted his life. I was telling him why it would be good for me. I had been through a tough race. It was the most noted race in the cycle at that time. I was talking to him a lot about why it was important for me to get on the Appropriations Committee. He ended the discussion very quickly.

He said: It doesn't matter if it is good for you. I believe it is good for the Senate.

That was how he conducted his life. He was someone we all looked to. As a new Senator, I could talk to him with reverence. I can remember visiting with him when he was Secretary of Treasury. He told me how much he missed the Senate and how lonely it was down there and how he missed the collegiality of the Senate.

The State of Texas has had great Senators, but no Senator has ever been a better Senator than Lloyd Bentsen.

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. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, with the consent of the majority leader, I ask unanimous consent that the time for the recess begin now, 12 minutes early.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, there will be no objection. We are making real progress and have begun discussing how we will handle the rest of the day and tomorrow as well. There is no objection.

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

Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:19 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Texas is recognized.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senator from Rhode Island be given 10 minutes to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to discuss S. 2611, the immigration bill we are debating this week. It has been a difficult debate with several difficult votes, but I believe this is one of the most important pieces of legislation we will address this year.

The status of immigrants in this country, including legal aliens, guest workers, and illegal aliens, has a profound impact on our economy, our labor force, and the quality of life of all of the Nation's residents. Clearly, our immigration system in terms of both its punitive measures and its benefits offered is in need of overhaul. The bill before us is not perfect, but it is a realistic approach to dealing with an issue that is important to so many Americans.

Rather than measures that sound good but are ineffective, this legislation is truly comprehensive immigration reform. It includes tough enforcement provisions directed at those who seek to come here illegally in the future and those who would hire illegal aliens. It contains provisions for guest workers that balance the needs of employers and the average American worker, and it offers a path to legalization to those who entered this country illegally but who have since been working hard and obeying the rules.

One of the most important sections of this bill relates to enforcement. Clearly, the continuous flow of illegal immigrants across our southern border in particular in search of higher paying jobs in the United States strains our Nation's labor market and resources such as hospitals and schools and law enforcement.

I note that while illegal immigration has been a significant problem since the 1980s, the problems have only worsened in the past 6 years. The 9/11 Commission gave the Bush administration a grade of C-minus on border security. The administration has simply lost control of the border. In the past decade, between 700,000 and 800,000 illegal immigrants have arrived in this country annually. Over 70 percent of these individuals are from Mexico or South America or from Central America. During the same period from 1995 to 2005, the number of Border Patrol agents increased from 4,876 to 11,106.

However, while the number of border agents increased dramatically during the Bush administration, the number of apprehensions at the border declined 31 percent from the last 4 years of the Clinton administration. In addition, approximately one-half of the 11 million illegal aliens in this country live in the 46 nonborder States, yet the average apprehension rate during the

Bush administration is 25,901 individuals per year in interior States away from the border.

But apprehending individuals illegally crossing the border only partially solves the problem. The reason so many try to enter this country is the search for jobs. We must work to cut off the supply of jobs by making it too costly for employers to hire illegals. Again, this administration has performed poorly in this area. In fiscal year 2004, the last year in which data is available, the Justice Department only obtained 46 convictions for employer violations of illegal immigrant employment laws. Audits of employers suspected of utilizing labor have dropped from a peak of 8,000 per year under President Clinton to less than 2,200 in fiscal year 2003 under President Bush. The number of cases resulting in fines has declined from a peak of 900 under President Clinton to a total of 124 in fiscal year 2003. I would therefore say that the first step to improve enforcement would be to actually enforce the laws that are already on the books.

In addition, I believe the bill adds many useful enforcement measures. I would like to highlight a few that I feel are most significant.

I am particularly pleased with the focus on technology. This bill requires the Department of Homeland Security to create a virtual fence along the borders using unmanned aerial vehicles, cameras, sensors, tethered aerostat radars, and other surveillance equipment. This bill also requires the Department of Homeland Security to work with other agencies such as the Department of Defense and the Federal Aviation Administration to develop plans for sharing assets and implementing surveillance strategies.

In addition, this bill includes provisions which replace and extend existing fencing along the U.S.-Mexican border. While I realize that building additional fences may be an attractive option, ultimately I believe this approach would be expensive and ineffective. History has proven that fences simply drive the illegal immigration flow to cross by land through more inhospitable terrain, increasing the number of deaths, or to enter by boat through our largely unprotected ports and shores.

For example, once a triple fence was built in the San Diego area, apprehensions dropped dramatically, but they increased 342 percent during the same period in Tuscon, away from the fence. In addition, during that period, it is estimated that 1,954 people died attempting to cross the Sonoran Desert to reach Tucson.

I also believe that wall is a symbol of distrust which can only weaken our relations, particularly with Mexico. It is a country we need to cooperate with to reduce the flow of illegal aliens.

For these reasons, last week I voted against the Sessions amendment to add 370 more miles of triple-layer fencing and 500 miles of vehicle barriers along our southern border. I believe the funding could be spent in more effective ways using new technologies.

This bill also improves enforcement of employers who might unlawfully hire illegal aliens. First, it reduces the number of documents that can be used to prove legal status. It also increases verification and recordkeeping requirements. Most importantly, it establishes an electronic employment verification system.

Under this program, employers must electronically verify new hires' employment authorization within 3 days through the Social Security Administration and the Department of Homeland Security databases. All employers will have to participate in the system within the next 5 years. The bill also provides for punitive measures for employers who do not participate. Such a system will help standardize enforcement, making it more certain that employers hiring illegals will be found out and therefore providing a deterrent effect.

I believe the measure I have discussed, along with others in the bill, will help control the stream of illegal aliens entering this country.

As we all are aware, one of the most controversial aspects of this bill is that it provides a path to legalization for approximately 11 million illegal immigrants living in this country. I believe that while this is a difficult decision, it is a necessary one.

Logic and history dictate that these individuals will certainly not return to their native countries voluntarily. In addition, it is not possible to apprehend and return all of them involuntarily. If apprehensions continue at the present rate and new illegal immigration ceases, it would still take 228 years for this country to be free of illegal immigrants.

In the meantime, a significant segment of our population is living in the shadows and in constant fear of being caught working for low wages, often in terrible conditions, without health care, without a way to redress any crimes against them. So many being forced to live this way lowers the standard of living for all of us—by decreasing job opportunities, lowering wages and the standards of working conditions for the American workforce, and burdening our hospitals and law enforcement agencies. It is not just a problem for the illegal population, it is a problem for all of us. And it is time we address it. This bill does address it, and I believe in a fair way. It is not what opponents have called amnesty. These people are not illegal one day and enjoying the rights and benefits of legal residency the next without any sacrifice or work on their part. I would like to take a moment to put these provisions I am about to discuss in a historical context.

For the vast majority of our Nation's history, there were few, if any, requirements for immigrants entering this country. The first restrictive immigration laws, other than those racially based, were not passed until the late 1880s and did not substantially change for several decades, including during the height of European immigration in the early 1900s. These laws excluded convicts, polygamists, prostitutes, persons suffering from loathsome or contagious diseases, and persons liable to become public charges. The 1917 literacy requirement required individuals to be able to write out 40 words in some language, not necessarily English.

These requirements, I would say, were not particularly strenuous. The INS, once established in 1891, actually ran its own schools and supplied textbooks to help immigrants learn English and civics. There was no requirement to work or have marketable skills. For the most part, if you arrived and were relatively healthy, you were admitted. So by these standards, the requirements for earned adjustment are much more significant.

First, in order to receive the most benefits from this bill, an individual must prove he or she has already lived in this country for 5 years—time to become a part of the community and, it should be noted, the residency requirement since 1802. These individuals will also have to prove they worked 3 of the past 5 years and then must work continuously for the next 6 years. They must pay all unpaid back income taxes. They must demonstrate an understanding of the English language and an understanding of the history and government of this country. They must submit to fingerprinting and background checks and meet the health and security requirements of every other alien entering the country. Also, they are placed at the ''back of the line'' of applications for adjustment, and, as we all know, that wait is several years. They also have to pay a $2,000 fine as well as other processing fees.

Those who have been in this country since January 7, 2004, and have been employed since that time may apply for status called deferred mandatory departure which would allow them to remain in this country for an additional 3 years.

During that time, these individuals can apply for immigrant or nonimmigrant status, but ultimately they must leave the country in order to be admitted under that legal status. These hurdles are high and a far cry from amnesty. They strike the proper balance in punishing those who came here illegally and addressing the problems of some illegal aliens in the country.

One of the original provisions of S. 2611 about which I had significant reservations was the originally proposed H–2C guest worker program. It would create a new visa category—providing visas for hundreds of thousands of low-skilled workers each year. I understand the argument that this new program is a way to regulate and hopefully slow the flow of illegal aliens who will continue to cross our borders, but I was

concerned about immediately implementing the program as it was originally drafted.

I believe, however, that it has been vastly improved by the amendment process here on the floor. Senators DORGAN and STABENOW were the first to note the flaws in this program during debate on their amendment to eliminate the program, an amendment which was tabled. Further amendments, however, fix many of these flaws.

I wish to commend Senator BINGAMAN for his amendment, which passed, that reduces the number of H–2C visas allotted annually to 200,000 and eliminates the provision that would allow this number to automatically increase in future years. This amendment provides some needed limitation on the H–2C program until we see how all the provisions of S. 2611 are working.

I also wish to commend Senator OBAMA for offering his amendment, which was accepted and which provides adequate requirements for the wages offered to H–2C visa workers. One of the greatest challenges of allowing low-skilled workers in this country is balancing their needs with the needs of the American labor force. Over the past 32 months, real average hourly earnings have fallen by 1.2 percent. Without adequate protections, an influx of workers who will accept lower wages risks bringing down the wages and working conditions of everyone. I also worry that companies will use this visa program as a recruiting device for cheap labor rather than truly offering opportunities to individuals who want a better life in the United States. Senator OBAMA's amendment will work against those dangers, and I am pleased it was included.

I must state that I continue to have one concern about this program—the bilateral agreement. For our immigration system to truly work, it is critical that the United States have cooperation regarding enforcement with countries and citizens flocking to this country. I was, therefore, pleased to find that S. 2611 requires the United States to enter into bilateral agreements on numerous issues, including taking back aliens removed from the United States, document forgery, smuggling, human trafficking, and gang membership. However, this bill does not state that these bilateral agreements must be completed before the H–2C program is established. I believe a delay in concluding bilateral agreements may undercut the purpose of the H–2C program.

I will continue to monitor the situation, and I believe it is an issue Congress may have to address again in the near future.

Let me conclude very briefly by pointing out that there is a category of residents here, the Liberian community, who have been here legally since the late 1980s. For years, I have been endeavoring to provide relief so that these individuals, who are important and decent members of communities all across this country, could reach permanent status in United States and aspire to citizenship. I am pleased to note that in this bill, there is a means to do that. They can avail themselves of the mechanism others will use for their pathway to citizenship. It is long overdue.

I am disappointed that we could not specifically rectify this problem years ago and recognize their contributions as legal residents here under temporary protective status. But I am pleased that this legislation will go a long way to give the Liberian community a pathway to citizenship.

I am pleased to support this legislation. I commend the sponsors and the chairman of the Judiciary Committee and Senator KENNEDY for their work.

I yield the floor. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent the following first-degree amendments be in order: First, Senator LEAHY on No. 4117, with 20 minutes equally divided; Senator GRASSLEY on title III, with 20 minutes for Senator CORNYN, 5 minutes for Senator KENNEDY, 5 minutes for Senator OBAMA, 5 minutes for Senator KYL, and 10 minutes for myself; Senator LIEBERMAN, No. 4036, with the time agreement to be determined; Senator DURBIN on a humanitarian waiver amendment, with time to be determined; Senator KENNEDY, No. 4106, with the time agreement to be decided.

I further ask, following those amendments, the next first-degree amendments be in order: McConnell, 4085; Gregg, 4114; Hutchison, 4101; Burns, 4124; Chambliss, 4084; Cornyn, 4097; Sessions, 4108; Kyl, 4134.

Provided further that it be in order to have first-degree amendments offered by the Democratic leader or his designee between each of the preceding Republican amendments.

I further ask unanimous consent that if cloture is invoked on the bill and if any of the above listed amendments have not been offered prior to the expiration of time under rule XXII, it be in order to call that amendment prior to third reading of the bill. I further ask consent that it be in order any time during the consideration of these amendments to consider a managers' amendment which has been cleared by both managers and notwithstanding the provisions of rule XXII.

I think I specified on Senator LEAHY's amendment 4117 that the 20 minutes equally divided would be followed by a tabling motion.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, the Senator is referring to the Leahy-Coleman-Kennedy-Sununu-Lieberman-Chafee amendment. He had not mentioned a motion to table. He has a right to make a motion to table at any time. On the Leahy-Coleman-Sununu-Chafee-et al. amendment, I hope the distinguished chairman of the Judiciary Committee would at least listen to this debate, of our efforts to protect these child soldiers before the Senator moves to table.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I always listen with great care to anything the very distinguished Senator from Vermont has to say, but in order to get consent to this unanimous consent agreement, it was found to be necessary to insert the language, which I did.

Mr. LEAHY. I have no objection to that. I just want to make my point. We are trying to protect these women who have been raped and mutilated and these children forced into involuntary servitude and others who have stood up when the United States has asked them to help defend us.

Mr. SPECTER. Does that last comment come out of Senator LEAHY's time?

Mr. LEAHY. That is when I reserved my right to object.

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

Mr. KENNEDY. We intend to notify the Senate what these Democratic amendments will be. They will be interspersed as rapidly as we can. We will do that, hopefully, before the end of the afternoon.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4117

Mr. LEAHY. Mr. President, this bipartisan amendment I offer is on behalf of the distinguished Presiding Officer, Senator COLEMAN, Senator KENNEDY, Senator LIEBERMAN, Senator CHAFEE, Senator HARKIN, Senator BINGAMAN, and Senator SUNUNU.

We have had unintended consequences because of changes made in immigration laws after September 11. Rightly so, they were modified to protect national security, but we made them so broad that many people have been prevented from entering our Nation, people who do us no harm.

The PATRIOT Act and the subsequent REAL ID Act modified definitions of ''terrorist activity'' and ''material support'' in order to block entry into the United States of individuals who assist terrorist organizations. On its face, that made sense. No one wants terrorists or their supporters to come here as refugees.

But the new law failed to recognize that many foreigners, including children, are forced against their will to give food, shelter or other assistance to terrorist groups.

It also defined ''terrorist organization'' so broadly that groups that are

not engaged in activities against civilians—freedom fighters that the U.S. Government once provided training and other material support to—like the Montagnards in Vietnam—are covered by this broad definition.

Our amendment would bring American laws once again into line with American values. It would give U.S. officials the ability to separate the victims from the aggressors, and it will bring our immigration laws into harmony with our government's foreign policy.

We can prevent the entry of those who would do America harm without closing our borders to genuine refugees who urgently need our help.

Let me give a few examples. A 13-year-old girl is kidnapped, she is forced to become a member of the Lord's Resistance Army in Uganda, become a soldier, basically a sex slave of one of the commanders. She is ineligible for admission as a refugee under current law. That is wrong. In fact, it is immoral.

The same goes for people who provide material support to FARC, the terrorist group in Colombia. The support they gave was digging graves for other victims of the terrorists or giving them food, or otherwise being shot themselves.

Or a Liberian woman who was kidnapped by a rebel group and forced to serve as a sex slave. She was also forced to cook and do laundry for the rebels, so she is considered to have given material support and she is barred. That makes no sense.

People who are barred for supporting a terrorist organization—which is broadly defined as any group of two or more people fighting a government—includes refugees who our own government has long supported.

The Vietnamese Montagnards, who supported the United States 35 years ago, are barred. Members of the Karen Tribe fighting against the Burmese junta are barred. Some anti-Castro Cubans are barred.

Afghans who fought with the Northern Alliance, and even the NATO soldiers who trained them, are barred. We never intended to do that.

After 8 months of interagency inertia, the Secretary of State recently issued a waiver for one group of Burmese refugees who live in a refugee camp in Thailand. The use of the waiver authority was long overdue and I welcomed the Secretary's action. But the waiver was too limited, and will help only a minority of those deserving help, who are waiting to be resettled here.

When the waiver was issued, the State Department asserted that it did not plan to extend it to other groups in the near future.

Infighting between executive branch agencies is preventing people who have been victimized in the most brutal ways from obtaining asylum.

The bipartisan amendment that we offer today modifies the law so that before the overly broad definition of a terrorist organization is applied to a group of two or more individuals, the Secretary of State must determine that the group engages in terrorist activity which poses a threat to U.S. nationals or the national security of the United States.

That is the right balance. It protects U.S. security, and it provides sanctuary for victims of repression.

Mr. President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has not yet called up the amendment, so there is no time running.

Mr. LEAHY. That is not bad. Mr. President, I did not do that intentionally, but I think it may be protecting the distinguished Presiding Officer. I now call up amendment No. 4117.

The PRESIDING OFFICER. The clerk shall report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU, proposes an amendment numbered 4117.

The amendment is as follows:

(Purpose: To amend section 212 of the Immigration and Nationality Act regarding restrictions on the admission of aliens)

On page 65, line 24, strike ''f'' and insert the following;

(f) TERRORIST ORGANIZATIONS.—

(1) DEFINITIONS.—Section 212(a)(3)(B)(vi) (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking subclause (III) and inserting the following:

''(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv), and that the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, has determined that these activities threaten the security of United States nationals or the national security of the United States.

''(vii) APPLICABILITY.—Clause (iv)(VI) shall not apply to—

''(I) any active or former member of the Armed Forces of the United States with regard to activities undertaken in the course of official military duties; or

''(II) any alien determined not to be a threat to the security of United States nationals or the national security of the United States and who is not otherwise inadmissible on security related grounds under this subparagraph.''.

(2) TEMPORARY ADMISSION OF NON-IMMIGRANTS.—Section 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

''(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subclause (IV)(bb), (VI), or (VII) of subsection (a)(3)(B)(i) shall not apply to an alien, that subsection (a)(3)(B)(iv)(VI) shall not apply with respect to any material support an alien afforded to an organization (or its members) or individual that has engaged in a terrorist activity, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group, or to a subgroup of such group, within the scope of that subsection. The Secretary of State may not, however, exercise discretion under this clause with respect to an alien once removal proceedings against the alien are instituted under section 240.''.

(g)

Mr. LEAHY. Mr. President, I ask unanimous consent that of the time available to the Senator from Vermont, 4 minutes be reserved for the distinguished Presiding Officer and he be allowed to use that time.

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

Mr. LEAHY. Mr. President, I hope Senators will support this amendment. It has strong bipartisan support. It speaks to the moral goodness of our Nation. It ensures that the waiver in current law is available to asylum seekers who were forced to join terrorist groups or to provide material support against their will.

Completely innocent victims of ethnic and other forms of violence and repression are being denied asylum for engaging in the very activity they were forced to engage in, even though they pose no threat to U.S. security—child soldiers, sex slaves of people who were among the worst violators of human rights. Those victims are being excluded by our great, good Nation.

They deserve our compassion. Let us bring our laws back in line with our values.

I hope we will adopt this amendment.

Mr. President, I see the distinguished Senator from Minnesota on the floor. I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise in support of the amendment by Senators LEAHY, COLEMAN, LIEBERMAN, SUNUNU, KENNEDY, BINGAMAN, CHAFEE, and HARKIN.

The distinguished Senator from Vermont has laid out a general principle we are dealing with here. I would like to make a couple observations, if I may.

I would actually like to read from an article in the New York Times of April 3—just a couple sentences.

In Sierra Leone there was a woman who was kept captive in her house for 4 days by guerillas. The rebels raped her and her daughter and cut them with machetes. Under America's Program for Refugees she would be eligible to come to safety in the United States, but her application for refugee status has been put on indefinite hold because American law says she has provided material support to terrorists by giving them shelter.

The same story has been repeated in Liberia. Women who have been kidnapped, raped, forced to be sexual slaves, by the definition of ''material support,'' gave material support. The law makes no exception for duress.

In the State of Minnesota, we have individuals who have worked in groups that have been supported by the United States—Hmongs in Southeast Asia resisted the Laos military; Liberians who

gave de minimis aid under duress; Burmese; Somalians; Cubans resisting Castro; Colombians intimidated by the FARC guerrillas—and, again, they are in a similar circumstance as we have talked about. But the way the law is written, they would be denied the opportunity because of the definition of both ''material support'' and ''terrorist group.''

I think some of my colleagues have concerns about this. I know they have raised some questions. We have tried to look at those concerns. One of them is: What is the reason for this? There is a waiver provision in this legislation. The problem is that the labor provision is extremely, extremely limited. I believe one of them was negotiated for about 8 months. It does not cover asylum seekers in the U.S. who have been subject to atrocities, who under duress were forced to give minimal support but by definition of the law gave ''material support.''

So as a result—what I do not think was intentional—when we looked at the REAL ID legislation, we revised some of this. I do not think there was an intentional effort here. Sometimes, though, we suffer from the law of unintended consequences. The unintended consequences of the broad definition of ''terrorist organization'' and ''material support'' is to deny asylum, to deny entry to individuals who I think under all circumstances across the board—Democrat and Republican, liberal and conservative—it would be agreed that opportunity is the right thing to do, such as for the Vietnamese Montagnards, the Karen National Front fighting the Burmese junta, the Afghan Northern Alliance that has had U.S. support.

So what we have here, we believe, is a technical problem that can be corrected. If somebody is a member of a terrorist organization, they are not going to be allowed entry into this country. But that is not what this is about. That is not what we are dealing with here. I hope my colleagues would take a close look at this amendment and understand it is the right thing to do, the compassionate thing to do, the reasonable thing to do, and one that we will be proud of doing when we are finished.

There are a lot of folks who have fought for freedom in ways that we believe they are freedom fighters, a lot of folks who have been subject to great abuse, horrific abuse, and yet, somehow, the way things have been defined or appear to be threats to this country, they do not have the opportunity others have. They are not threats to our security. The right thing to do is to support the Leahy-Coleman amendment.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to have printed in the RECORD editorials from the New York Times and the Washington Post, and an op-ed from the Los Angeles Times in support of this amendment.

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

[From the New York Times, Apr. 3, 2006]

TERRORISTS OR VICTIMS?

In Sierra Leone there is a woman who was kept captive in her house for four days by guerrillas. The rebels raped her and her daughter and cut them with machetes. Under America's program to resettle refugees, she would be eligible to come to safety in the United States. But her application for refuge has been put on indefinite hold—because American law says that she provided ''material support'' to terrorists by giving them shelter.

This law is keeping out of the United States several thousand recognized refugees America had agreed in principle to shelter. By any reasonable definition, they are victims, not terrorists.

A Liberian woman was kidnapped by a guerrilla group and forced to be a sexual slave for several weeks. She also had to cook and do laundry. These services are now considered material support to terrorists. In Colombia, the United Nations will no longer ask the United States to admit dozens of refugees who are clearly victims, since all their predecessors have been rejected on material support grounds. One is a woman who gave a glass of water to an armed guerrilla who approached her house. Another is a young man who was kidnapped by paramilitary members on a killing spree and forced to dig graves alongside others. The men, many of whom were shot when their work was finished, never knew if one of the graves would become their own.

The law makes no exception for duress. It also treats any group of two or more people fighting a government as terrorists no matter how justified the cause, or how long ago the struggle. So the United States has turned away Chin refugees, for supporting an armed group fighting against the Myanmar dictatorship, which has barred them from practicing their religion. The United States has acknowledged that the law would also bar Iraqis who helped American marines find Jessica Lynch.

The law does not formally reject these applicants but places them on indefinite hold. No one accused of material support has ever had that hold lifted. The Department of Homeland Security can supposedly waive the material support provision but has never done so.

Clearly, Congress needs to add an exception for duress, allow the secretary of state to designate armed movements as nonterrorist, and allow supporters of legitimate groups to gain refuge. These changes would pose no risk of admitting terrorists to the United States and would keep America from further victimizing those who have already suffered at the hands of terrorist groups.

[From the Washington Post, Apr. 28, 2006]

HOW NOT TO TREAT FRIENDS

Congress tightened a law last year on refugee admissions in order (it thought) to keep terrorists and their supporters out of the country. The effect has been to bar friends and allies.

One example: Many Vietnamese Montagnards fought alongside U.S. forces during the Vietnam War and were then murderously oppressed by the Vietnamese government. During the war, the United States helped arm a Montagnard group called the United Front for the Liberation of Oppressed Races, which continued to struggle for autonomy after the war ended. This group ceased to exist in 1992, when a band of nearly 400 fighters disarmed and were resettled in North Carolina. Under Congress's irrational new rules, however, the group has become, legally speaking, a terrorist organization, and 11 Montagnards still stuck in Cambodia would be denied refugee status because in the past they had offered the group ''material support.''

The Montagnards are not the law's only, or even principal, victims. Thousands of ethnic victims of the Burmese military regime, living in camps in Thailand, expected after long waits to receive refugee status; now they're stuck in limbo. So are large numbers of Colombians who were forced to support the leftist rebels of the Revolutionary Armed Forces of Colombia. Liberians, Somalis and anti-Castro Cuban dissidents are also being branded terrorists and kept out.

Misguided law now prevents the admission of a member or backer of any group of ''two or more individuals'' that ''engages in, or has a subgroup which engages in,'' activities as commonplace as using an ''explosive, firearm or other weapon or dangerous device.'' The law treats a Montagnard who once aided a U.S.-backed group no differently from an al-Qaeda operative. The administration has the authority to override this absurdity in certain instances, though not all. But it has not used this limited power, and even the need for a waiver is galling. America should not be ''forgiving'' people who did not, in fact, support terrorism. These are victims—exactly the sort of people refugee and asylum programs are meant to protect.

An amendment being offered to the supplemental appropriations bill by Sens. Patrick J. Leahy (D-Vt.), Norm Coleman (R-Minn.) and Lisa Murkowski (R-Alaska) would solve the problem cleanly. It would clarify that only associates and supporters of groups certified by the government as terrorist organizations should be denied refugee status and that those forced to aid terrorists are not themselves terrorists. Congress did not mean to create this problem. Fixing it should not be controversial.

[From the Washington Post, Apr. 17, 2006]

FIX THIS LAW

If Congress doesn't quickly fix a major problem it created in the law governing the admission of refugees, tens of thousands of human rights victims will soon begin paying the price. Congress, we assume, never meant to rewrite federal law so that victims of totalitarian regimes and those forced to serve human rights abusers are kept out of the United States. Yet an accumulation of legal changes in recent years, culminating in the Real ID Act last year, has done just that—paralyzing America's traditionally generous refugee admission program. The United States is supposed to admit up to 70,000 refugees this year, though it probably will take around 55,000 under the best of circumstances. Yet human rights advocates estimate that between 10,000 and 20,000 people may be barred because of irrationally broad legal definitions of terrorism, support for terrorism and terrorist groups—definitions that make no distinction between this country's enemies and those it ought to protect.

The law makes ineligible for admission members or supporters of any group that contains ''two or more individuals, whether organized or not, [which] engages in, or has a subgroup which engages in'' activities as broad as using an ''explosive, firearm or other weapon or dangerous device.'' It makes no exception for people compelled to support a group—for example, Colombian peasants forced to aid the leftist rebels of the Revolutionary Armed Forces of Colombia. Nor does

it exempt someone who took up arms—or sheltered or fed someone who did—against the murderous Burmese government.

The result is that people around the world whose struggles America backs find themselves ineligible for refugee status here. The problem is most acute for Colombians and large numbers of people of the Karen and Chin ethnic groups whom the Burmese military junta has brutally repressed. But Liberians, Somalis and Vietnamese Montagnards have also gotten caught up in the problem. Even some Cuban dissidents who once helped anti-Castro forces may be found ineligible. The Bush administration has acknowledged that members of Afghanistan's Northern Alliance would be barred under the law as well; they, after all, fought alongside our troops.

The government has the power to waive the exclusion in some cases, but it hasn't managed to use it yet. Its power is limited, in any event; it can forgive people for their support for terrorism but not for their membership in terrorist groups. Even if it were broader, its categories are all wrong. These people aren't terrorists and shouldn't be labeled as such.

Fixing the law would not be hard. At a minimum, Congress needs to make it clear that not every armed, non-state group is a terrorist organization. Not all such groups attack civilians; some are U.S. allies fighting legitimate military struggles against evil governments. What's more, the law needs to recognize that people forced to aid terrorists are victims of terror, not terrorists themselves. Time is running out. Congress must act.

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[From the Los Angeles Times, Mar. 29, 2006]

TERRORIST OR TERRORIZED?

(By George Rupp)

In his second inaugural address, President Bush made a stirring commitment to oppressed people yearning to be free: ''When you stand for your liberty, we will stand with you.''

For half a century, one of the best expressions of that bond has been the federal Refugee Resettlement Program. This State Department-administered program seeks to offer a safe harbor to those fearing persecution by tyrannical governments. But thousands of people whose lives are at risk for standing up for freedom will this year be denied help because of a Kafkaesque interpretation of who is deemed a terrorist.

The laws governing eligibility for refugee status have long denied it to anyone who commits a terrorist act or who provides ''material support'' to terrorists. These laws were strengthened after 9/11. The problem was created by recent legislation that expanded the definition of terrorists. There are real-life consequences from such myopic ''reform.''

In Colombia, for example, the leftist guerrilla group FARC often kidnaps civilians and demands ransom from their relatives. FARC also requires the payment of a ''war tax'' from Colombians in the regions it controls, upon threat of serious harm. Nearly 2,000 Colombians who faced such circumstances as paying a ransom or ''tax''—and who later fled the country and were determined by the United Nations to be refugees—have been denied U.S. resettlement on the basis of the ''material support'' provision.

In Liberia, a female head of a household was referred to the U.S. resettlement program by the Office of the United Nations High Commissioner for Refugees as a person particularly vulnerable to attack. Rebels had come to her home, killed her father and beat and gang-raped her. The rebels held her hostage in her own home and forced her to wash their clothes. The woman escaped after several weeks and made her way to a refugee camp. The Department of Homeland Security has decided that because the rebels lived in her house and she washed their clothes, she had provided ''material support'' to the rebels; the case has been placed on hold.

A Sierra Leonean woman's house was attacked by rebels in 1992. A young family member was killed with machetes, another minor was subjected to burns and the woman and her daughter were raped. The rebels kept the family captive for days in their own home. Homeland Security has placed the case on hold for ''material support'' concerns because the family is deemed to have provided housing to the rebels. Under this interpretation, it does not matter whether the support provided was given willingly or under duress.

Unfortunately, the actions of Homeland Security go far beyond barring the affected refugees from entering the U.S. They become permanently tainted by suspicions of terrorism and find themselves shut out by other nations that resettle refugees. And the governments now providing these people with temporary asylum might even force them back to the nations they fled.

U.S. policy toward authoritarian governments has been turned on its head: The victims of terrorism are being denied protection and sanctuary. The secretary of Homeland Security has the authority to determine that the ''material support'' provision shall not apply to certain individuals or groups. Yet the department has failed to issue guidance, causing mass confusion and holding up decisions on refugee cases. Neither the administration nor Congress seems able to fix the problem for fear of being labeled weak on terrorism.

Yes, we must remain vigilant against terrorists. But in order to implement Bush's commitment to stand with those seeking liberty at great personal risk. Homeland Security Secretary Michael Chertoff or Congress must rectify the injustice that treats victims of coercion as supporters of terrorism.

Mr. LEAHY. Mr. President, I ask unanimous consent to withhold the remainder of our time.

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

Who yields time?

The Senator from Illinois.

Who yields time?

Mr. LEAHY. Mr. President, how much time remains to this side, to the Senator from Vermont?

The PRESIDING OFFICER. Four minutes 4 seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent to yield to the Senator from Illinois, with the understanding that 1 minute be retained to the Senator from Vermont.

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

Mr. OBAMA. Mr. President, if it would be acceptable, I ask unanimous consent that I have a total of 5 minutes and that the 1 minute also be retained by the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, if that request is amended to the extent that the same additional amount of time will be given to the Republican side, there will be no objection.

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

Mr. OBAMA. Thank you very much.

Mr. President, I come to the floor to briefly discuss amendment No. 4177. It pertains to title III and I believe will be called in short order. It is a bipartisan effort to create the kind of employment verification system that will ensure that American workers are protected. It is an amendment that I worked on with Senator GRASSLEY, as well as Senator KENNEDY. And as I indicated, it will be offered shortly.

One of the central components of immigration reform is enforcement. This bill contains a number of important provisions to beef up border security. But that is not enough. Real enforcement also means drying up the pool of jobs that encourages illegal immigration. That can only happen if employers do not hire illegal workers. Unfortunately, our current employer enforcement system does little to nothing to deter illegal immigrants from finding work.

Just a few statistics: Overall, the number of workplace arrests of illegal immigrants fell from 17,552 in 1997 to 451 in 2002, even as illegal immigration grew during that time. Moreover, between 25 percent to 40 percent of all undocumented immigrants are people who have overstayed their visas. They are not folks who will be stopped by a wall. Rather, the only way to effectively deter overstays is to reduce their access to employment.

When Congress last passed an immigration bill in 1986, we did not provide any meaningful way for employers to check legal eligibility to work. Currently, employees can prove their legal status by showing a variety of documents, and employers are supposed to record their inspection of such documents by filling out an I–9 form for each employee. As a consequence, the market for fraudulent documents—fake Social Security cards, driver's licenses, birth certificates—has exploded.

Unfortunately, with more than 100 million employees in more than 6 million workplaces, and only about 788 Wage and Hour investigators, employer sanctions have basically become a nuisance requirement to maintain records, not a serious risk of penalty. As a result, the number of ''intent to fine'' notices issued to employers for hiring undocumented workers dropped from 417 in 1999 to just 3 in 2004. I want to repeat that. There were three employers in the entire United States in 2004 who were fined for hiring undocumented workers.

Now, understandably, employers cannot always detect forged documents. And employers who reject workers with questionable documents risk employment discrimination suits. That is why we need a better alternative. We need an electronic verification system that can effectively detect the use of fraudulent documents, significantly reduce the employment of illegal workers, and give employers the confidence that their workforce is legal.

When Congress first considered comprehensive immigration reform in April, the legislation on the floor addressed this problem by creating a national employment eligibility verification system. Senators GRASSLEY, KYL, and I all thought this was a good idea in theory, but we had concerns with the design of the system.

Senators GRASSLEY and KYL proposed that a verification system be implemented nationally within 18 months. Senators KENNEDY and I proposed that the system be phased in over 5 years but that it also included additional accuracy and privacy standards, as well as strict prohibitions on the use of the system to discriminate against legal workers.

Over the past few weeks, we have been in discussions to try to negotiate a compromise. I am pleased that we have reached an agreement by which all employers would have to participate by 18 months after the Department of Homeland Security receives the appropriations necessary to receive the funds needed to fund the system. All new employees hired would have to be run through a system. A series of privacy and accuracy standards would protect citizens and legal immigrants from errors in the system and breaches of private information. To make sure that employers take the system seriously, we strengthen civil penalties for employers who hire unauthorized workers, and we establish criminal penalties for repeat violators.

I think we worked in a constructive, bipartisan manner to design an employment verification system that is fair to legal workers and tough on illegal workers. I think it is a good amendment. I urge my colleagues to support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to Senator KYL.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I rise in strong opposition to the Leahy amendment and just warn my colleagues that this is not a benign amendment but is one of the most serious amendments that has been proposed to this legislation and, if it is adopted, literally would allow us to take somebody from the Taliban into the United States.

There is already a law that provides full waiver authority to the Secretary of State to allow entry into this country for someone who happened to be caught up in terrorist activity, albeit innocently—the villager who is forced to give rice and water to a Taliban member. There is nothing that prevents the Secretary of State from allowing that person to come into this country.

This is literally a solution looking for a problem. And it is pernicious because it literally allows entry into this country of members of the Taliban because the Taliban is not a designated terrorist organization or a person who assists an organization which threatens other countries and peoples but not the United States.

Under the specific language of the amendment, there are three specific exceptions. One is the Secretary of State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has determined that these activities threaten the security of United States nationals or the national security of the United States. So you can threaten the security of Israel or Sri Lanka or India or some other country and support that terrorist organization but be permitted to come into the United States. What sense does that make?

There is no problem here that cannot be dealt with under existing law. Show me where in existing law the Secretary of State does not have complete and unfettered authority to waive the provisions of the law. This is a law about terrorists, people who provide material support to terrorist organizations not being allowed into the United States. I know the good intentions of the sponsors of the amendment, but the fact is, some villager who is forced to provide aid and comfort to a terrorist organization can get entry into the United States without this language which opens a huge loophole. Never in the past have we said it is OK to let a member of the Taliban come in simply because the Taliban is not a designated organization.

You might ask: Why, with all of the other terrorist organizations, isn't the Taliban a designated organization? Of the 42 groups in the world that have been certified by the Secretary of State, it is not. The reason is because it is a serious matter to designate someone. For example, once they are designated, then giving anything of value to that group constitutes a Federal felony punishable by 15 years in prison. And as a result, the failure to designate the Taliban would be the type of group that if you give material support or aid to would permit you entry into the United States. Because the Department of State is conservative with these certifications and they have substantial collateral consequences, not every group that would fall into the category of a terrorist group is going to be designated, and the Taliban is a perfect example.

I urge my colleagues, simply because your heart yearns to help someone who might have been forced under a concept of duress to support a terrorist organization or an organization like the Taliban that is not designated as a terrorist organization, don't adopt this amendment under the mistaken view that there is no other remedy. There is a remedy. Clearly, under circumstances of duress, that remedy can be invoked.

I urge my colleagues to reject this very dangerous amendment.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes 52 seconds.

Mr. SPECTER. I yield myself 4 minutes.

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

Mr. SPECTER. Mr. President, this is the third version of this amendment that has been circulated on this bill. It may well be that an earlier version of this basic idea would merit support from Senators, but in its present form, it is not worthy of support because it redefines what is material support. What constitutes material support is a complex issue. Before the Senate passes on it, there ought to be an analysis and hearings. The Judiciary Committee has had a whole series of hearings but none on this subject.

The amendment further narrows the definition of what constitutes a terrorist organization. There, again, it is a complicated subject. It ought to be analyzed and considered at a hearing so that Senators have a record basis for making a determination as to whether it ought to be adopted. These are hardly the kinds of complex issues which can be decided without a record, without a hearing, and without analysis.

The Senator from Arizona has cited the Taliban, but there are many other citations that could be given. Kurdish terrorists in Turkey might be admitted under this amendment because they pose no threat to the United States of America. Basque terrorists in Spain might be admitted because they pose no threat to the United States of America. Hamas, which poses a deadly threat to Israel, might be admitted to the United States because they arguably pose no threat on the face of it to our national security. So we have an amendment which is very broad and changes really fundamental definitions, in redefining material support. In the collateral field of what is a material witness, the definition takes enormous analysis, which I have seen in the criminal law. And to narrow the definition of what is a terrorist organization, so that organizations which would be considered terrorist without this amendment but not terrorist under this amendment, is just not the sort of thing that ought to be done by the U.S. Senate without a full hearing, without analysis and a record basis for making such a broad, important distinction.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time remains.

The PRESIDING OFFICER. The Senator has 1 minute 12 seconds.

Mr. LEAHY. Mr. President, no one has any intention or desire to permit terrorists into this country. It is setting up a straw man to say something would let the Taliban in here. This amendment is not about the Taliban, incidentally. Our government supported them very strongly through our

CIA and others, as the press has reported, during the Soviet Union days. But this amendment is not about terrorists. It is about genuine refugees who have been victims of the very brutality that is now preventing them from receiving asylum in this country.

I will give a practical example. We trained and supported the Vietnamese Montagnards. We trained and equipped them. We asked them to fight with us. Now we deny them asylum because they risked their lives to do what we asked them to do. The Burmese, who are fighting a brutal regime, our government supports them. Many are refugees. But even though they have not been designated a foreign terrorist organization and our government supports them, they are inadmissible. There are cases of women and children threatened with torture and death and forced to provide food, shelter or become the sex slaves of members of terrorist groups. Our law bars them from asylum.

We are giving them discretion. I cannot believe that President Bush or Secretary Rice is going to misuse this discretion to allow in terrorists.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes and 52 seconds.

Mr. SPECTER. Mr. President, I agree with Senator LEAHY on one important point. That is, he does not intend to offer an amendment to let terrorists into the United States. But his amendment does. Senator LEAHY's intentions are pure because I know Senator LEAHY. But the most revealing part about Senator LEAHY's last rebuttal was that he didn't deny my basic contention that it redefines what is material support, what constitutes material support, or the complexity of that issue.

Senator LEAHY does not deny that it narrows the definition of what constitutes a terrorist organization, nor does he deny that on the face of his language, Kurdish terrorists who are terrorizing Turkey might come into the United States or Basque terrorists who are terrorizing Spain might come into the United States or the example of Hamas terrorizing Israel might come into the United States. The fact is that the existing law is adequate to keep out such individuals, and supporters of this amendment have not met the burden of showing that the law should be changed in the way they have proposed.

Secretary Rice recently exercised the waiver to pave the way for the resettlement of 9,300 ethnic Karen refugees housed in a camp in Thailand who backed the Karen National Union. So we have, under existing law, methods for recognizing that some individuals may be acting under duress, that they may not be terrorists. That is the kind of an analysis which can best be made by the Secretary of State, as opposed to the very different concept of litigating such matters. And when you are dealing on the floor of the Senate with redefining material support, redefining what is a terrorist organization, that simply is not the way to legislate.

I have great respect for Senator LEAHY. He and I have worked together to craft this immigration reform bill. He and I have structured the hearing list and could have had a hearing on this, had it been deemed important and had it been deemed necessary to correct a major problem, but it wasn't because existing law is satisfactory to address the problem of individuals providing material support under duress. It is difficult for me to oppose Senator LEAHY, the ranking member of the committee, with whom I have worked so closely. But I do not want to sow confusion in this very important matter on the floor of the Senate by redefining very basic concepts in a few minutes in a way which is not intelligible.

How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 58 seconds.

Mr. SPECTER. I yield 1 minute to Senator KYL.

Mr. KYL. I am not sure if the group that the chairman of the Judiciary Committee referred to is the same one I will refer to here, but to illustrate the fact that the Secretary of State has unfettered authority to grant these waivers and has in fact done so in the past, actually there was a large group of refugees from Burma who were recently permitted asylum in the United States, even though they had provided, allegedly, material support to terrorism. This is an authority which can be exercised, which has been exercised.

Secondly, I urge my colleagues who are in support of this underlying legislation on immigration reform, it is a controversial enough piece of legislation for the Senate to consider. Amending it in the way that the chairman has described, without the necessary careful consideration of what the ramifications would be if this language is too broad, I urge that this be done in another way and another time rather than in this bill.

Mr. SPECTER. Mr. President, in my capacity as manager of the bill, it is my intention to move next to the Grassley amendment under title III. We will stack votes later because we have a whole series of amendments. I think our time can be most effectively used. So at this time I move to table the Leahy amendment and ask for the yeas and nays.

I withdraw the motion to table.

Mr. LEAHY. I was going to say, if the chairman will yield, that if we move to table now, we would have to vote now. I would have no objection if the chairman would give me some idea when those votes might be.

Mr. SPECTER. To respond to my colleague, I would say sometime around the dinner hour when we see how the debate goes. We have a great many amendments, and we know when we start to vote it takes much longer than the designated time. I would say somewhere in the 6 o'clock range.

Mr. LEAHY. Mr. President, I would note to the distinguished chairman, one of the reasons I agreed to this schedule, to come here and do this debate now, was that there would be a vote now. I am going to be off the Hill for a period of time around dinnertime, and I would like to be here to vote on my own amendment. Could we agree on a time certain, like 5:30, for the tabling motion on the Leahy-Coleman-Sununu amendment?

Mr. SPECTER. Mr. President, I would be prepared to have the vote occur as soon after 5:30 as we finish amendments. I think we may be able to have two more amendments in the next hour and a half. I think we can accommodate the request of the Senator from Vermont.

Mr. LEAHY. Mr. President, I won't make a unanimous consent request. I will rely on the expertise and long experience of the chairman of the committee to get that vote in before 5:30.

Mr. SPECTER. Mr. President, reserving the right to object, I must.

Mr. LEAHY. I am not making a unanimous consent request. I am saying I am relying on the representations of the distinguished senior Senator from Pennsylvania.

Mr. SPECTER. May I say, I think that is a wise reliance.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe the matter that is before the Senate now is the title III provisions. Under our agreement, I think I had 5 minutes to speak, am I correct?

The PRESIDING OFFICER. That amendment has not yet been formally called up.

The PRESIDING OFFICER. Once the amendment is pending, the Senator has 5 minutes.

Mr. KENNEDY. I thank the Chair.

AMENDMENT NO. 4177

Mr. GRASSLEY. The amendment as to title III has been filed. I am ready to take that up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 4177.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Senators OBAMA, BAUCUS, and KENNEDY be added as cosponsors.

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

Mr. GRASSLEY. Mr. President, this amendment represents a bipartisan effort to create an effective, workable

employment verification system. Without a workable verification system, there is no point in having a bill dealing with immigration.

The amendment balances the needs of workers, employers, and immigration enforcement. The amendment would replace the current paper I–9 process with a new electronic verification system. This new system would allow employers to verify the legal status of their workers within 3 days of being hired. If the system cannot verify a worker's employment authorization, the employer would be notified and the worker must be discharged. If the system fails to operate as intended and a legitimate worker is erroneously discharged, the worker could be compensated by the Government for lost wages.

I understand that some of my colleagues believe that further changes are needed with respect to this provision, which would allow a worker who loses his job through no fault of his own to recover lost wages. I will continue to work with them, as chairman of the Senate Finance Committee with jurisdiction over the provisions in this amendment, on this issue and the questions they have in subsequent conference with the House of Representatives. I believe this amendment must move forward, so I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 4½ minutes.

Mr. President, as the Senator pointed out, this really represents a very strong, bipartisan effort to make sure we get a key feature of this immigration reform correct. I wish to express my personal appreciation to those who have worked so hard and so well, including Senators GRASSLEY, KYL, OBAMA, and BAUCUS and their staffs, who have devoted an enormous amount of time to this issue. It is incredibly important. We are talking about worksite enforcement, which we all agree is a core goal and challenge. If that doesn't work, this legislation, to a great extent, will be very ineffective. But what we have worked out—the inclusion we have in this amendment—I think effectively guarantees that it will work out.

The core goal is to establish the worksite enforcement system as quickly as possible, which will succeed in preventing undocumented immigrants from obtaining employment. I believe everybody agrees that the heart of the system must be the new electronic verification system that allows employers to compare a worker's name and identification data to a central database that confirms or disconfirms the worker's eligibility to work in the United States. Yet the Basic Pilot upon which this electronic system will be based did not work well. It has error rates of 10 to 15 percent. In a national system, that would mean millions of Americans would be told every year they do not have the right to work in this country. The GAO has told us that the error rate could increase as the system is expanded to a national level.

So the core challenge is how to establish a universal verification system as quickly as possible, while minimizing the risk that we end up throwing millions of American workers out of work or putting thousands of employers out of business. The stakes are high. While all our other decisions have profound consequences for millions of immigrants, what we do in title III will directly affect also the working conditions for Americans, so it is enormously important to get it correct.

I am pleased to say that our negotiations with all of our colleagues here produced an agreement we can be proud of. We agreed to an ambitious schedule for implementation. Every employer in the country will be required to participate in the system beginning 18 months after funding for the system is appropriated. At the same time, we agreed on a number of due process and procedural steps to minimize the risk that U.S. citizens and legal immigrants are wrongly harmed by the system—problems which workers and employers are equally eager to avoid.

Mr. President, we may have differences about this legislation and about different provisions, but I think everybody agrees that if it goes into effect, we want to make sure it is the best possible system with the best possible protections. I think this amendment which has been worked out with the leadership of my colleague and friends, Senators GRASSLEY, BAUCUS, KYL, and OBAMA, is the best we could possibly recommend. We urge the Senate to accept it.

I will withhold whatever time I have remaining.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, it is my understanding that I have 20 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. CORNYN. Mr. President, I heard the distinguished Senator from Massachusetts and the distinguished chairman of the Finance Committee, Senator GRASSLEY, talk about this amendment as if this were an agreed-upon amendment. I understand there has been a lot of work put into this amendment. I rise to voice objections to the amendment for a number of reasons I would like to discuss.

This is critical. I agree with Senators GRASSLEY and KENNEDY that this is the linchpin of this bill. If we don't get this right, then we might as well pitch it in because the fact is that employment and the prospects for employment are the magnets that attract illegal immigrants into the country or people who come legally and overstay in violation of our immigration laws.

I think it is important that the very Cabinet member—Secretary Chertoff—who is going to be responsible for enforcing this immigration reform has called this amendment a poison pill. He expressed concerns about the fact that, as currently written—and I understand it is one thing to pass a piece of legislation and expect to improve it in the conference committee, but I think it is absolutely critical that our colleagues understand what it is they are being asked to vote on. The No. 1 concern I have is that it would create a carveout, until such time as whatever process is developed would produce a rate of 99-percent accuracy, in terms of confirming eligibility of prospective employees to work legally in the United States. A nonanswer would be essentially treated as an approval, and that individual would be then authorized to work permanently in the United States.

Once we pass this legislation, if it is passed, and it goes to conference and the differences are worked out and it is signed by the President, we all know this is merely an authorization. This is not an appropriation. In other words, the money to pay for this, to make it happen, is a matter of the appropriations process. That is not what we are doing here. Once the money is appropriated, then we are going to have to see the Department of Homeland Security issue a request for a proposal and ask contractors to bid on creating the database and the system whereby we can verify eligibility of prospective employees. So what we are talking about is a system that is going to take months, if not years, to implement. But even after it is implemented, until such time as it has a 99-percent accuracy rate, essentially what we are saying is the same old broken illegal immigration system of hiring people who are not authorized to work in the United States is OK.

The second problem I point out with this amendment is it creates liability on the part of the Federal Government. If, for example, someone submits their credentials and they are refused a job because they are not qualified to work in the United States, what this does is create a litigation system that will prove a disincentive for employers and the Department of Homeland Security to actually even check someone's qualifications as to whether they can work legally in the United States. This was the issue the Secretary of the Department of Homeland Security, Mr. Chertoff, took great issue with. He says, as a former judge, you are going to have determinations made, lawsuits filed, and then you are going to have appeals, and perhaps these appeals will take years to finally resolve, and the costs of hiring lawyers and the costs to the Government are going to stack up.

What is the easiest way for the Government and that individual at the Department of Homeland Security to avoid incurring those additional costs? It is going to be to give the prospective

employee a pass and say: OK, you are fine. It proves a powerful disincentive for checking out the eligibility of that prospective employee.

Finally, this system would apply to future employees only. This amendment would limit the period of time in which employers could submit the credentials of this prospective employee to only 3 days. If, for example, they overlooked the matter and didn't do it for 4 days, they would be prohibited for all time from checking whether this individual could legally work in the United States.

So I ask, why would we create a system that is designed to fail? That is what this amendment, unfortunately, would do, notwithstanding the hard work that has been put into it. I believe the placeholder in title III is vastly superior to this so-called agreement, which is obviously not agreed to—certainly not by the Cabinet member who is responsible for the Department of Homeland Security and certainly not by this Senator and others who have had a chance to look at this.

Each day, approximately 1,300 migrant workers enter the United States to work illegally. The vast majority come here not to commit crimes or cause harm but to work. They are looking only to provide for their families, and we certainly all understand that. But they pay smugglers thousands of dollars and risk their lives crossing the border. They take this risk because they know that once they get into the United States, it won't be difficult to find employers willing to hire them in this black market of human labor. Until the Federal Government removes the magnet of illegal employment, it will not regain control over our broken immigration system.

Restricting employment of undocumented workers as a way to reduce illegal immigration is not a new concept. In 1981, the bipartisan Select Commission on Immigration and Refugee Policy recommended legislation making it illegal to hire undocumented workers. In 1997, the bipartisan U.S. Commission on Immigration Reform stated that eliminating the employment magnet is the linchpin to a comprehensive strategy to deter unlawful immigration. The U.S. Commission on Immigration Reform went on to conclude that the most promising option for verifying work authorization is a computerized registry based on the Social Security number. Yet, 25 years later, after 25 years of consensus, current employment verification laws are unworkable and unenforceable.

Today the Federal law only requires that employers confirm that employees produced paper documents. There is no general requirement that employers ensure that the paper documents are, indeed, reliable or otherwise take steps to combat fraud.

An employer—and this is the problem with the law as it currently stands, not necessarily with employers who are not FBI agents and who are not asking to conduct independent investigations or somehow a forensic examination of the authenticity of these documents, but under the law today an employer must review some combination of more than 20 different documents to determine whether a new worker is legal.

In 1996, Congress called for reduction in the number of documents, but 10 years later, the Government has yet to implement those regulations. As a result, document fraud and identity theft makes it easy for unscrupulous employers to look the other way and hire undocumented workers. Yet increasing penalties alone will not work because ambiguities in the law prevent employers from knowing what their obligations are with respect to their workforce.

Until there is a way for employers to truly know whether their workforce is legal, it will be difficult for them to comply and difficult for the Government to prosecute those who fail to comply. The result is the Government has all but given up enforcing laws governing the work site. The Government has all but given up.

In 2003, the Department of Homeland Security dedicated only 90 full-time employees to work site enforcement—90, for a country of almost 300 million people.

In 2004, the Department of Homeland Security issued only three—yes, three—notices of intent to fine employers for violating the work site enforcement laws.

In 1992, by contrast, the Department issued more than 1,400 notices of intent to fine. So we went from 1,400 notices of intent to fine for cheating for hiring workers who could not legally work in 1992 to 3 in 2004. So over the past 12 years, those enforcement efforts have declined at a rate of 99.8 percent.

In the absence of any enforcement whatsoever, many employers flagrantly violate our laws. Just a few weeks ago, the Department of Homeland Security arrested several managers at the largest pallet services company in the United States. The Government has charged those managers with conspiring to transport, harbor, and induce illegal aliens to reside in the United States. On the day of their arrest, the Department of Homeland Security also took into custody 1,187 undocumented workers.

According to the records, more than 50 percent of the employee records had faulty Social Security numbers, and the Social Security Administration had told the company more than a dozen times that they had more than 1,000 employees without accurate Social Security numbers.

I wish I could say the allegations against this company are an isolated event, but they are not. The truth is, many employers make no effort whatsoever to comply with the law.

A recent Government Accountability Office report reviewed employer tax filings for the years 1985 through 2000 and found that one employer submitted a single Social Security number—a single Social Security number—for more than 2,580 different employees in a single tax year. Overall, 8,900 employers—just .2 percent of all employers—accounted for more than 30 percent of the total number of incorrect Social Security number submissions.

Get this, Mr. President: Of the 84.6 million records placed in the Social Security earnings suspense fund for tax years 1985 to 2000, about 9 million had Social Security numbers that consisted of nothing but zeros. Obviously, the employer knew they were submitting a bogus number, and 9 million submitted nothing but zeros. But in the absence of any enforcement of the law, any incentive to clean up those numbers, any incentive for employers to comply with the law, any infrastructure that allows people to check to determine whether this is a person who can legally work, this is the kind of fraud that occurs.

For 3.5 million records, employers used the same Social Security number to report earnings for multiple workers in a single tax year.

The truth is, the Government is decades behind the private sector when it comes to document integrity. Maybe what we ought to do is issue a contract and outsource this to MasterCharge and Visa. Maybe they can do a better job.

The fact is, this is embarrassing and intolerable and inexcusable conduct on the part of the Federal Government. But there is also reason for hope. There is a model that is already in place. Since 1996, the Federal Government has run an electronic verification system called Basic Pilot. Currently, about 6,000 employers participate in this system. Members of Congress, for example, are required to use this electronic verification system. And it works. That system should be expanded, and that system should be enforced.

We simply must require electronic verification by all employers, not just the ones covered by the current law or those who decide to do it on a voluntary basis. Electronic verification has been tested for more than 10 years, and an independent review of the program found that 96 percent of participating employers believed that the electronic verification system is an effective tool for employment verification.

Reports have also shown that the Department of Homeland Security and the Social Security Administration have made considerable progress in improving the accuracy of data. According to a 2004 report, there is a 99.8-percent confirmation rate for U.S.-born employees.

I can assure you, Mr. President, and my colleagues that without work site enforcement, we will be back here again in 10 years trying to figure out what to do with the next wave of illegal immigrants. We cannot afford piecemeal enforcement. We have to secure our border, we have to work with

local and State law enforcement agencies to deal with enforcement in the interior, and we have to have an ability to verify on an accurate and expedited basis whether someone can work here legally in the United States. We don't yet have that. This bill does not yet provide it.

My hope is that we will get serious, finally, once and for all, in holding employers accountable, those who cheat and who provide that magnet that attracts so many people to come into this country illegally.

Mr. President, I reserve the remainder of my time. May I inquire how much time is left?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. CORNYN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I don't have time, so I ask unanimous consent for 2 minutes to address this issue, particularly some of the issues Senator CORNYN made.

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

Mr. GRASSLEY. Mr. President, Senator CORNYN has been working very faithfully with us on this issue, so I don't take exception to anything he said except to clarify from my position what I want to accomplish.

First, I don't ever pretend to make perfect legislation. The English language doesn't allow that, even if that is the good intent. We have had several variations of the amendment that is before us and on which we will be voting. I have always made an attempt to do things through my committee in a bipartisan way. This is a bipartisan amendment. If there is an issue with this amendment that it may not be the linchpin for the verification we want, we are going to have an opportunity in conference to fine-tune this amendment. I want the Senator from Texas to know that I am open to that, and I hope—I haven't talked to my cosponsors, but I hope the cosponsors are also open to it because everybody indicated their intent to make sure the verification system works.

With that in mind, I hope this amendment will be adopted so we can move this process forward, and anything that needs to be done with this amendment, including all of the objections that have been raised, will be taken care of in conference.

I think we have a good compromise, so I am not starting out with the idea that we have to correct it, but we are going to try to address all these concerns because this is a very key part of any immigration bill that we pass.

I yield the floor.

Mr. CORNYN. Mr. President, will the Senator from Iowa, before he yields the floor, yield for a question?

Mr. GRASSLEY. If I have time, I will.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. I will give him a minute of my time by unanimous consent, if that will help.

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

Mr. GRASSLEY. Mr. President, I yield.

Mr. CORNYN. Mr. President, I guess the question I have for the Senator is, if this amendment fails, there is a provision in the underlying bill that would go to the conference committee; isn't that correct?

Mr. GRASSLEY. That is correct.

Mr. CORNYN. I understand the obligation of the Senator from Iowa, as chairman of the Finance Committee, to try to work on a bipartisan basis, and I know he is committed to do that, and that is what this amendment represents. But I want to make clear that in the absence of this amendment being adopted, we still have a title III provision that can go to conference committee and be the subject of further negotiations.

Mr. GRASSLEY. Yes, if the Senator will allow me to continue to use some of his time, I hope we would agree on this at least: If somebody is not employed because of a mistake that the Federal Government made, that we have a responsibility to make sure that person is made whole; that nobody should lose a job or not get a job because of a mistake made by some Federal bureaucrat. With that in mind, we ought to be able to move forward.

I think I heard the Senator from Texas say that is his motivation, that he would want to make sure nobody was harmed economically, not getting a job because of a mistake that the Federal Government made.

Mr. CORNYN. Mr. President, I express my appreciation to Senator GRASSLEY for his good work in this area. I do agree with him that we need to make sure, if there is a false positive—in other words, if someone should not be excluded from employment but the system says they should be and they are—that they ought to have some recourse.

My hope is that we would create a way for that record, if it is erroneous, to be corrected without everybody hiring a lawyer and going to their respective corners and then meeting in a courtroom and litigating the issues that could perhaps be worked out without that kind of experience.

I also want to make sure, as I know the Secretary of the Department of Homeland Security told both Senator GRASSLEY and myself, that we don't unintentionally create some disincentive for people to hold employers accountable for hiring people who aren't qualified to work. I think we can certainly work to that end to try to balance it so it is not a disincentive to work site verification and sanctions against employers who cheat, but at the same time it is also fair to the employees.

The other problem is, this amendment and what we have done so far on this bill does not require the issuance of a secure Social Security card or employment authorization document. We had numerous witnesses testifying to the need for such a secure card. I believe employers would welcome the ease of being able to rely on a single document that could be literally swiped through a card reader, such as a debit card or a credit card at a convenience store.

This bill, as amended by this amendment, would retain the complicated document scheme that has led to widespread document fraud and identity theft. And as I said, the Secretary of the Department of Homeland Security has stated his objections to this amendment. I realize he is not a Senator; he doesn't get to vote. But I do think we ought to consult with and respect the views of those who are going to have the responsibility to actually make this system work.

It concerns me that 20 years after the 1986 amnesty and the promise of work site enforcement that the agency responsible for enforcing those laws is telling Congress the new system would not work. My hope is that we would find a way to make it work. There may be some—I am not one of them—who don't want there to be enforcement, who don't want the system to work.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. My hope is that we would all work together in good faith to make that happen. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are looking for stacked votes at 5:30, as mentioned during the discussion with Senator LEAHY. If we cannot get another debate completed on another amendment before 5:30, we will only have the two votes. But if it is possible to have Senator LIEBERMAN come to the floor or Senator DURBIN, it would be appreciated by the managers to try to move the bill along. We now have 5 minutes for Senator KENNEDY, 5 minutes for Senator OBAMA, and 5 minutes for Senator KYL.

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

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

Mr. SPECTER. Mr. President, I have just conferred with the distinguished Senator from Massachusetts, and we are going to yield all time back on—we had time listed, as I announced a little while ago, for 5 minutes for Senator OBAMA and 5 minutes for Senator KYL, but Senator OBAMA has spoken and Senator KYL spoke on the preceding amendment. Let's yield all time back.

Mr. KENNEDY. All time back.

Mr. SPECTER. And now we will proceed to Senator KENNEDY's amendment No. 4106.

I ask unanimous consent that we consider the Kennedy amendment

under a 30-minute time limit, equally divided, with no second-degree amendments.

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

AMENDMENT NO. 4106

(Purpose: To enhance the enforcement of labor protections for the United States workers and guest workers)

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. Is the Senator offering an amendment?

Mr. KENNEDY. Yes. I call up amendment No. 4106 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 4106.

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

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

(The amendment is as printed in the RECORD of Monday, May 22, 2006, under ''Text of Amendments.'')

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Immigrant workers are among the most vulnerable in our Nation. While performing society's most difficult and dangerous work, they face abuse by employers, the denial of basic rights, and economic exploitation. In negotiating the McCain-Kennedy bill, we took great care to include protections that will halt these alarming trends and ensure fair wages and working conditions for guest workers. We also took great care to protect American workers and ensure that the guest worker program does not diminish American labor standards.

However, history shows us that it is not enough to pass good labor laws if we do not also make a strong commitment to enforcing these laws. Beyond anything we have provided in the bill, the most important step we could take to help American workers and immigrant workers alike would be to improve our enforcement of the critical labor protections that have been a part of U.S. law for decades.

We have laws on the books that protect the safety of American workers. Yet each year in the United States over 5,700 workers are killed on the job, and 4.3 million others have become ill or injured. I must say that prior to the time we passed the OSHA law, that has more than doubled. We reduced that by more than 50 percent in recent years because of that legislation. That is 16 deaths and 12,000 injuries and illnesses each day, today.

We have laws on the books that prohibit child labor. Yet there are about 148,000 illegally employed children in the United States today. We have laws on the books that give workers a voice on the job to protect their fundamental right to organize and join a union. Yet each year in the United States more than 20,000 workers are illegally discriminated against for exercising these rights in the workplace.

These appalling statistics persist because our efforts to seek out and punish employers who violate the law are laughably inadequate. We find and address only a minuscule fraction of the number of violations that occur each year. Even when we do try to enforce the law, the penalties for breaking it are so low that employers treat them as a minor cost of doing business. The average fine for a serious OSHA violation last year was $883. The average fine for a child labor violation was $718. And violation of workers' rights to organize are remedied with back pay awards that come years too late. So such minor sanctions provide no incentives for employers to comply with the law.

We need to provide real penalties, not slaps on the wrist, for the employers that violate the Fair Labor Standards Act, the Occupational Safety and Health Act, and the National Labor Relations Act.

The Kennedy amendment bolsters our enforcement of these important laws. It updates the penalties under the Fair Labor Standards Act by increasing the back pay remedy for willful violations and increasing the maximum penalty for violations of the minimum wage, overtime, and child labor protections. It would also update the OSHA civil penalties which have been unchanged since 1990. It would provide a maximum penalty of $50,000 when a worker's death is caused by willful violations of the law, and make it a felony when an employer kills or injures an employee through such willful violations.

But these increased fines and penalties, while important, are not enough. We also need to take stronger steps to ensure that current laws are being enforced and violations are being detected and remedied.

Vigilant enforcement is particularly important in occupations with high percentages of immigrants who often see large numbers of violations of health and safety and wage and hour laws. It can be difficult to enforce the law in such occupations where workers often don't know their rights or are afraid to report violations.

That is why we need targeted enforcement efforts to ensure that guest workers' rights are protected and our high American labor standards are being maintained for all workers in this country. The Kennedy amendment will serve this important goal by requiring that 25 percent of all fees collected under the guest worker program be dedicated to enhance enforcement of the Fair Labor Standards Act, OSHA, and the labor protections of the immigration bill in industries that have the highest percentage of violations and the highest percentage of guest workers.

Another key step in protecting both American and immigrant workers is to end the economic incentives that employers have under the current law to abuse undocumented workers. The Supreme Court's decision in the Hoffman Plastic case was a major setback for American workers. By ruling that undocumented workers are not entitled to back pay when their rights are violated, the Supreme Court left millions of workers without meaningful recourse when they are fired for trying to organize a union.

Unfortunately, this terrible decision has been applied to other labor laws as well, making undocumented workers even more vulnerable to exploitation because their employers can violate their rights with relative impunity.

This decision also hurts American workers in several ways. It encourages employers to hire undocumented workers by making them less expensive and easier to intimidate. Businesses take advantage of the situation by hiring undocumented workers and cutting legal corners. Under the Hoffman case, unscrupulous employers are rewarded for this unlawful behavior.

Congress should not allow employers to use immigration laws as a shield for unlawful and abusive behavior. All workers should be entitled to the protections of our labor laws regardless of their immigration status.

Finally, our workplace standards will not be effective until workers have the security, knowledge, and means to enforce them. The best way to provide workers with these resources is to give them the ability to freely and fairly choose a union. The right to organize and join a union is a fundamental right recognized in the United Nations Declaration of Human Rights. Yet the United States violates that fundamental principle every day because our laws don't adequately protect the right to organize. When workers attempt to form a union, employers intimidate them, harass them, and retaliate against them. Employees who stand up for their rights are fired.

The Kennedy amendment provides stronger protections that allow workers to organize freely and require employers to negotiate fairly. It allows workers to get court orders to stop employers from firing or threatening union advocates and strengthens the penalties in current law for mistreatment of workers who support a union.

It is long past time to give workers these basic protections. Congress passed laws such as the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Safety and Health Act in order to establish the minimum standards necessary to preserve basic human rights. But we must provide meaningful enforcement if we want these to be meaningful laws. The Kennedy amendment ensures vigilant enforcement of these critical labor protections to preserve the health, the safety, and the well-being of all Americans. I hope it will be included in the underlying legislation.

Mr. President, I yield the floor.

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

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

Mr. KENNEDY. Mr. President, I have charts which are fairly indicative of the points I made earlier.

Penalties for violating workers' rights are shamefully low. On the first one, $718 is the average fine for child labor violations, and 148,000 children are being exploited in the labor force. There is very little enforcement in the first place against these violations. And even when there is one, the average fine is $718. When you have a serious OSHA violation, the average fine is $883.

If you look at the far side, it is a $1,000 minimum fine for bribery at a sporting event.

Here we are exploiting children, here we have the possibility of serious injury to workers, and here we have the minimum fine for bribery at a sporting event being higher.

It is illustrative of the inadequacy of current enforcement. More and more immigrant workers are dying on the job.

This is a very interesting chart. It shows the total number of immigrant workers who are dying on the job. These are significant numbers. You see they are increasing every year. It is explainable. This illustrates 2002, 2003, and 2004 for Hispanic fatalities and the national fatality rate. We see what happens. Here are the Hispanic fatalities.

Obviously, in the workplace the Spanish are being assigned to more dangerous jobs. There is not enforcement to make sure they are being protected on the jobs as they should be. As a result, they are paying with their lives, in many of these instances, and the numbers are continuing to go up.

We need strong enforcement. That is what our amendment does.

This chart shows that Fair Labor Standards Act enforcement has declined while the workforce has grown. This is the increase in the United States covered by the Fair Labor Standards Act. It has increased. This is from 1975 to 2004—112 percent.

The next is the increase in U.S. workers covered by the Fair Labor Standards Act; a 36 percent reduction in compliance actions being completed.

We are not getting enforcement and protection. As all of us know, the facts show and the GAO and other studies show when you have compliance and when you have enforcement, the result is saving workers' lives—Hispanic lives, migrant lives, American workers' lives.

We have to have justice in the workplace. We want to ensure that we are going to upgrade as we are moving to a new phase—bringing new people into the workplace. We want to upgrade the penalties to make sure that we are going to have compliance. This is consistent certainly with the other thrust of the legislation. It is important that workers who are going to have protections that we believe are essential to permit them to produce and to meet their responsibilities but to do it in a climate that is as devoid of exploitation and danger as possible. To do that we need compliance in enforcement. That is what this amendment is really about.

I suggest the absence a quorum and retain the remainder of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Three minutes and 32 seconds.

Mr. SPECTER. I ask unanimous consent that Senator CORNYN be recognized for 7 minutes.

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

The Senator from Texas.

Mr. CORNYN. Mr. President, I rise in opposition to amendment 4106 by the distinguished Senator from Massachusetts. The amendment enhances enforcement of labor protections for United States workers and guest workers, it is argued, by increasing penalties in violation of the Fair Labor Standards Act, increase civil and criminal penalties in violation of the Occupational Safety and Health Act, strengthens enforcement of violations for unfair labor practices, and designates how fees collected under the H–2C program should be allocated, including 25 percent to the labor law enforcement fund, and it would, arguably, provide protections for whistleblowers.

The main problem I have with the amendment is it is beyond the scope of this bill and beyond the language included in the underlying compromise which we have been told time and time again is fragile or delicate, as those who have supported that compromise have sought to defeat amendments such as this argue to change it.

This is obviously an amendment designed to increase the role of government, a role that is not called for. The problem is, the irony is, we may end up providing more protections for foreign workers than are provided for American citizens who currently work and reside legally in the United States. We ought to be cautious about doing that.

Certainly we all agree—not all of us, but I agree—we need to provide some means for a guest worker or temporary worker program, and that those foreign workers who are authorized to work legally in the United States for a period of time should be given the protection of the laws that generally apply to workers who already work legally in the United States. But to increase penalties and so-called labor protections to a degree that exceeds that provided to American workers, to me, seems uncalled for.

I urge my colleagues to vote against amendment 4106.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. SPECTER. 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. SPECTER. 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. SPECTER. Mr. President, I ask unanimous consent we turn to the Durbin amendment, with 20 minutes equally divided, with no second-degree amendments.

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

AMENDMENT NO. 4142

Mr. DURBIN. Mr. President, I call up my amendment numbered 4142.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois, [Mr. DURBIN], proposes an amendment numbered 4142.

Mr. DURBIN. 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:

(Purpose: To authorize the waiver of certain grounds of inadmissibility or removal where denial of admission or removal would result in hardship for a spouse, parent, or child who is a citizen or permanent resident alien)

On page 183, between lines 4 and 5, insert the following:

SEC. 235. WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY OR REMOVAL BASED ON HARDSHIP TO CITIZEN OR PERMANENT RESIDENT ALIEN SPOUSE, PARENT, OR CHILD.

(a) WAIVER.—Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary of Homeland Security (in the sole and unreviewable discretion of the Secretary) or the Attorney General (in the sole and unreviewable discretion of the Attorney General), as applicable, may waive any ground of inadmissibility or removal of an alien under, or arising from, an amendment made by a provision of section 203, 208, 209, 214 or 222 of this Act if the denial of admission or removal of such alien would result in an extreme hardship to a spouse, parent, or child of such alien who is a citizen or an alien lawfully admitted for permanent residence.

(b) EXCEPTION FOR TERRORISTS.—No waiver may be made under subsection (a) under or

arising from an amendment referred to in that subsection with respect to a ground of inadmissability or removal under a provision of law as follows:

(1) Section 212(a)(3) of the Immigration and Nationality Act.

(2) Section 237(a)(4) of the Immigration and Nationality Act.

Mr. DURBIN. Mr. President, this amendment would authorize the Attorney General or the Secretary of Homeland Security to grant a humanitarian waiver to an immigrant if deportation would create extreme hardship for an immediate family member of the immigrant who is a U.S. citizen or a legal permanent resident.

The Senate is considering a bill that takes a comprehensive approach to solving the problem of illegal immigration. One aspect of the bill is strengthening enforcement of our immigration laws. I support that. We need to strengthen enforcement to restore integrity to our immigration system. No one will believe we are serious about immigration reform unless enforcement is a critical element.

But as we make our laws tougher, we must make certain we hold true to American values. We should treat people fairly. We shouldn't separate families if it would cause extreme hardship to American citizens.

I am concerned that some of the enforcement provisions in this bill are so broad they may have unintended consequences. These provisions have the potential to sweep up long-term legal permanent residents and separate them from their American families.

Let me give one example which will surprise most Members of the Senate. It illustrates the need for this amendment. Under current immigration law, a legal permanent resident convicted of an ''aggravated felony'' is subject to mandatory detention and deportation. The definition of aggravated felony in the Immigration and Nationality Act is very broad. It includes nonviolent crimes such as shoplifting. Section 203 of this bill would expand the definition of aggravated felony even further. It would now be an aggravated felony to aid or abet the commission of many nonviolent crimes.

Under this provision, a teenager who is a lawful permanent resident and has lived in this country most of her life, could be subject to mandatory detention and deportation if she drives a friend home from the mall after the friend shoplifts a DVD.

Let's take another example. The bill greatly expands the definition of document fraud to include potentially innocent activities such as omitting immaterial information from an immigration application. The bill would make such an omission a ground for deportation for the first time, so we are creating a new avenue for deporting people who are currently in the United States legally.

For example, a lawful permanent resident who inadvertently fails to include information about her parent's birthplace and address on her citizenship application could be convicted of document fraud and deported.

My amendment would follow very closely what Senator KYL and Senator CORNYN accomplished last week. The Senate approved a Kyl-Cornyn amendment that under very strict circumstances will allow a humanitarian waiver for undocumented immigrants who apply for legal status under this bill. We are following to the word the Kyl-Cornyn amendment for the cases of legal immigrants who might be deportable as a result of changes in the law made by this bill.

In my Chicago office, 80 percent of the casework relates to immigration. I can tell you we encounter case after case that would break your heart. In so many cases, people who have lived and worked in the United States for a long period of time and have immediate family members who are Americans are falling between the cracks of the law.

Most often, when we present these cases to Homeland Security they say that they are powerless to do anything because our immigration laws allow so little flexibility.

Every Member of the Senate has heard the pleas of a constituent or a friend or someone who has faced this kind of a dilemma. In most cases, we have no ability to help them.

My amendment would follow the Kyl-Cornyn amendment and create a very limited waiver that would apply only in the most compelling cases—where deportation of an immediate family member would cause extreme hardship to an American citizen or legal permanent resident. The waiver would not be automatic. The burden would fall on the immigrant to prove that extreme hardship would occur if he or she were deported.

In every case, the Government has complete discretion to deny the waiver. To quote my amendment, the decision to grant a waiver would be in the ''sole and unreviewable discretion'' of the Attorney General or Secretary of Homeland Security—the identical language used in the Kyl-Cornyn amendment. This same strict standard was enacted last week by the Senate in the Kyl-Cornyn amendment by a vote of 99 to 0.

The Kyl-Cornyn waiver would apply in cases where undocumented immigrants are seeking legal status. The waiver in my amendment would apply in cases where an immigrant who was previously in legal status is subject to deportation only because of a change in the law made by this bill.

Shouldn't we give the same chance to a legal immigrant facing deportation that we give to an undocumented immigrant seeking legal status? Deportation is very serious. For an immigrant, it means permanent exile from family and home. And in some situations, it may even be a matter of life and death.

I think it is appropriate that we build on the good work of Senators KYL and CORNYN. Their standard is tough, but it is fair, and it certainly is not an easy standard to meet.

It is also important to note that the discretionary waiver in my amendment is limited only to new penalties that are a consequence of this bill. In other words, it only applies to deportations that are a direct result of the changes in law made by this bill.

I should also point out that in no circumstances would this waiver apply to cases involving suspected terrorists. The text of the amendment makes that explicit.

We already give the Government broad discretion to apprehend, detain, and deport undocumented immigrants. My amendment would give the Government limited discretion—very limited discretion—to show mercy in only the most compelling cases.

The supporters of this amendment include the U.S. Conference of Catholic Bishops, Catholic Charities USA, Hebrew Immigrant Aid Society, American Jewish Committee, League of United Latin American Citizens, National Council of La Raza, Hispanic National Bar Association, Service Employees International Union, National Immigration Forum, American Immigration Lawyers Association, Asian American Justice Center, Mexican American Legal Defense and Education Fund, Human Rights Watch, and National Immigration Law Center.

Mr. President, I will close by saying this: most Members of the Senate would be surprised to learn that under this bill a young person who is guilty of aiding a shoplifter could be deported from the United States. In light of this, you can see why there ought to be a very limited option for the Secretary of Homeland Security and the Attorney General to grant a humanitarian waiver to an immigrant if it would cause extreme hardship to an immediate relative who is an American. We followed the same standard in the Kyl-Cornyn amendment, which was adopted earlier, and I hope my colleagues will support this amendment.

Mr. President, at this point, I withhold the remainder of my time and yield to the chairman.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate the opportunity to address the amendment. I guess if imitation is the sincerest form of flattery, I appreciate the Senator from Illinois suggesting that this follows the course set by the earlier amendment that had to do, as it turns out, with an entirely different class of individuals than the ones this amendment addresses. So I do not believe it is a similar sort of amendment.

For this reason, this morning, the Senate voted overwhelmingly to reject the Feinstein amendment, which basically would have undone this delicate compromise, this fragile compromise we have been told has to be maintained

at all costs. That amendment would have simply opened the door to amnesty for 12 million people who are here and not require anyone—no matter how short a time they have been here—to do very much of anything distinguishable, at least from the 1986 amnesty.

The difference between what the Senate voted for earlier, which the Senator from Illinois references, is that those individuals had already had their day in court and been ordered deported but had simply gone underground. We recognized an extreme hardship exception there in an effort to try to work across the aisle with the Senator from Massachusetts and others, and the Senator from Arizona, Mr. MCCAIN. Those individuals, by the way, still had to meet the other criteria under the bill, the so-called 2-year and 5-year standards.

The problem I have with this amendment is it has absolutely no standards to guide the discretion. As it says in the amendment, the ''sole and unreviewable'' discretion of the Attorney General and the ''sole and unreviewable'' discretion of the Secretary of the Department of Homeland Security. So we are left to wonder what standards would be actually applied by either the Attorney General or the Secretary of the Department of Homeland Security.

Also, I believe, if taken at face value, this amendment would result in the waiver of grounds for inadmissibility for some 6 million individuals—roughly half of those who are currently in the United States—because, according to the Pew Hispanic Center, approximately 6 million people are currently in the country illegally who have an American citizen child or American citizen spouse.

So I urge my colleagues to vote against the amendment, although I do think this is one of those areas where the conference committee—after the Senate passes its version of the bill and the House is working with us to try to come up with a final form—certainly can build on and try to work on to put some meat on the bone that is left undone by this amendment.

The PRESIDING OFFICER. The assistant Democratic leader.

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

The PRESIDING OFFICER. Three minutes one second.

Mr. DURBIN. Mr. President, I would like to ask the Senator from Texas to reconsider his position because we followed the language of his amendment exactly in limiting this waiver to cases where deportation of an immigrant would cause ''extreme hardship to a spouse, parent or child'' of the immigrant who is an American citizen or lawful permanent resident.

We also followed his language exactly in committing the decision whether to grant a waiver to ''the sole and unreviewable discretion'' of the Attorney General or Homeland Security Secretary. In every case, the government would have complete discretion to deny the waiver. No court could review the denial of a waiver. That is an extremely high standard. It is one that would apply only in very limited circumstances.

And I say to the Senator, consider for a moment, if you would, that the group of people that would be affected by the Kyl-Cornyn amendment are those who are in the United States in undocumented status, who have received final orders of deportation and have not left the United States. I think the Senate took a wise, bipartisan course in saying that even those people should be viewed in some circumstances as deserving of another chance—but in very limited circumstances.

Now we are talking about a different class of people in my amendment. These are people who are here legally. They are not undocumented. They are legal permanent residents. Then, because of new changes in the law that this bill would make—not the old standards but new standards in the law—they might be subject to deportation. And we say, in those cases, where you have people who are here legally, who may be subject to deportation because of changes in the law made by this bill, we will give to the Attorney General or the Secretary of Homeland Security ''sole and unreviewable'' discretion to decide whether there is a humanitarian case for not deporting them. I think it is fair to treat those who are currently here legally at least as well as those who are currently not here legally.

The Senator's earlier amendment dealt with that class that is here undocumented, and I supported him. I thought it was a very wise and humane thing for him and Senator KYL to do. But I would ask him to consider. Shouldn't those who are here in legal permanent status receive at least as much consideration, if this new law establishes some means by which they could be deported, so in the case where there is extreme hardship to their American immediate family members, the Secretary would have this authority to grant them a waiver?

I say to the Senator, we use your identical language. And I did that even though I might have wanted to put it in different words. I thought to myself, let's stick to the standard that was established in the Kyl-Cornyn amendment. So I hope the Senator from Texas will reconsider.

Mr. President, I reserve the remainder of my time, if the Senator has any comments.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes thirty-eight seconds.

Mr. SPECTER. Mr. President, I yield 2 minutes to Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would just say that the way I read this amendment—and I have only seen it in the last few minutes—it would result in a waiver for approximately 6 million people illegally here in the United States, as we speak.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. CORNYN. It would be based on the fact of alleged extreme hardship through a spouse, parent, or child of such alien who is a citizen. The fact is, a total of 6 million illegal aliens in the United States currently, according to the Pew Hispanic Center, have an American citizen child or spouse.

It would also, as I read this, purport to waive removal for aggravated felons and would result in a green card for this class of individuals, irrespective of payment of taxes, any requirement they learn English, or paying a fine—which we have been told are the essential ingredients of earned legalization.

So this is really a backdoor way of undermining the compromise we have been told is very delicate and fragile and should not be messed with. So I would think those Senators who believe that is actually true would vote against the Durbin amendment because it does seek to undermine that compromise.

The PRESIDING OFFICER. The Senator from Illinois.

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

The PRESIDING OFFICER. Forty seconds.

Mr. DURBIN. Mr. President, may I say to the Senator from Texas, ''aggravated felony,'' as defined by this bill, could include aiding or abetting shoplifting. So in that extraordinary case, where someone is a legal permanent resident and is about to be deported because of changes we are making in the law, this amendment would give one last chance to that person to go to the Secretary of Homeland Security and say: Please, don't ask me to leave the country because I drove the car when my girlfriend shoplifted a DVD. It would cause extreme hardship to my mother and father, who are American citizens. And the Secretary can say: No. And it is not reviewable by a court. He will be deported. But it at least leaves that last option. These are people who are currently legally in the United States whom we are trying to protect.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes.

AMENDMENT NO. 4106

Mr. SPECTER. Mr. President, I yield 3 minutes to the Senator from Georgia to speak on the Kennedy amendment No. 4106.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the distinguished chairman.

I rise to oppose the Kennedy amendment. I come to the floor as chairman

of the subcommittee on occupational safety in the HELP Committee. I come to the floor because the issue this amendment addresses has nothing to do with immigration. It affects immigrants and nonimmigrants. It affects employment. It amends the Occupational Safety and Health Act, the National Labor Relations Act, and the Fair Labor Standards Act. It is a massive increase in fines and penalties. It changes many penalties from civil to criminal. There has not been a single hearing or anything else.

The distinguished Senator from Massachusetts knows full well that we have just completed 6 months of hard work on the Mine Safety Act, which this Senate today will pass unanimously in response to the terrible tragedy at the Sago mines. He knows how much time and effort went into the hearings and the studies to see to it what OSHA needed to do and what we needed to do. To summarily come to the floor on an immigration bill and amend the OSHA laws and the Fair Labor Standards Act, the National Labor Relations Act, to throw in massive penalties, massive criminal fines—in fact, just to give you an example, it dramatically increases criminal and civil penalties, with up to as much as 5 years in jail for a workplace accident. Arbitrary provisions such as this have no business on the floor of the Senate being tacked on to a bill that deals with a major pressing problem in an entire other area.

Just to add the piece de resistance, this amendment, as I read it, overturns the Supreme Court ruling in Hoffman Plastic Compounds, Inc. v. the National Labor Relations Board. What that would, in effect, do is force employers now to go pay back compensation to illegal immigrants who were working in the workplace and put the Justice Department as their designated attorney when they are not even here legally in the first place. Now, if that action is the right thing to do, it certainly needs to be done in civil debate and through the committee process and not as a last-minute attachment to a bill that is in itself controversial and in itself comprehensive.

So with all due respect to the distinguished Senator from Massachusetts but with respect for the integrity of the committee system, I submit this amendment should not be adopted, and I will oppose it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, with respect to the Kennedy amendment No. 4106, my record is plain that I believe in strict enforcement of the Fair Labor Standards Act, strict enforcement of OSHA, and strengthening enforcement against unfair labor practices. But this amendment represents a sweeping change to the Fair Labor Standards Act and to OSHA. In particular, it increases certain penalties five- and tenfold. It increases civil fines under OSHA and criminal penalties under OSHA without any record as to whether such increases are necessary. There have been no hearings on this bill.

It would increase an OSHA criminal penalty from 6 months to 10 years and in another place strike a 1-year penalty and insert a 10-year penalty on a first conviction. Those are very significant changes. As much as I favor strict enforcement of the Fair Labor Standards Act and OSHA and strict enforcement against unfair labor practices, there has been no hearing on this amendment, and, therefore, I reluctantly oppose it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know we had this debate about an hour ago. I ask unanimous consent for 1 minute.

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

Mr. KENNEDY. Mr. President, it is true that we have increased significantly and dramatically the penalties in the Mine Safety Act because they were a slap on the wrist. They didn't even rise to the level of a business penalty. All we are doing basically is changing the maximum penalties, when we see the loss of life and the most grievous kinds of injuries to American workers. That is what we are doing. They haven't been raised since 1990, over 16 years. Why shouldn't we be able to at least take that to conference? That is all this is doing, trying to make sure that all the laws to protect American workers and to protect guest workers are going to be fairly and equitably enforced.

I thank the chairman.

Mr. SPECTER. Mr. President, Senator KYL was unnecessarily detained and did not have his time on Grassley No. 4177. I ask unanimous consent for 1 minute for Senator KYL.

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

Mr. KYL. Mr. President, I will be voting against the Grassley amendment. I compliment the chairman of the Judiciary Committee and the chairman of the Finance Committee, Senator GRASSLEY, and his staff, for working hard at producing what is a big step forward in ensuring that we can determine the eligibility of workers to be hired. Unfortunately, it doesn't complete the job. That is such a critical component of this legislation that I cannot support it until additional changes are made.

My vote is not intended to be pejorative in any way toward those who worked very hard to put this together, and many of my ideas are in that amendment. I appreciate their effort. But there is still a long way to go, and, in some respects, this is a metaphor for a lot of this bill. There has been a lot of progress made, but there is a long way to go.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are now ready to vote on four amendments. I ask unanimous consent that there be 2 minutes of debate equally divided before each amendment is called.

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

Mr. SPECTER. I further ask unanimous consent that the first rollcall vote on Leahy No. 4117 be the regular 15 minutes and that each succeeding of the stacked votes be 10 minutes.

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

Mr. SPECTER. I want to put my colleagues on notice that we will strictly enforce this time because we have four votes, and it is going to take quite some time. There is more business to be conducted after the votes are concluded.

I further ask unanimous consent that when the Senate resumes consideration of the bill at 8:30 a.m. tomorrow morning, Senator MCCONNELL be recognized to offer his amendment No. 4085; provided further that the time until 9:30 be equally divided between Senator MCCONNELL and Senator REID or his designee; provided further that at 9:30, the Senate proceed to a vote in relation to the McConnell amendment with no second degree in order prior to the vote; I ask consent that following that vote, the Senate proceed to a vote on invoking cloture; further that there be 2 minutes for debate equally divided between the stacked votes after the first vote and the time from 9:20 to 9:30 on Wednesday be equally divided between Senators DODD and MCCONNELL. The order of the votes will be Leahy No. 4117, Grassley No. 4177, Kennedy No. 4106, and Durbin No. 4142.

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

The question is on agreeing to the Leahy amendment No. 4117.

Mr. LEAHY. Mr. President, I understand the distinguished Senator from Pennsylvania is going to speak to correct one part of the record, but both Senator COLEMAN and I want to make sure the record is correct and Senators know what they are voting on. Some Senators, in speaking in opposition to the Leahy-Coleman amendment, suggested that members of Hamas, the Kurdish PKK, or the Basque separatist group might obtain refugee status in the U.S. because those terrorists organizations do not specifically target the United States. That is totally incorrect. They are not allowed in with this. Hamas, the Basque separatists, the Kurdish PKK are already listed as terrorist organizations by our government. Members of the Taliban are also barred. These individuals could not obtain entry with this amendment. It was wrong to misrepresent the amendment that way. It is inflammatory to say the Leahy-Coleman amendment would aid members and supporters of designated terrorist organizations. It does not. It does not. It does not. This amendment in no way changes current law as suggested, but it would do something for those people who have been raped, tortured, or forced into helping terrorist organizations.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have opposed the Leahy amendment because it redefines what constitutes material support for a terrorist. It redefines and narrows the definition of what is a terrorist organization. Those are complex subjects. There could have been hearings in the Judiciary Committee where the Senator from Vermont is the ranking member. I was wrong about Hamas when I made that representation. But as to the Kurdish terrorists, we did not identify PKK but other Kurdish terrorists in Turkey. I did not refer to the Basque ETA but to other Basque terrorists in Spain. When you have these far-reaching changes, there should have been hearings. There is adequate recourse under existing law for the Secretary of State to grant waivers for those providing material support to terrorist organizations, as she did recently for 9,300 ethnic Karen refugees to come out of Thailand.

I move to table the Leahy 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 bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—79

Alexander	DeWine	McConnell
Allard	Dodd	Menendez
Allen	Dole	Mikulski
Baucus	Domenici	Murkowski
Bayh	Dorgan	Murray
Bennett	Durbin	Nelson (FL)
Biden	Ensign	Nelson (NE)
Bond	Feinstein	Pryor
Boxer	Frist	Roberts
Brownback	Graham	Santorum
Bunning	Grassley	Schumer
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Cantwell	Hutchison	Snowe
Carper	Inhofe	Specter
Chambliss	Isakson	Stabenow
Clinton	Johnson	Stevens
Coburn	Kohl	Talent
Cochran	Kyl	Thomas
Collins	Landrieu	Thune
Conrad	Lautenberg	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Wyden
Dayton	Martinez	
DeMint	McCain	

NAYS—19

Akaka	Jeffords	Reed
Bingaman	Kennedy	Reid
Chafee	Kerry	Salazar
Coleman	Leahy	Sarbanes
Feingold	Levin	Sununu
Harkin	Lieberman	
Inouye	Obama	

NOT VOTING—2

Enzi Rockefeller

The motion was agreed to.

Mr. BOND. I move to table the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I understand we are going to have another rollcall vote.

Mr. LEAHY. Parliamentary inquiry: Are these 10-minute rollcall votes now?

The PRESIDING OFFICER. The next votes are 10-minute rollcall votes.

Mr. LEAHY. We should be able to finish in 40 or 45 minutes?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4177

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Grassley amendment. The Senator from Iowa is recognized.

Mr. GRASSLEY. The Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ someone who is not authorized to work in the United States; and it required employers to check the identity and work authorization documents of all new employees.

The current employment verification process relies on a paper form known as the ''I–9.'' To complete this form, employers must examine one or more documents from a list of nearly 30 different documents. If the document provided by the employee appears to be genuine, the employer has met his obligation.

The employer is not allowed to solicit additional documents and the employee is not required to produce additional documents. In fact, an employer's request for more or different documents, or a refusal to honor documents that appear to be genuine, can potentially be treated as an unfair immigration-related employment practice. This obviously puts employers in a very difficult situation. If he accepts the document, he may be hiring an illegal worker. If he does not accept the document, he may be sued for employment discrimination.

The easy availability of counterfeit documents has made a mockery of the current I–9 process. Fake documents are produced by the millions and can be obtained easily and cheaply. Thus, the current system benefits unscrupulous employers who do not mind hiring illegal aliens but want to show that they have met their legal requirements, and it harms employers who don't want to hire illegal aliens but have no choice but to accept documents they may suspect of being counterfeit.

The failure of the current process is evidenced by the millions of ''no match'' letters generated each year by the Social Security Administration. Each year, the Social Security Administration processes about 250 million W–2s. It is able to match more than 95 percent of these. However, nearly 9 million W–2s contain names and social security numbers that do not match the Social Security Administration's records. It is widely believed that many, if not most, of these no matches are due to the employment of illegal aliens.

This problem must be addressed. We cannot control our boarders, or create an enforceable guest worker program, until we have a reliable and secure employment verification system.

I supported the creation of the Basic Pilot program in 1996 which allows employers to voluntarily check the employment status of their new employees. At the time, it was a pilot in 6 states. In 2003, I authored the law that provided all 50 states the option to use the Basic Pilot program. Unfortunately, those who are most likely to hire illegal workers are the least likely to use this system.

My amendment today would create a new worker verification system for employers to use to determine if their workers are eligible to work in the United States. While this new system is based on the Basic Pilot, there are a number of important differences. The new system will be mandatory for all employers who hire any new employees beginning 18 months after Congress appropriates the funds needed to implement the system.

The system can be compared to a ''red light,'' ''green light,'' and ''yellow light'' verification. The employer, in the course of hiring a new worker, must submit certain information within 3 days of the hiring. The Secretary of Homeland Security, with the assistance of the Commissioner of Social Security, will turn around, in less than 10 days, and provide a positive confirmation or a tentative non-confirmation—that is a ''green light'' or a ''yellow light.'' If DHS provides a tentative non-confirmation—a ''yellow light''—then the burden will be on the worker to resolve the matter. If the worker contests the non-confirmation, DHS will have 30 days to provide a final response to the employer. If the final response is negative—a ''red light''—the employer is required to discharge the worker.

The new system would be Internet based. However, the Secretary will also provide access through a toll-free telephone number so that small, rural, and underserved areas can use the system as well. There are a number of important worker protections built into this new system. During the initial implementation of the system, if DHS cannot resolve their worker's status within 30 days, DHS will grant an automatic default confirmation. If the worker loses his job through no fault of his own due to a mistake by the system, he can seek administrative and judicial review to recover lost wages. The system would also give workers the ability to verify their own information prior to obtaining or changing

jobs. This would give workers the ability to know their status before applying for a job and give them the opportunity to correct any mistakes.

Finally, until the Secretary of Homeland Security certifies that the system is able to correctly resolve 99 percent of all the cases involving eligible workers within 30 days, then the automatic default confirmation will remain in effect. This safeguard is designed to ensure that no eligible worker is denied a job due to bureaucratic delays or excessive workloads at DHS or SSA. Once the system is certified by the secretary, the automatic default confirmation is changed to an automatic default non-confirmation. There have been some concerns raised that once illegal workers are no longer able to use phony IDs and fake social security cards, they will attempt to steal someone else's identity. We have addressed this problem by allowing workers—on a purely voluntary basis—to put a ''block'' on their own SSN. This would work much like a ''credit freeze'' or the ''do not call'' list that already exists under current law.

A worker could block his own number to prevent someone else from using it and then unblock his number whenever he needed to obtain or change jobs. The amendment also provides important protections for employers who use the system. They will no longer be forced to choose between questionable documents or an employment discrimination lawsuit. They will be able to rely on the information provided by the system. They will be protected from liability if they fire a worker based on that information. Finally, the amendment provides safeguards to prevent the unauthorized disclosure of information contained in the system. Individuals and employers will not have direct access to Federal databases. Rather, they will submit information and only receive back a confirmation or non-confirmation of that information. The amendment also provides that the information in the system cannot be used for any purpose other than provided by law.

With respect to information sharing, the amendment contains important language regarding the use of tax return information.

The protection of taxpayer information is a cornerstone of our voluntary tax system. These protections are found in section 6103 of the tax code and are designed to strike the balance between taxpayer privacy and legitimate law enforcement. Several members raised this issue during the Judiciary Committee markup. I urged my colleagues to defer any action in this area until the members of the Finance Committee had an opportunity to review this issue.

Some of the proposals in the Judiciary Committee were very broad. In this amendment, we have taken a more focused approach. We identified the specific information that would be needed to identify potentially illegal workers and crafted an amendment to 6103 that permits such use while maintaining all of the privacy protections afforded by 6103.

Specifically, we allow the Social Security Administration to share taxpayer identity information with DSH for the next 3 years. The information that can be shared would be for those employers who had more than 100 employees with names and numbers that do not match, and employers who used the same social security number for more than 10 employees.

In addition, DHS would be able to request that SSA provide information to identify employers who are not participating in the system, and employers who are not verifying all of their new employees. This information sharing would sunset after 3 years unless Congress extends this authority. We will closely monitor the use of this authority to determine if it should be extended.

Relying on Social Security records to help enforce immigration law also raises a critical issue with respect to the Social Security Administration's ability to perform its primary functions. This amendment addresses this concern by requiring DHS to reimburse SSA in advance for the cost of any data it obtains.

Let me again point out that—unlike the House bill—this amendment only applies to new hires, with some limited exceptions under the discretionary authority of DHS.

However, I would note that despite the high turnover rate seen among some workers, many workers are employed by the same employer for many years.

According to the Bureau of Labor Statistics, nearly one-half of all workers have been employed by the same employer for 5 or more years. More than one-quarter have been employed by the same employer for 10 or more years.

Without verification for all employees, many illegal workers might never be detected under a system that only checks new hires.

I understand that a requirement to verify all employees is viewed as overly burdensome. But, as mentioned earlier, the Social Security Administration processes roughly 250 million W–2s each and every year and is able to verify more than 95 percent. It might turn out that the additional burden of checking everyone would be very minimal. I suspect we will have to revisit this issue in conference with the House—if we make it that far.

In conclusion, let me urge my colleagues to support this amendment. It represents a significant step forward in creating a more reliable and secure employment verification system.

Mr. KENNEDY. I yield 30 seconds to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I congratulate Senator GRASSLEY and all who worked on this amendment. This is probably the single most important thing we can do in terms of reducing the inflow of undocumented workers—making sure we can actually enforce in a systematic way rules governing who gets hired.

It is an amendment that has bipartisan support, as Senator GRASSLEY indicated. It will increase fines. It will provide for an electronic data system that is effective.

I urge all colleagues on my side of the aisle to vote for the amendment.

The PRESIDING OFFICER. Who seeks time in opposition?

The Senator from Texas.

Mr. CORNYN. Mr. President, notwithstanding my tremendous admiration and support for the chairman of the Finance Committee, Mr. GRASSLEY, I must oppose this amendment.

Secretary Chertoff of the Department of Homeland Security, who is responsible for actually implementing this program, has called the requirements of this amendment a poison pill. Why in the world would we design a verification system, which I agree is the linchpin of comprehensive enforcement, that fails? Why would we design a system to fail in which the very person who is responsible for enforcing it calls it a poison pill? The administration does not support this amendment. I suggest the underlying bill is a better bill with which to go to conference and work out our differences.

The PRESIDING OFFICER. The question is on agreeing to amendment.

Mr. BUNNING. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—58

Akaka	Feinstein	McCain
Baucus	Graham	Menendez
Bayh	Grassley	Mikulski
Biden	Gregg	Murray
Bingaman	Hagel	Nelson (FL)
Bond	Harkin	Obama
Boxer	Inouye	Pryor
Brownback	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Snowe
Collins	Lautenberg	Specter
Conrad	Leahy	Stabenow
Dayton	Levin	Stevens
DeWine	Lieberman	Warner
Dodd	Lincoln	Wyden
Durbin	Lugar	
Feingold	Martinez	

NAYS—40

Alexander	DeMint	Nelson (NE)
Allard	Dole	Roberts
Allen	Domenici	Santorum
Bennett	Dorgan	Sessions
Bunning	Ensign	Shelby
Burns	Frist	Smith
Burr	Hatch	Sununu
Chambliss	Hutchison	Talent
Coburn	Inhofe	Thomas
Cochran	Isakson	Thune
Coleman	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	McConnell	
Crapo	Murkowski	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4177) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4106

Mr. KENNEDY. Mr. President, I understand that now before the Senate is the amendment I offered earlier, is that correct?

The PRESIDING OFFICER. That is correct. There are 2 minutes equally divided.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, when American workers go to work every day, they expect to go into a workplace that is safe and secure. American families expect their husbands or their wives to come home to them because they work in a place that is safe and secure. For the last 16 years, we have not increased any of the penalties—the maximum penalties—on OSHA, the Fair Labor Standards Act—any of these penalties. This amendment does do so in a very reasonable and modest way.

We have just done that with mine safety, and later this evening we are going to pass mine safety, virtually unanimously. One of the important parts of the mine safety amendment is the increase in the penalty. We are doing for American workers and for future American workers the same thing we have done for mine safety: We are making sure, through having penalties that are reasonable and responsible, that we have safe working conditions. That is what the Kennedy amendment does.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks time in opposition?

Mr. SPECTER. Mr. President, I remind my colleagues this is a 10-minute vote. Time will be strictly enforced; 10 plus 5. I ask my colleagues to stay on the floor for these last 2 votes. I yield the remaining time to the Senator from Georgia.

Mr. ISAKSON. Mr. President, there have been no hearings on this amendment. The Senator from Massachusetts knows full well the mine safety bill has been heard for over 6 months. I have worked with him.

This amendment takes civil penalties and makes them criminal. I worry about the worker going to work and getting hurt, but I worry about destroying the incentive to employ anyone by imposing punitive, arbitrary assessments on them, all because we sneak an amendment in at the last minute on a bill that is on an entirely different subject. I urge everybody to vote with me, because I am going to move to table the Kennedy amendment, and I encourage a yea vote.

Mr. President, I move to table the amendment and 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. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

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. 141 Leg.]

YEAS—56

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Coleman	Kohl	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

NAYS—41

Akaka	Durbin	Lincoln
Baucus	Feingold	Menendez
Bayh	Feinstein	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Landrieu	Salazar
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	

NOT VOTING—3

Enzi	Rockefeller	Sarbanes

The motion was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think we have had a fast-moving day. I have been authorized by the leader to say there will be no further rollcall votes tonight after this vote. We start tomorrow morning at 8:30 with the McConnell amendment. We will vote at 9:30 on the McConnell amendment. Of course, we have a cloture vote at 10 o'clock.

I thank my colleagues for their cooperation. I yield 1 minute to the Senator from Texas, Mr. CORNYN.

AMENDMENT NO. 4142

The PRESIDING OFFICER (Mr. MARTINEZ). The next vote is on the Durbin amendment. There is 2 minutes equally divided.

The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. Mr. President, last week, by a vote of 99 to 0, we created a humanitarian waiver for undocumented people in the United States who are seeking to get on the pathway to legalization. We said we would allow a nonreviewable look by the Secretary of Homeland Security at the cases of certain undocumented immigrants who would otherwise by ineligible for legalization.

This amendment says if you are currently legally in the United States and, as a result of changes in the law made by this bill, may be deportable for failing to include a piece of information on an immigration form, an immaterial omission, you also could qualify for the same kind of humanitarian waiver, nonreviewable by a court.

It is the same standard for legal residents that last week we approved for the undocumented. I hope the Senators on both sides will support the amendment.

Mr. CORNYN. This amendment would waive deportation for aggravated felons. It would result in a green card, irrespective of legalization, requiring no payment of taxes, no requirement of learning English, and no fine.

I believe it would result in the legalization of roughly 6 million individuals under this standard contained in this amendment.

I urge my colleagues to vote ''no'' on this amendment.

I move to table the 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 Durbin amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

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

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—63

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Allen	DeWine	McConnell
Baucus	Dole	Murkowski
Bayh	Domenici	Nelson (NE)
Bennett	Dorgan	Pryor
Bond	Ensign	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Schumer
Burns	Grassley	Sessions
Burr	Gregg	Shelby
Byrd	Hagel	Smith
Chafee	Hatch	Snowe
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Coleman	Johnson	Thomas
Collins	Kyl	Thune
Conrad	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NAYS—34

Akaka	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Jeffords	Nelson (FL)
Boxer	Kennedy	Obama
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Salazar
Dayton	Lautenberg	Specter
Dodd	Leahy	Stabenow
Durbin	Levin	Wyden
Feingold	Lieberman	
Feinstein	Menendez	

NOT VOTING—3

Enzi	Rockefeller	Sarbanes

The motion was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I understand from the chairman we will not do any further work on the bill this evening. I would, therefore, ask unanimous consent that Senator SHELBY be allowed to speak for up to 8 minutes, immediately following this statement, and that I then be allowed to speak for up to 5 minutes following that.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Mr. President, reserving the right to object, could I just be added to the list of speakers?

Mr. CRAIG. I ask the Senator, how much time would she like?

Ms. LANDRIEU. Thirty minutes.

Mr. CRAIG. I follow Senator SHELBY. I ask unanimous consent that the Senator from Louisiana be allowed up to 30 minutes following me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, while S. 2611, the immigration bill, contains important titles addressing border security and worksite enforcement, the bill, as everyone knows, also contains titles relating to amnesty for illegal aliens and the creation of a massive new guest worker program which will undermine true immigration reform, in my opinion.

The most problematic provisions of S. 2611 are as follows:

One, I want you to know I opposed amnesty 20 years ago. It did not work then, and I do not believe it will work now.

Two, our first priority should be to secure our borders. Any discussion of amnesty takes away from that priority, in my judgment.

Three, supporters of these amnesty provisions say it is not amnesty but what they call ''earned legalization.'' I am not here to argue about semantics or labels. Whether you call it: ''amnesty,'' ''status adjustment'' or ''guest worker,'' the result is that individuals who came here illegally will now be considered legal workers and on their way toward citizenship. That is the bottom line.

Four, under the so-called compromise that is working here, those who have broken the law the longest are treated the best.

Five, those who can prove they have been here 2 to 5 years still do not have to leave the country and are, hence, still treated better than those waiting to enter legally.

Six, the bill has minimal requirements on proving that an illegal alien has worked or will work in the future. What few provisions there are seem very vulnerable to fraud.

Seven, this bill mandates that illegal workers are paid a higher wage than many American workers in the same position with the same qualifications.

Eight, the supporters of this bill claim that back taxes will be paid for past labor. But a close reading of the bill shows that these back taxes will only be paid, if at all, 8 years down the road when applying for a green card, not as a requirement to receive the H–2C visa.

Nine, this bill drastically increases the number of employment-based green cards issued annually. What will happen to the American worker when unemployment goes up and so many foreign workers, who are willing to work for less, have been given citizenship?

Ten, today, before the implementation of any reforms, the ability of our immigration officials to process applicants who are following the law is severely taxed. This bill will surely have a negative impact on those foreign workers who have followed the rules and are waiting patiently in their home country to legally come to this country.

Eleven, while others say comprehensive immigration reform must include these amnesty provisions, I feel strongly they will only serve to encourage further illegal immigration in the years to come.

And my 12th reason, the bottom line is, this bill, in my judgment, rewards past lawbreaking and encourages future lawbreaking. I am willing to bet that if this bill is enacted, we will only revisit this problem 20 years—perhaps before 20 years—down the road. Only then, we might be talking about 20 million to 30 million illegal immigrants.

Those are some of the reasons—and there are many others—why I will vote ''no'' on the final passage of this legislation.

Ms. COLLINS. Mr. President, I rise today to express my support for a provision in S. 2611 that will level the playing field for minor league sports teams that depend on getting the best athletic talent. Under current law, minor league players who have to use the H–2B visa category face severe visa shortages, while Major League players qualify automatically for plentiful P–1 visas. This unfair discrepancy in the law needs to be remedied, and my amendment, which was accepted by the Judiciary Committee and is now in the underlying bill, provides a commonsense solution.

By way of background, H–2B visas are intended for use by industries facing seasonal demands for labor, such as the hospitality and agricultural industries. What many people do not know is that, in addition to loggers, hotel and restaurant employees, and many other types of seasonal workers, the H–2B visa category is also used by many talented, highly competitive foreign athletes who are recruited by U.S. teams.

A chronic H–2B visa shortage over the last few years has posed challenges for all industries using the H–2B visa category. In both fiscal years 2004 and 2005, the 66,000 visa cap was met early in the year. While we were successful last year in crafting a temporary 2-year fix for the H–2B shortage, this fix will expire at the end of the current fiscal year. I commend my colleague from Maryland, Senator MIKULSKI, for offering an amendment to this bill that would extend the current exemption of returning H–2B workers until 2009.

However, solving this problem goes beyond fixing the H–2B visa cap. Minor league players simply do not belong in the same visa category as seasonal workers. There is no reason why Major League players can qualify automatically for P–1 visas, which are granted to talented athletes, artists, and entertainers, while minor league players cannot. My amendment would remedy this unfair situation.

The problem of requiring minor league athletes to use the H–2B visa category has posed a particular challenge to those of us in Maine who enjoy cheering on our sports teams. The MAINEiacs, a Canadian junior hockey league team that plays its games in Lewiston, ME, has faced tremendous difficulties obtaining the H–2B visas necessary for the majority of its players to come to the United States to play in the team's first home games.

Last year, due to uncertainty surrounding the availability of H–2B visas at the end of the fiscal year, the team had to reschedule its season home opener and cancel several early season games. This forced the team to schedule make-up games for those normally

played in September. The problems created by the visa situation creates an unnecessary hardship for this team, in addition to threatening the revenue the team generates for the city of Lewiston and businesses in the surrounding area.

The Portland Sea Dogs, a Double-A baseball team affiliated with the Boston Red Sox, is another of the many teams that relies on H–2B visas to bring some of its most skilled players to the United States. Thousands of fans come each year to see this team, and others like it across the country, play one of America's favorite sports. Due to the shortage of H–2B visas, however, Major League Baseball reports that, in 2004 and early 2005, more than 350 talented young, foreign baseball players were prevented from coming to the U.S. to play for minor league teams. These teams have been a traditional proving ground for athletes hoping to make it to the major leagues and players often move from these teams to major league rosters.

The inclusion of these highly skilled athletes in the H–2B visa category seems particularly unusual when you consider that major league athletes are permitted to use an entirely different non-immigrant visa category—the P–1 visa. This visa is available to athletes who are deemed by the Citizenship and Immigration Services to perform at an ''internationally recognized level of performance.'' Arguably, any foreign athlete whose achievements have earned him a contract with an American team would meet this definition.

CIS, however, has interpreted this category to exclude minor and amateur league athletes. Instead, the P–1 visa is typically reserved for only those athletes who have already been promoted to major league sports. Unfortunately, this creates something of a catch-22 for minor league athletes—if an H–2B visa shortage means that promising athletes are unable to hone their skills, and to prove themselves, in the minor leagues, they are far less likely to ever earn the major league contract currently required to obtain a P–1 visa.

A simple, commonsense solution would be to expand the P–1 visa category to include minor league and certain amateur-level athletes who have demonstrated a significant likelihood of graduating to the major leagues. Major League Baseball strongly supports the expansion of the P–1 visa category to include professional minor league baseball players. In correspondence to me, the league has pointed out that, by making P–1 visas available to this group of athletes, teams would be able to make player development decisions based on the talent of its players, without being constrained by visa quotas. The P–1 category, the league believes, is appropriate for minor league players because these are the players that Major League clubs have selected as some of the best baseball prospects in the world.

There is no question that Americans are passionate about sports. We have high expectations for our teams, and demand only the best from our athletes. By expanding the P–1 visa category, we will make it possible for athletes to be selected based on talent and skill, rather than visa availability. In addition, we would reduce some pressure on the H–2B visa category making more of those visas available to the industries that need them.

I am pleased that this important provision is included in S. 2611, and I thank the Judiciary Committee for their willingness to incorporate it into the underlying bill.

I ask unanimous consent that letters endorsing my amendment from the Lewiston MAINEiacs Hockey Club and Major League Baseball be printed in the RECORD.

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

LEWISTON MAINEIACS
HOCKEY CLUB, LLC,
Lewiston, ME, April 7, 2006.

Re ''MAINEiacs'' amendment to enable American sports teams to recruit talented players from abroad.

Hon. SUSAN M. COLLINS,
Russell Senate Office Building,
Washington, DC

DEAR SENATOR COLLINS: I wish to express the Lewiston MAINEiacs Hockey Club's support for your efforts with regards to ''MAINEiacs'' amendment to enable American sports teams to recruit talented players from abroad.

The Lewiston MAINEiacs Hockey Club is the sole U.S. based franchise in the 18-member Quebec Major Junior Hockey League (QMJHL). The QMJHL together with the Ontario Hockey League (OHL) and the Western Hockey League (WHL) make up the Canadian Hockey League which comprises a total of 58 teams. Of those 58 franchises, 9 are located in the United States (OHL–3, WHL–5, QMJHL–1).

The CHL is the largest developer of talent for the National Hockey League (NHL). More than 70% of all players, coaches and general managers who have played in the NHL are graduates of the Canadian Hockey League.

The majority of players in the Canadian Hockey League are Canadian, although each team is permitted to have a maximum of 2 Europeans on their rosters. There is also an increasing number of elite U.S. born players now playing in the league.

In January of 2004, the City of Lewiston purchased the Colisée in order to complete the first round of renovations to the facility which was in excess of two million dollars. The Colisée has undergone a second phase of renovations in excess of 1.8 millions dollars that entails a three-story addition to the front of the building providing for new offices, box office, pro-shop, food and beverage concessions and a new private VIP suite that can accommodate more than 130 fans per game. The City of Lewiston contracted the day-to-day management of the Colisée to Global Spectrum, a subsidiary of Comcast-Spectacor, one of the largest and most successful facility management companies in North America.

The results of the current visa laws have forced all U.S. based franchises in the CHL to delay the commencement of their regular season until or after October 1 of each year due to the restrictions of the of the H–2B temporary work visa regulations. This has caused significant hardship on teams, their facilities and the 3 leagues. U.S. based franchises are forced to try and make-up games that would normally be scheduled in the month of the September later in the season, putting both the teams and their fans at disadvantage before the season even commences.

Under your leadership, should congressional legislation make available P–1 visas to Major Junior players of the CHL, the success of all 9 U.S. based CHL franchises would be greatly enhanced by ensuring that all 58 teams have an equal chance at attracting and developing the best available talent.

It is the hope of the Lewiston MAINEiacs that your colleagues in the Senate follow your leadership and endorse your recommendations for the amendment to the immigration reform bill to ensure the viability and success of not only our franchise—but the 8 other U.S. based clubs in the Canadian Hockey League.

Sincerely,

MATT MCKNIGHT,
Vice President & Governor.

OFFICE OF THE COMMISSIONER,
MAJOR LEAGUE BASEBALL,
New York, NY, April 27, 2006.

Hon. SUSAN M. COLLINS,
Russell Senate Office Building,
Washington, DC.

Re legislation for nonimmigrant alien status for certain athletes.

DEAR SENATOR COLLINS: I write to express Major League Baseball's support as you redouble your efforts to make Minor League players eligible for P–1 work visas.

Unlike other professional athletes, baseball players need substantial experience in the Minor Leagues to develop their talents and skills to Major League quality. To get that necessary experience, young players are signed by Major League Clubs and assigned to play for Minor League affiliates throughout the United States, such as Maine's own Portland Sea Dogs.

Approximately 40 percent of these young players come from foreign countries, and MLB must obtain H2–B visas in order for them to enter the U.S. Under current law, however, these visas are capped, and the demand for them is so great across a wide range of industries, many Minor Leaguers are not being afforded the opportunity to play here and develop into Major League baseball players.

The lack of available visas prevented more than 350 young baseball players from performing in the United States in 2004 and 2005, and will prevent even more from doing so this year. Additionally, over the past few years several Clubs have shied away from drafting foreign (mostly Canadian) players whom they otherwise might have selected in the annual First-Year Player Draft, because of the risk of not being able to obtain visas for those players. In fact, in 2004, signings of Canadian players declined 80% over the previous year, and in 2005 only four of the twenty-five Canadian players who were drafted were eventually signed by a Club. The resulting impact on the quality of the product on the field is significant, particularly for almost forty million Americans who attend Minor League Baseball games each year.

Under your leadership, Congress can ensure that the best baseball prospects from around the world will have the opportunity to develop here in the United States, without the constraint that the H–2B visa cap imposes. Minor League Baseball shares our support of your efforts. The Major League Baseball Players Association also supports allowing the best young players to develop here in the United States.

Major Legue Baseball hopes that your Senate colleagues will follow your leadership

and pursue a legislatiye remedy to a problem that is threatening to weaken Baseball's Minor League system.

Sincerely,

ROBERT A. DUPUY,
President & Chief Operating Officer.

Mr. ENSIGN. Mr. President, I ask unanimous consent that a copy of a letter addressed to me from Mark J. Sprinkle in support of amendment No. 4076, which was agreed to yesterday, amending S. 2611, be printed in the RECORD.

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

SENATOR: I returned home last night from my two weeks of Annual Training (AT) with the National Guard. I was able to meet many of the soldiers I will serve with in Iraq. They all seem great and I look forward to working with them to accomplish our mission of delivering fuel to units throughout the country. We did some excellent training in Hawthorne. We were able to see some examples of IEDs, work on convoy procedures and tactics, and do innovative things like firing M-16s from the windows of our moving trucks at targets 50 and 250 meters away. This training was enjoyable and it really tied into what we'll be doing over there.

When I got home, I caught a replay of the Armed Services Committee meeting regarding the role and mission of the National Guard on the border. I agree with the comments of Lt. General Blum of the NGB that the Guard will prove more than capable and effective in helping to secure the border. All people enjoy accomplishing tasks and helping others. I think it would be a great feeling for an engineer to build a road that will be there for decades and for a helicopter medevac crew-member to rescue a sick or injured person in the desert. It is a tremendous idea to use the Guard in this capacity. It will help units stay sharp and prepared by having them use the same skill sets that they will use in fulfilling their missions during natural disasters and in warzones. I also like the idea of having units rotate in during their two week AT. That would be great training and it sure beats sitting in an armory for 15 days. Your amendment to reimburse states with federal funds is great and I hope that governors will allow their units to assist the Border Patrol in accomplishing their vital mission of securing the border. Well Senator, just some thoughts and observations from your local guardsman.

Sincerely,

MARK J. SPRINKLE.

The PRESIDING OFFICER. The Senator from Idaho.

BREACH OF SECURITY WITHIN VA

Mr. CRAIG. Mr. President, I come to the floor of the Senate briefly this evening to visit with my colleagues about an issue that we all now know about to some degree; and that, of course, is the very serious breach of security that occurred within the VA earlier this month.

My office, like yours, is lighting up with phone calls from concerned veterans wanting to know how this could happen and what type of risk they are facing.

So I thought I would take this moment, as the chairman of the Veterans Affairs Committee in the Senate, to visit with my colleagues about it: No 1, to lay out the facts as we know them—they are limited because this is an ongoing investigation and, therefore, the FBI has denied VA the right to talk in any great detail about this breach of security—and, No. 2, to provide all of you with some context in which to think about this issue.

First, what we know is that the information was taken to the home of a VA employee in violation of VA policy. We also know that the employee who took the information was authorized to view it. So this was not a case of unauthorized personnel looking at sensitive information. We also know that the employee was the person who brought the loss of the information to the attention of VA officials.

So what we have is an employee, authorized to view information, who took the information home, apparently to do work in violation of agency policy, and then immediately informed the agency when the theft of the data became apparent.

Certainly, the employee should face some consequence for his or her action. Obviously, he or she should have known not to remove that type of information from VA's protected data system. However, at this point, the actual removal of the data does not appear to be a crime at all.

Of course, the FBI is still investigating whether any criminal behavior occurred. At this point, they do not suspect any foul play on the part of this longtime Federal employee. Rather, they only suspect a random act of burglary at the employee's home that, unfortunately, compromised this very important information.

I must tell you that I struggle—a little—with the question of whether VA, or any Government agency, should keep information like the type that was lost without any real reason to do so. But I also know that when Americans contact their Government or veterans file a claim, they expect, in this day and age, that they will have their information. So there is a disconnect with what we expect and the security we expect it to be held with or if that information should be held at all.

So given the expectations of our consumers, in this case our constituents, I think we need to make sure we have a uniform set of guidelines for training our employees all across Government, and that then we work on putting in place a system with enough checks and balances to be sure that no employee can abuse information data bases of any agency.

Frankly, this problem is not likely limited to VA. Many Federal agencies keep records on citizens that contain sensitive information. It is not just IRS or HHS. There is information maintained by the Department of Education, that comes from the free application for Federal student loans or the Department of Agriculture, which provides crop assistance plans and crop insurance and a variety of other kinds of things.

All of these agencies have names and addresses and Social Security numbers. They must be secure. At the same time, we need employees who can use that information for legitimate purposes to serve our constituencies in a timely fashion.

All of this will require thoughtful balancing on the part of this Congress. We have to balance every doctor's need to see a veteran's medical records with the legitimate concern that one too many nurses on the floor have access to those records for no reason.

I hope what took place at the VA a few weeks ago is only an isolated incident of bad judgment by a dedicated employee seeking to do a little work at home on his or her own time. But we must not ignore the fact that it appears, at this time, that getting that information to his or her home was very easy. That cannot be tolerated because it may well have been a breach of policy but not a violation of law.

So my committee will hold hearings this Thursday with VA officials to examine what their policies and practices are with respect to sensitive information and how we can assure that a breach of security such as this does not happen in the future.

We will also be asking the right questions about the security of veterans themselves and if VA is doing all they possibly can do at this time now, along with the IRS and the Social Security Administration, to make sure that veterans whose names were on that list—some 26 million, of which 19 million had critical information—be treated fairly and responsive to assure, if we can, the protection of their information base.

It is fundamentally important that our Government and the Veterans' Administration respond as quickly as they can. And there is every indication, at least at this moment—which our hearing, I trust, will bear out—that they are moving in the right direction to assure that.

This may have been the largest breach of ID in our Nation's history. We need to make sure, as a Congress and as a Senate, that this cannot happen in the future and that there are exacting guidelines to assure this will not occur. In a day of electronic data and access that is unique and sometimes very easy, we need to make sure we are current with all of our needs, without providing names and information that is not necessarily needed to be held by our Government.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HURRICANE SEASON

Ms. LANDRIEU. Mr. President, I know the debate today and for the past several days has been focused on immigration. The Presiding Officer has been active in the negotiations, and I commend him for his good work. It has been a tough debate on a very important issue—an issue of security, fairness, and justice. It is an issue of economics, and it affects all of our States. It affects what America stands for. We have spent an inordinate and appropriate amount of time on that subject.

Tonight, I come to the floor to speak about another issue very close to my heart and to the people of Louisiana, particularly with regard to the closeness of the arrival of the hurricane season. It is hard to believe that we are about ready to face another hurricane season again. June 1, a few days from now, is the first official day of the hurricane season. It comes this year bringing a lot more fright and anxiety to the gulf coast because we were hit by a powerful series of storms last year that devastated parts of Florida and a great part of the gulf coast from Mississippi through the whole of south Louisiana, into the city of New Orleans and the metropolitan area, and then on into Texas.

And two of those storms were the worst to hit the United States of America. The devastation and the amount of damage is still climbing. A report I saw today was that the damage is now $150 billion and climbing. Hurricane Andrew, which was the greatest storm to hit the United States and to hit your State, Mr. President, was $40 billion. We are now at $150 billion and climbing. We have lost, of course, over 1,300 people. People were killed by the storms and the flooding that ensued from the multiple breaks in the levees that have put a major American city and region—not just New Orleans, but St. Bernard Parish and Plaquemines, which often get left out of the debate. They are two of the parishes that lie south of New Orleans, as they hold the Mississippi River, if you will, that splits their parishes in half. It affected the southwestern part of our State as well.

That doesn't get mentioned as much as it should—little towns such as Creole and big towns such as Lake Charles took a tough hit, and parishes such as Vermilion and little towns such as Erath, where almost every home was destroyed or very damaged.

Having said that, it added insult to injury that this particular coast that got battered so badly by these storms is also America's only energy coast. This is the only energy coast in America, the only four States that right now will allow drilling of oil and gas off their shores to provide for the economic vitality of this Nation and to provide the oil and gas necessary to run the electric grid in this country and the transportation systems in this country, and to run energy from lights to the entire energy grid.

I have been on this floor many times in my time in the Senate—now almost 10 years—to talk about this subject. I thought I would take a few minutes tonight, because we are approaching hurricane season, to remind the Senate that while immigration is a very important issue, and we want to bring closure to that this week, I hope that very soon we will get back to another issue of great interest and security for the Nation, and that is the issue of energy security. It starts, in my view, with providing some more understanding and more help to those States that are providing the oil and the gas for this Nation, as we seek to open up new places to drill in the Gulf of Mexico, which has become known as a section of the gulf called lease-sale 181. I hope that bill will be considered. It came out of the Energy Committee that the occupant of the chair and I serve on. I think that bill will come to the floor for some discussion.

As that bill moves to the floor and we move to the focus on energy and energy security, I want to take a few minutes to talk about this gulf coast area and how much we contribute and how, without some stream of revenue—whether we get it from lease-sale 181 or from other offshore drilling—to secure the wetlands that we are losing at an alarming rate, to provide some energy-related protection of this infrastructure, to provide for the restoration of these wetlands this energy coast will continue to be at risk.

If my colleagues and the people in Congress think that $150 billion is a lot of money, just wait until we go through a couple more hurricane seasons to really feel the effect of underinvestment over time, to a point where it is almost criminal. Let me repeat—an underinvestment over time that borders on being criminal.

I have some new charts, since I have used all my old ones up for 10 years of this debate. This is a satellite photograph from USGS of all of the pipelines and flow lines in the United States off of the shore. I have come down here so many times to say that the offshore oil and gas industry could not even exist if it were not for the partnership, which we have done thus far proudly and willingly—but that is wearing thin—we have done it proudly and supported the oil and gas industry for now almost 45 years off of our shores. You can see this is the Louisiana coastline. This is the Mississippi coastline. This is Texas.

This is all of the pipelines and flow lines connecting thousands of wells that are in the Gulf of Mexico bringing oil and gas to a nation that is thirsty for oil and needing gas, because the supply is so low and the consumption is so high and the prices are going up. The four States that are putting their shoulder to the wheel every day are Alabama, Mississippi, Louisiana, and Texas. This is the picture that proves it.

This is out on this map about 200 miles of activity. So for some people who have said the drilling is so far off your coast that the people of Louisiana don't have anything to do with it, let me explain that you cannot access grids and rigs and oil and gas without pipelines, gadgets, widgets, drills, well heads, and supply boats. It is impossible. Every single widget, gadget, and supply boat either comes by boat or helicopter out of one of these many ports that have proudly supported this industry. You can see the line stops at the Mobile Bay. The reason is because Florida, which consumes more energy than almost any State relative to its lack of production—consumes but has not produced. Florida is not the only State. I could show you a chart of California and Michigan and New York—States that consume a lot of energy but have not been willing to produce it in any way, either by nuclear, by wind, or by strict conservation—except for California; I will give them credit for conservation measures. But other States won't do conservation or production.

I don't know if you can see this thin line. Last year, the industry went ahead, because of this policy, and laid a pipeline all the way to Florida to provide gas to Florida. But we have to drill it off of Alabama's coast and then send it to Florida free of charge.

I am going to show you another chart that says the same thing, but it is a little different. When I say that the gulf coast is America's only energy coast, this is another way to look at it. Every one of these green blocks—this goes out 200 miles into the gulf—were active leases prior to 2003. That is the green. They are active leases issued in 2003, which were the last lease-sales; 185, 187, and 189 are the light yellow. And then the red have been withdrawn from leasing. Not many. The active leases issued in 2004.

Basically, the green and yellow are leases. From these leases are produced, for the Federal Treasury—I remind everybody that we are running a serious deficit. So besides contributing oil and gas, we also contribute a lot of money to the Treasury. We are sending to the Federal Government every year $6 billion. It was $2 billion when I got here; now it is $6 billion. Before I leave, it will probably go up to $15 billion, assuming I can get here another term. So $6 billion goes from the royalties by passing all of the communities here that build the widgets, gadgets, supply boats—over all the heads of the workers that drill, over all their homes that are underwater and ruined, over all of the wetlands that are being infringed upon, and in a fairly critical way.

Although we have made a lot of changes in our environmental laws, the problem is that a lot of these canals were drilled in the 1930s and 1940s. I am sorry, I wasn't born to try to help protect them then. But like my daughter said the other day, I am born now. We tried our best in the last couple of years, with the little money Louisiana had to do some of this work, but we

cannot possibly do this work on our own. We should not have to, Mr. President, because we send to the Federal Treasury—which is much wealthier than the State of Louisiana and Mississippi and Alabama, three of the poorest States in the Union—and even Texas has a lot of poor and lower middle-income people. We are subsidizing the National Government, giving them the oil, giving them the gas, and then giving them all the money. It just has to stop.

We need some money to restore our coast, to build levees, and to protect the infrastructure that is at risk. We were very fortunate that even with this powerful storm, most everybody in the industry has worked very hard to create very good technology so that these rigs and platforms can withstand a lot of wind pressure and strong waves. Every time a storm comes, the industry, because it is innovative, gets better and better. But there were some close calls with these platforms. They are still not completely up in the gulf.

I will show you one more chart. When people say what about gas, this is oil and gas. I will show you what the gas trunk looks like. This is billion cubic feet flow levels. The areas do not include LNG imports. This is just what we drill ourselves. If we put imports here, I don't know what it would look like because nobody wants to put a liquefied natural gas plant anywhere except where? Texas, Louisiana, and Mississippi again. Everybody has siting problems with liquefied natural gas that comes imported. Here we step up again and are building some of the largest liquefied natural gas plants so we can get gas from other places. Agriculture in every State, particularly the Midwest, needs these gas prices to come down. They are having a great deal of difficulty in the Midwest. They are having a great deal of difficulty in Illinois and in New Jersey and in Delaware.

The chemical industry runs on very slim margins. So who comes to the rescue? Louisiana and Mississippi, all the gas coming through here to try to keep everybody happy and working. And we cannot get one penny from these royalties in any significant way.

Well, it is not true that we have not gotten one penny. What is true is that Senator DOMENICI, with his great leadership, recognized this and has been a wonderful help and supporter. Last year, in the Energy bill, he gave us, for the first time, a billion dollars. We were grateful. But it is a billion dollars over a few years. We have to divide it among the States. It sounds like a lot, but it doesn't go very far. We need a long-term commitment so that we can count on money year after year to do what we need to do in this community.

I want to show one more that is even more dramatic. I am going to get to this for Texas and Mississippi and Alabama. But this shows the oil and gas wells inside the coastal zone. This is how many wells we have. If you would see our whole State, you could not believe it. Most of this land is private land, unlike the Western States that came into the union with a lot of Federal land. This is private land. So private landowners get a royalty. That is fine. The State gets some money. While it looks like a lot of money the State would be getting, these wells were drilled decades ago, in many cases. Some of them are still producing, but some of them are not.

Outside this coastal zone—this is our 3-mile line—outside this coastal zone, according to the law which I am trying to change, we get no revenues from these wells.

The final chart is pretty frightening, actually. This is a chart of the hurricane tracks from 1955 to 2005. This is how many hurricanes have hit the gulf coast and the east coast from 1955 to 2005. The blue line is the track of Hurricane Rita, and the yellow line is the track of Katrina. Both of these storms were at some point in their track category 5 storms. Within 3½ weeks, they hit the east side of Louisiana and then right to the Louisiana-Texas line.

For the State, it was terrible to have two very big storms hit, but as a Senator, I have to tell you, I said a thanksgiving that it didn't hit Houston straight-on because if it had hit Houston and Galveston and put that energy sector out—Katrina had done a great deal to put out Port Fourchon, which is the only energy port in the Nation right on the coast—I don't know what would have happened to the lights in America. Maybe they would have all gone off. But nobody seems to care about that.

I promise my colleagues, as sure as I am standing here, there will be a series of storms that plow into this gulf coast. The water is getting warmer. I don't know how many times people have to write articles, give speeches, or write books about the fact that global warming is happening. One can argue about its causes, but nobody can argue that it is actually happening. When the waters warm, any scientist will tell you these storms are going to pick up in intensity and in frequency.

I need to ask the Congress: What more will it take? What more will it take before we act to give the gulf coast a portion of their revenues to protect themselves so that we can protect everyone else? What more has to happen? How many more storms? How much more loss of property? How many more close calls before we have to shut down the rigs and the pipelines and put America's lights out and put our economy at even greater risk?

I go to my office and I ask my staff: Is there some other chart we can come up with that could show people the danger? Is there some other speech I can give?

I might not be making myself clear, so I am asking the Senate tonight, as we wind down the immigration bill and as we think about moving to lease sale 181 or maybe a mini Energy bill because we have lots of problems in the energy sector, lots of challenges, can I please ask one more time: Can we please get some funding out of the new revenues that are being generated off America's only energy coast to give the people of the gulf coast some resources so they can protect themselves a little better?

If somebody tries to tell me, Senator, why don't you just have everybody move, if I have to hear one more person say we have to get everybody to move or we have to move out of New Orleans—New Orleans is not even on the coast. We are not on the coast. Miami is on the coast. Savannah is on the coast. Gulfport is on the coast. Beaumont is on the coast. New Orleans is not on the coast. We are 100 miles from the coast. But if these wetlands continue to erode at the rate they are going, we are going to be talking about Little Rock as a coastal city. I know I am exaggerating a little bit, but I promise the Senate that this coastal erosion is moving at such a rapid rate that not only is New Orleans at risk, Baton Rouge is at risk, Lafayette is at risk, Lake Charles is at risk, and then we have Galveston, Beaumont, and Houston.

We just cannot move everybody back 200 miles from the coast. In fact, the last time I looked at this data, all along the coast of the United States and growing mostly in Florida, people are moving to the coast. We may be the only State where people are actually moving away from the coast, but the coast is moving to us. We are not moving to the coast to build condominiums or golf courses. We can't build a golf course in a wetland, and we can't put a big skyscraper up in the wetlands.

We moved little communities so that we could construct a fishing industry for the Nation. We run the great ports that benefit the whole country, and we run the oil and gas industry that benefits the Nation. We are not on the coast sunbathing and building condos. But if the country wants everybody along the coast to move, then I suggest some agency come up with an evacuation and relocation plan that can proceed to move tens of millions of Americans because that is exactly what we are going to have to do because two-thirds of all Americans live within 50 miles of a coast. But New Orleans is not 50 miles from a coast.

The Netherlands has a much better plan. I am going to save that speech for another time. There are countries—not America—in the world that use their technology, use their resources, use their brains, and use the money they get from oil and gas by placing it into good levees, good dikes, good engineering, and they protect their people as best they can. We cannot stop these storms. Nobody can stop them. But a smart country, a country with good policies, mitigates and protects and puts up smart barriers and learns to work with the water and the wind much better than we are doing.

With this chart in the background, I conclude by saying, let us move, after immigration, to an energy subject. Let us take the opportunity Senator DOMENICI is going to give us to bring lease sale 181 up for debate. I will show where it is. Lease sale 181 is going to be a new area, which sits on the border of Alabama and Florida, that we are going to try to open.

I know, Mr. President, this is a sensitive subject for Florida because I have worked with you and Senator NELSON.

The Presiding Officer and Senator NELSON have been outstanding in their advocacy of trying to balance the needs of Florida and their tourism industry, which we have as well, with the needs for the gulf coast.

As we can see on this map, there is plenty of room to give a buffer to Florida that is reasonable and allow for more drilling. That is the idea. It has to be reasonable and provide some additional areas to get some oil and gas far enough off the coast so it will not affect the beaches because Florida does have a tourism industry based on beaches. Our tourism industry is not based on beaches. We only have two beaches, and they are only 7 miles long, and we can't hardly get to them. But we have great wetlands and we are proud of them. We have a lot of ecotourism, pirogues, canoes, hunting and fishing, which is extraordinary in our State, and we are proud of that, just as Florida is proud of its beaches.

Mr. President, you heard me say this to you privately many times. Half the people of Louisiana have grown up on the beaches of Florida. We don't have that much money. We can't go that far. So we manage to go to the Mississippi, Alabama, and Florida beaches. We are happy for the day or two spent on a beach in Florida. We are happy for it. But there is a reasonable compromise to be had.

I have been proud to work with many of my colleagues to try to come up with a way to open up this drilling, provide revenue sharing for these States on the gulf coast that have given so much and that want to continue to give and benefit the Nation, and finally to give our people some hope.

It has been a struggle to build the levees through the years. We needed to repair the levees that broke. The hope that we could give to our people all along the gulf coast as hurricane season starts June 1—hurricane season starts June 1. Millions of people living along this coast are reading the reports that this hurricane season might be worse than last. Wouldn't it be wonderful for the Congress of the United States to say this is a security issue for America, that this means a great deal to us, and we are going to act now to provide some hope to the people of the gulf coast?

We have lived in this area a long time, and we are going to stay living here. We have been living here for over 300 years. We were a colony before there was a country. We were living here, and we are not leaving. Whether the country helps us or not, we are going to stay here and keep doing our job. It has gotten to the point where it is so grossly unfair. We have to find a solution so that the people who live here can have hope that the country they live in actually cares about them, not just about how fast they can get out to the rigs to turn on the oil and gas for everybody else, but maybe we would care enough about their homes that have been flooded and the children's schools they can't go to or their churches that got flooded and help them to rebuild their homes, their schools, their churches so they can continue to work out on these rigs and send the oil and gas to New York and to Illinois and to Florida.

We will build smartly, we have built smartly, and we will build even more in that way, but we cannot abandon this coast because if we did, who would keep the rigs working? Who would keep the pipelines open? Who would navigate the ships up the port?

Mr. President, I have taken all or maybe more of my 30 minutes, and I appreciate the time. Again, when we get to lease sale 181, let's try to come together and come up with a reasonable solution, one that works for the Nation, one that works for the gulf coast States, and one of which we can actually be proud.

I yield the floor.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

LANCE CORPORAL ROBERT LOUIS MOSCILLO

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Marine Corps LCpl Robert Louis Moscillo of Salem, NH, for his service and his supreme sacrifice for his country.

Robert, also called Bobby by family and friends, was a 2003 graduate of Salem High School where he played baseball and was on the wrestling team. On January 22, 2005, he answered a call to serve our country during these tense and turbulent times by enlisting in the U.S. Marine Corps. He successfully completed recruit training, marine combat training, combat engineer school, and the Martial Arts Program with a Tan Belt and was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA, where he served as a combat engineer. In February 2006, Bobby deployed to Iraq in support of Operation Iraqi Freedom and the following month was promoted to the rank of lance corporal.

Tragically, on May 1, 2006, this brave 21-year-old marine was killed in action by an improvised explosive device explosion while conducting combat operations against enemy forces in the vicinity of Fallujah in the Al Anbar province of Iraq. His awards and decorations include the Sea Service Deployment Ribbon, Iraq Campaign Medal, Purple Heart, Combat Action Ribbon, Global War on Terrorism Service Medal, and the National Defense Service Medal.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and Bobby served in that fine tradition. Daniel Webster said, ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' Bobby was one of those proud and dedicated volunteers who believed in fighting for our country and guarding our precious liberty, and for that we will always owe our sincere gratitude. His service and sacrifice are a shining example of the highest caliber of person this country can produce. This athletic and spiritual young man realized a calling and chose to employ his youthful energy and considerable talents for his country. He understood that the freedoms and opportunities provided by this Nation need continuous defense and that they are among the most precious gifts he can give to his family and loved ones.

My heartfelt sympathy, condolences, and prayers go out to Robert's parents, Frank and Donna, and his family and friends who have suffered this grievous loss. Robert was, and forever will be, a strong and integral part of his family and will be missed by all. Because of his devotion and sense of duty, the safety and liberty of each and every American is more secure. May God bless LCpl Robert Louis Moscillo.

ARMY MASTER SERGEANT ROBERT H. WEST

Mr. SALAZAR. Mr. President, I rise to commemorate the life of a fellow Coloradoan: Army MSG Robert H. West. Master Sergeant West was killed last week near Baghdad in service to this Nation. He was 37 years old, and lived with his wife and daughter in Arvada, CO.

Master Sergeant West arrived for his second tour of duty in Iraq just 3 months ago. He was there to train Iraqi police officers, shouldering the difficult burden of helping to build lasting peace and democracy in Iraq at a very personal level. Master Sergeant West felt that his firsthand experience as a drill instructor made him a better fit to train Iraqis than many of the young U.S. soldiers serving in Iraq with him. Master Sergeant West's family was not happy about his decision to return to Iraq, but he did so with confidence and courage, telling his aunt, ''I'm a trained professional, it'll be all right.''

One of the hallmarks of Master Sergeant West's life was his commitment to excellence in everything he did. As a

high school football player he spent countless hours in the weight room, and helped lead Elyria Catholic High School's football team to back-to-back Ohio State championships in the mid 1980s.

After graduating high school in 1987, Master Sergeant West joined the Army in 1988, eventually rising to become a tank commander and drill instructor. In this capacity, Master Sergeant West spent countless hours molding wide-eyed, inexperienced young men and women from around the country into strong, confident soldiers. It was this experience that gave him the confidence to return to Iraq to work with that country's growing police force.

In Iraq, Master Sergeant West was assigned to an armored cavalry division, where he conducted house-to-house searches looking for insurgents. During one of these patrols, an improvised explosive device was detonated near his Humvee, and he was killed.

Master Sergeant West's wife Jeannie and their daughter Shelby must know that Robert's service to this Nation, and his sacrifice on behalf of all of us, does not go unnoticed or unappreciated. Robert's service and sacrifice are a profound reminder that the liberty and freedoms we enjoy do not come without a sometimes very personal and terrible cost. As a country and community, we are all humbled by his commitment and offer our grateful support during his family's time of unimaginable grief.

DEATH OF JUDGE EDWARD R. BECKER

Mr. HATCH. Mr. President, the country, the judiciary, and the Senate have lost a patriot, a great man of character and integrity, a gifted judge, and a trusted friend with the passing last week of U.S. Circuit Judge Edward Becker.

Edward Roy Becker was born on May 4, 1933, in his beloved Philadelphia.

He practiced law there for more than a decade, until President Richard Nixon appointed him to the U.S. District Court for the Eastern District of Pennsylvania in 1970.

President Ronald Reagan elevated Judge Becker to the U.S. Court of Appeals for the Third Circuit in 1981. The Third Circuit considers appeals from Federal district courts in Delaware, New Jersey, Pennsylvania, and the Virgin Islands.

Judge Becker eventually served as the Third Circuit's chief judge for 5 years before taking senior status on his 70th birthday in 2003.

Edward Becker lived for nearly all of his 73 years in his boyhood home in the Frankford section of Philadelphia.

He read legal briefs while riding the train to the courthouse, where he was known for what the New York Times described as a lack of grandiosity rarely found in a Federal court.

With an uncanny ability to play virtually any song by ear on the piano, Judge Becker accompanied Supreme Court Justices at their annual sing-alongs that the late Chief Justice William Rehnquist hosted for the law clerks.

When part of Independence National Historic Park, which he could see from his chambers window, was closed after the September 11 terrorist attacks, Judge Becker supported the efforts of a citizens' coalition which succeeded in getting the street reopened in 2003.

Judge Becker was not just any Federal judge.

After more than 35 years on the bench, he was certainly a senior member of the Federal judiciary.

But he served not only the cause of justice but also the institution of the judiciary in such capacities as the board of directors of the Federal Judicial Center and the executive committee of the Judicial Conference of the United States.

His many and varied writings covered topics ranging from the federal sentencing guidelines and rules of evidence to the sixth amendment's confrontation clause and even law journal footnotes.

Imagine that, an entire law journal article about law journal footnotes.

Judge Becker made his judicial mark in many ways. Judges write opinions that follow or apply principles established by the Supreme Court. Judge Becker did that as well but also wrote landmark opinions establishing rules or principles that would later be adopted by the Supreme Court.

His 1985 opinion in United States v. Downing, for example, adopted a standard regarding expert witness testimony.

The Supreme Court cited Judge Becker's opinion in Downing when it adopted the same standard 8 years later in its famous Daubert v. Merrill Dow Pharmaceuticals decision.

Judge Becker was also known for his knowledge and expertise in handling complex litigation.

He served on the board of editors for the ''Manual for Complex Litigation'' and handled many such cases during his years on the bench.

In 1996, for example, he wrote the opinion in Georgine v. Amchem Products concluding that the factual and legal issues in a lawsuit against asbestos manufacturers were too complex to allow certification of the suit as a class action.

Judge Becker's expertise in the area of complex litigation in general, and asbestos cases in particular, led to his role in our ongoing struggle here in the Senate with the asbestos crisis.

He provided invaluable counsel and assistance to the Judiciary Committee, and his enormous wisdom, credibility, and integrity helped guide many complex discussions and negotiations. Every party to those discussions knew that Judge Becker was a straight shooter, a completely honest broker.

Judge Becker could have considered his a strictly judicial role, limited to handling the cases that came before him, but Judge Becker looked past the walls of his courtroom at the judiciary as an institution, the justice system, and the country. He wanted to see the grand principles of justice and fairness actually work in people's lives.

Judge Becker was not afraid to wade into other choppy waters in the interest of the judicial branch.

Joined by several leading appeals court judges including now-Associate Justice Stephen Breyer, Judge Becker sought in 1989 to make some sense out of what had become an almost absurd process for hiring judicial law clerks.

Judges were interviewing students barely finished with their first year of law school. Judge Becker believed that the trend disrupted the studies of law students and demeaned the judiciary's reputation. This was classic Judge Becker. He did not have to tackle such a touchy subject.

Previous efforts to change the law clerk hiring system had failed, and the problem was worse than ever. But he cared so much for the integrity of the judiciary, and for the individuals who served in it, that he tackled it nonetheless. And he did it with the straightforward, no-nonsense, commonsense practicality that characterized everything he did.

Judge Becker both loved and was beloved by his colleagues.

He organized a panel of current and former Third Circuit judges to testify on behalf of their colleague Judge Samuel Alito upon his recent nomination to the Supreme Court. That panel was diverse, opinionated, and completely united in support of their colleague.

Judge Becker and Flora, his wife of nearly 50 years, kept in close touch even with retired colleagues and with colleagues' spouses after they died.

In addition to Flora, Judge Becker is survived by his children—Jon, a teacher in Brooklyn; Susan, a Federal prosecutor in Philadelphia—and Charles, a lawyer in Philadelphia—and several grandchildren.

Our colleague, the senior Senator from Pennsylvania, was a close friend of Judge Becker for more than 50 years. He has said that Judge Becker was one of the greatest Philadephians in that great city's history. That is high praise indeed, considering the pantheon of patriots coming from the birthplace of the Constitution.

Judge Becker embodied so much that is great about this country. He cared deeply about principles of fairness and justice. He wanted those principles actually to work. He was both part of a collegial judicial body and a unique individual with his own personality and character.

He would go to baseball games but take legal briefs with him to read.

His colleague, Judge Marjorie Rendell, once described Judge Becker as ''the perfect combination of Mensa and mensch.''

One of the historic preservationists who worked with Judge Becker to reopen the street in front of Independence Hall said of Judge Becker: ''He was one step below the Supreme Court, but he's such an everyday man.''

Proverbs 16:19 offers a maxim that fits Judge Becker to a tee: ''Better it is to be of a humble spirit with the lowly, than to divide the spoil with the proud.''

By his character, personality, and wisdom, Edward Roy Becker made anyone who knew him better for the experience.

The judiciary, the country, and yes, the Senate, are better because this good man walked and worked with us.

GLOBAL CLIMATE CHANGE

Mr. FEINGOLD. Mr. President, today the Senate Foreign Relations Committee took an important step on the issue of global climate change by passing a resolution, introduced by Chairman LUGAR and Ranking Member BIDEN, that expresses the need for the United States to address global warming through the negotiation of fair and effective international commitments. While it remains to be seen whether the full Senate will take up and pass the resolution, I am encouraged by the growing awareness in Congress of the need to face the facts on global climate change. Just last week, a report was released by a nonprofit group, Christian Aid, which suggests that climate change could lead to millions of deaths in Africa. In my role as chairman and ranking member of the Senate Foreign Relations Subcommittee on African Affairs, I have paid significant attention to the challenges faced by the continent of Africa, and as we look to the future, we must address the consequences our global energy habits will have on less developed nations, in addition to the consequences on our own constituents. I applaud the leadership of Chairman LUGAR and Ranking Member BIDEN on Senate Resolution 312 and I hope that the Senate will move quickly to adopt it.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

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 June 9, 2005, Dwan Prince, a gay man, was attacked by his neighbor Steven Pomie near his Brooklyn, NY, home. During the attack, Pomie shouted antigay slurs as he punched and kicked Prince in the head until he was unconscious. According to police, Pomie knew that Prince was a gay man prior to the attack.

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 Local Law Enforcement Enhancement 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.

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.)

MESSAGE FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1235. An act to amend title 38, United States Code, to extend the availability of $400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 2349. An act to provide greater transparency in the legislative process.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

H.R. 4530. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the ''Scott Reed Federal Building and United States Courthouse'' .

H.R. 5354. An act to authorize the Secretary of Education to extend the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita, and for other purposes.

H.R. 5401. An act to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

The message also announced that the House disagree to the amendment of the Senate to the bill H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. REGULA, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. BONILLA, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mr. SABO, Mr. MOLLOHAN, Mr. OLVER, Mr. VISCLOSKY, Mrs. LOWEY, and Mr. EDWARDS, as managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4530. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the ''Scott Reed Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 5354. An act to authorize the Secretary of Education to extend the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–6911. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Add Kazakhstan, Romania, Russia, Turkey, and Ukraine to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist'' (APHIS–2006–0010) received on May 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6912. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''Aviation Career Incentive Pay and

Aviation Continuation Pay Programs for Fiscal Year 2005''; to the Committee on Armed Services.

EC–6913. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Vice Admiral Keith W. Lippert, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6914. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Robert M. Shea, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6915. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Randall M. Schmidt, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6916. A communication from the Deputy Chief Counsel, Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Air Cargo Security Requirements'' (RIN1652–AA23) received on May 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6917. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a completed study which recommends authorization of an ecosystem restoration project for a 4.8 mile reach of the Rillito River, on the northern edge of Tucson, Arizona; to the Committee on Environment and Public Works.

EC–6918. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition'' (RIN3150–AH93) received on May 22, 2006; to the Committee on Environment and Public Works.

EC–6919. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—June 2006'' (Rev. Rul. 2006–29) received on May 22, 2006; to the Committee on Finance.

EC–6920. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Statutory Mergers and Consolidations'' ((RIN1545–BF36) (TD 9259)) received on May 22, 2006; to the Committee on Finance.

EC–6921. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–102—06–113); to the Committee on Foreign Relations.

EC–6922. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Cuban Compliance with the Migration Accords (October 2005 through April 2006)''; to the Committee on Foreign Relations.

EC–6923. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–6924. A communications from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''National Historical Publications and Records Commission Grant Program'' (RIN3095–AB45) received on May 22, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6925. A communication from the General Counsel, Office of the Director of National Intelligence, transmitting, the report of proposed legislation entitled ''Intelligence Authorization Act for Fiscal Year 2007''; to the Select Committee on Intelligence.

EC–6926. A communication from the General Counsel, Office of the Director of National Intelligence, transmitting, the report of proposed legislation relative to the Deputy Director of the Central Intelligence Agency (CIA) and the General Counsel of the CIA to be included as part of the Intelligence Authorization Bill for Fiscal Year 2007; to the Select Committee on Intelligence.

EC–6927. A communication from the Director, Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status'' (RIN1615–AB50 and RIN1125–AA55) received on May 22, 2006; to the Committee on the Judiciary.

EC–6928. A communication from the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Individuals and Groups Considered to Have Performed Active Military, Naval, or Air Service'' (RIN2900–AM39) received on May 22, 2006; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 359. A resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. Res. 456. A resolution expressing the sense of the Senate on the discussion by the North Atlantic Council of secure, sustainable, and reliable sources of energy.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 469. A resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 633. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 2125. A bill to promote relief, security, and democracy in the Democratic Republic of the Congo.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2784. A bill to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

By Mr. FRIST (for Mr. ENZI), from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2803. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008 (Recess Appointment).

*Peter B. Lyons, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2009 (Recess Appointment).

*Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

*Dale Klein, of Texas, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2011.

By Mr. LUGAR for the Committee on Foreign Relations.

*Duane Acklie, of Nebraska, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Goli Ameri, of Oregon, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Robert C. O'Brien, of California, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Rajkumar Chellaraj, of Texas, to be an Assistant Secretary of State (Administration).

*Patricia P. Brister, of Louisiana, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

*Warren W. Tichenor, of Texas, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

*Daniel S. Sullivan, of Alaska, to be an Assistant Secretary of State (Economic and Business Affairs).

*Robert F. Godec, of Virginia, to be Ambassador to the Republic of Tunisia.

Nominee: Robert F. Godec

Post: Tunisia.

(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: Lori G. Magnusson, none.
3. Children and spouses: n/a (none).
4. Parents: Nancy Dietrich, none; Ivan Dietrich (step father), none; Robert F. Godec (father), deceased; Warran Magnusson (wife's father), none; Flora Magnusson (wife's mother), deceased.
5. Grandparents: Ovid Meyer, deceased; Lyda Meyer, deceased; Frank Godec, deceased; Ophelia Mildred Godec, deceased.
6. Brother and spouses: Mark Godec, none; James Godec, $2,000, 12/31/2003, Bush-Cheney '04 (Primary); $750, 11/06/2002, Equipment Leasing Assoc. LeasePac; $500, 05/03/2000, Kennedy for Senate 2000; Kimm Godec, $2,000, 12/31/2003, Bush-Cheney '04 (Primary).
7. Sisters and spouses: n/a (none).

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*Mark C. Minton, of Florida, to be Ambassador to Mongolia.
Nominee: Mark C. Minton.
Post: Mongolia.
(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, $3, 4/15/2000, 4/15/2001, 4/15/2002, 4/15/2004, 1040 Income Tax voluntary contribution to Presidential Election Campaign.
2. Spouse, n/a.
3. Children and spouses: n/a.
4. Parents: Charles A. Minton, Alison C. Minton (deceased), none.
5. Grandparents: Charles W. Minton (deceased), Mae Minton (deceased), Stella C. Fittz (deceased), Thomas Fittz (deceased).
6. Brothers and spouses: n/a.
7. Sisters and spouses: Marsha Minton, none.
*Michael D. Kirby, of Virginia, to be Ambassador to the Republic of Moldova.
Nominee: Michael David Kirby.
Post: Moldova.
(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: Michael David Kirby, none.
2. Spouse: Sara Powelson Kirby, none.
3. Children and spouses: Katherine Van Nest Kirby, none; Elizabeth Marie Kirby, none.
4. Parents: Richard Norman Kirby, Dolores Marie Kirby, $480, 1996–2006, Women's National Democratic Club (yearly dues); $25, 2001, Democratic Congress; $35, 2003, Clinton Library; $100, 2004, DNC; $150, 2004, Kerry Campaign; $50, 2006, DNC.
5. Grandparents: James P. Kirby (deceased), Marie Kirby (deceased); Charles Senkfor (deceased), Marie Nagy Senkfor (deceased).
6. Brothers and spouses: Richard Allen Kirby, Beth-Ann Roth, $100 a month, 2003–2004, PAC through Law Firm of Preston Gates.
7. Sisters and spouses: Lynn Marie Kirby, Steven Rogers, $400, 2004, Kerry Campaign.
*Lisa Bobbie Schreiber Hughes, of Pennsylvania, to be Ambassador to the Republic of Suriname.
Nominee: Lisa Bobbie Schreiber Hughes.
Post: Ambassador to the Republic of Suriname.
(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: Lisa Bobbie Schreiber Hughes, none.
2. Spouse: Eric Peter Salonen, Total: $11,250 (please see breakdown, listed below), $500, 10/02/2000, DNC Services Corp/DNC; $750, 11/03/2000, DNC Services Corp/DNC; $250, 05/10/2002, DNC Services Corp/DNC; $500, 03/03/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 04/01/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 05/12/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 06/03/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 06/29/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 07/12/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 08/16/2004, DNC Services Corp/DNC; $500, 08/26/2004, Kerry, John F. (via Kerry-Edwards 2004 Inc. General Election Legal and Accounting Compliance Fund); $1,000, 08/29/2004, DNC Services Corp/DNC; $500, 09/14/2004, DNC Services Corp/DNC; $500, 09/21/2004, Kerry, John F. (via Kerry-Edwards 2004 Inc. General Election Legal and Accounting Compliance Fund); $500, 09/29/2004, DNC Services Corp/DNC; $1,000, 10/24/2004, DNC Services Corp/DNC; $500, 10/26/2004, DNC Services Corp/DNC; $1,000, 10/27/2004, DNC Services Corp/DNC; $1,000, 11/01/2004, DNC Services Corp/DNC; $500, 10/25/2005, DNC Services Corp/DNC.
2. Children and spouses: n/a; my husband and I have no children.
3. Parents: D.A. Schreiber (mother), none; R.C. Hughes (father), none.
4. Grandparents: Mildred R. Schreiber (deceased), Raymond S. Schreiber (deceased), Marjorie Hughes (deceased), George Hughes (deceased).
5. Brothers and spouses: n/a, I am an only child.
6. Sisters and spouses: n/a, I am an only child.
*David M. Robinson, of Connecticut, to be Ambassador to the Co-operative Republic of Guyana.
Nominee: David Malcolm Robinson.
Post: Guyana.
(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 names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.
*John A. Cloud, Jr., of Virginia, to be Ambassador to the Republic of Lithuania.
Nominee: John A. Cloud, Jr.
Post: Lithuania.
(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, $50, 9/12/2002, AFSA Legislative Action Fund; $50, 11/13/2004, AFSA Legislative Action Fund.
2. Spouse: Mary E. Cloud, none.
3. Children and spouses names: Jennifer Mary Cloud, none; Michelle Elizabeth Cloud, none.
4. Parents names: John A. Cloud, none; Gloria Cloud (stepmother), none.
5. Grandparents names, N/A.
6. Brothers and spouses names: David and Paula Cloud, $120, 2005, UTC PAC; $75, 2004, UTC PAC; Kenneth and Marilyn Cloud, none; Richard and Debbie Cloud, $24, 2001, Hartford Advocates Fund; $48, 2002, Hartford Advocates Fund; $48, 2003, Hartford Advocates Fund; $48, 2004, Hartford Advocates Fund; $48, 2005, Hartford Advocates Fund; Steve and Kathy Cloud, none.
7. Sisters and spouses names, N/A.
*Robert S. Ford, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria.
Nominee: Robert Stephen Ford.
Post: U.S. Embassy Algiers, Algeria.
(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: Clare Alison Barkley, none.
3. Children and spouses: N/A none.
4. Parents: William Jack Ford, none; Marian Breen Ford none.
5. Grandparents: deceased.
6. Brothers and spouses: William Eugene Ford, none; Brian Joseph Ford, none.
7. Sisters and spouses names: N/A none.
*Anne E. Derse, of Maryland, to be Ambassador to the Republic of Azerbaijan.
Nominee: Anne Elizabeth Derse.
Post: Azerbaijan.
(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, deceased.
5. Grandparents, none, deceased.
6. Brothers and spouses, N/A.
7. Sisters and spouses, Jane Quasarano (sister) none, Lisa Leifield (sister) none, Daniel Leifield (brother-in-law) none, Paul J. Quasarano, $500 Primary 03/10/05, National Beer Wholesalers Association Political Action Committee; $350, 2/23/04, National Beer Wholesalers Association Political Action Committee; $350, Primary 03/10/04, National Beer Wholesalers Association Political Action Committee; $300 Primary 03/03/03, National Beer Wholesalers Association Political Action Committee; $1,500 Primary 04/24/02, Michigan Beer and Wine Wholesalers Federal Political Action Committee; $250 Primary 04/23/02, National Beer Wholesalers Association Political Action Committee; $240 primary 04/27/01, Michigan Beer and Wine Wholesalers Federal Political Action Committee; $250 Primary 03/07/00, National Beer Wholesalers Association Political Action Committee; $400 Primary 06/30/00, Stabenow for U.S. Senate; $250 Primary 03/30/99, National Beer Wholesalers Association Political Action Committee; $250 Primary 05/21/98, National Beer Wholesalers Association Political Action Committee; $250 Primary 05/06/97, National Beer Wholesalers Association Political Action Committee.
*April H. Foley, of New York, to be Ambassador to the Republic of Hungary.
Nominee: April Hoxie Foley.
Post: Ambassador to Hungary.
(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:
Self, $1,000, 3/27/02, Sue Kelly for Congress; $2,000, 05/05/03, Sue Kelly for Congress; $2,000,

3/07/04, Sue Kelly for Congress; $1,000, 2/15/05, Sue Kelly for Congress; $1,000, 10/31/05, Sue Kelly for Congress; $500, 7/23/04, Hudson Valley Victory Fund; $500, 3/07/06, Hudson Valley Victory Fund; $2,000, 9/13/03, Bush/Cheney '04, Primary; $2,000, 9/1/04, Compliance Cmte; $5,000, 1/02/05, 55th Presidential Inaugural; $250, 7/28/03, Republican Nat'l Cmte; $110, 1/31/06, Republican Nat'l Cmte; $250, 7/17/05, Lewisboro NY Republ'n Town Cmte; $250, 10/05/03, Herzog's Home Town Team '04; $250, 10/10/03, Friends of Ursula LaMotte.

Spouse: Gifford T Foley, deceased.

Children and spouses: Catherine L Foley, none, Gifford T. Foley Jr., none, James E.H. Foley, none.

Parents: Howard M. Hoxie, deceased, Wilma Liggett Hoxie, deceased.

Grandparents: Sylvester Edwards Hoxie, deceased, Alberta Mason Hoxie, deceased.

Brothers and spouses: Paul A. Hoxie, none, Judith Rosenstein, none.

Sisters and spouses: Peter K. Zeitler, none, Lynne E. Hoxie, $200, 9/04/04, Democratic National Cmte; $250, 10/14/04, Democratic National Cmte.

*Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Tajikistan.

Nominee: Tracey Ann Jacobson.

Post: Tajikistan.

(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 names: none.

4. Parents names: John Thomas, none, Barbara Thomas, none.

5. Grandparents names: Wyn Steadman, (deceased), R. Campbell Steadman, (deceased), Francis Thomas, and Charles Thomas, (deceased).

6. Brothers and spouses names: n/a.

7. Sisters and Spouses: Teri Dermody, none, Terence Dermody, none.

*Robert Anthony Bradtke, of Maryland, to be Ambassador to the Republic of Croatia.

Nominee: Robert Anthony Bradtke.

Post: Ambassador to Croatia.

(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 Names, No children.

4. Parents, names, Albert Bradtke $25, 3/02/05, Republican National Committee; $25, 3/15/05, Congresswoman Sue Myrick; $50, 6/12/05, Committee for Richard Burr; $25, 6/21/05, Republican National Committee; $25, 2/14/04, Republican National Committee; $35, 5/25/05, Committee for Richard Burr; $25, 10/06/04, Congresswoman Sue Myrick; $25, 5/04/03, Congresswoman Sue Myrick; $25, 10/27/03, Republican National Committee; $100, 6/09/02, Congresswoman Sue Myrick; $25, 7/25/02, Republican National Committee; $25, 7/27/02, Congresswoman Sue Myrick; Lucille Bradtke (deceased).

5. Grandparents names, August/Julia Bradtke (deceased), Felix/Caroline Gale (deceased).

6. Brothers and spouses names, James Bradtke, none, Amy Schreiber (wife), none.

7. Sisters and spouses names, Barbara Hill, (divorced) none.

*William B. Taylor, Jr., of Virginia, to be Ambassador to Ukraine.

Nominee: William B. Taylor, Jr.

Post: Kyiv, Ukraine.

(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, $150, 2003, 21st Century Democrats.

3. Children and Spouses: Christopher O'Neill Taylor, none, Mary Morgan Taylor, none.

4. Parents: William B. Taylor, Sr., $35, 2002, Sen. Lugar; $35, 2002, Sen McCain; $50, 2002, Republican National Cmte; $50, 2002, Republican Senatorial Cmte; $35, 2002, Republican Party of Virginia; $35, 2002, Rep. Tom Davis; $35, 2003, Sen. Lugar; $35, 2003, Sen McCain; $50, 2003, Republican National Cmte; $50, 2003, Republican Senatorial Cmte; $35, 2003, Republican Party of Virginia; $35, 2003, Rep. Tom Davis; $35, 2004, Sen. Lugar; $35, 2004, Sen McCain; $50, 2004, Republican National Cmte; $50, 2004, Republican Senatorial Cmte; $35, 2004, Republican Party of Virginia; $35, 2004, Rep. Tom Davis; $35, 2005, Sen. Lugar; $35, 2005, Sen McCain; $50, 2005, Republican National Cmte; $50, 2005, Republican Senatorial Cmte; $35, 2005, Republican Party of Virginia; $35, 2005, Rep. Tom Davis; $50, 2006, Republican National Cmte; $50, 2006, Republican Senatorial Cmte.

Nancy Aitcheson Taylor,—none.

5. Grandparents: Lewis Jerome Taylor, deceased, Roberta Newton Taylor, deceased, John Kenneth Aitcheson, deceased, Virginia Dare Aitcheson, deceased.

6. Brothers and spouses: Paul Kenneth and Robin Taylor, none, David Aitcheson and Lisa Taylor, none.

7. Sisters and spouses: Anne Taylor Cregger, none, Katharine Taylor and Brian Nace, none.

*Michael Wood, of the District of Columbia, to be Ambassador to Sweden.

Nominee: Michael M. Wood.

Post: Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

(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, $2,000.00, 03/31/04, Bush-Cheney '04; $25,000.00, 04/15/04, RNC-Presidential Trust; $25,000.00, (by 1,450 shs. of Cisco stock), 05/04/05, RNC-Presidential Trust.

2. Spouse, $2,000.00, 03/31/04, Bush-Cheney '04.

3. Children and spouses names, (Michael M. Wood, Jr., Jennifer Bick Wood and Kimberly N. Wood), none.

4. Parents names, n/a.

5. Grandparents Names, n/a.

6. Brothers and spouses names, n/a.

7. Sisters and spouses names (Susan D. Wood), none.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS 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 Brent Royal Bohne and ending with William J. Booth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 17, 2006.

Foreign Service nominations beginning with Craig B. Allen and ending with Daniel D. DeVito, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2006.

Foreign Service nominations beginning with Anita Katial and ending with Scott R. Reynolds, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 2006.

By Mr. GREGG for the Committee on the Budget.

*Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget.

By Mr. ROBERTS for the Select Committee on Intelligence.

*General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency.

*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. TALENT:

S. 2925. A bill to suspend temporarily the duty on naphthalen-1-yl methylaminoformate; to the Committee on Finance.

By Mr. CARPER:

S. 2926. A bill to extend temporarily the suspension of duty on Fast Yellow 746 Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2927. A bill to extend temporarily the suspension of duty on Esfenvalerate; to the Committee on Finance.

By Mr. CARPER:

S. 2928. A bill to extend temporarily the suspension of duty on Yellow 1 Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2929. A bill to extend temporarily the suspension of duty on Benzyl carbazate; to the Committee on Finance.

By Mr. CARPER:

S. 2930. A bill to extend temporarily the suspension of duty on ink jet textile printing machinery; to the Committee on Finance.

By Mr. CARPER:

S. 2931. A bill to extend temporarily the suspension of duty on Magenta 3B–OA Stage Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2932. A bill to extend temporarily the suspension of duty on Cyan 1 special liquid feed; to the Committee on Finance.

By Mr. CARPER:

S. 2933. A bill to extend temporarily the suspension of duty on 1-[[2-(2,4-

dichlorophenyl)-4-propyl-1 ,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole); to the Committee on Finance.

By Mr. CARPER:

S. 2934. A bill to suspend temporarily the duty on Triasulfuron technical; to the Committee on Finance.

By Mr. CARPER:

S. 2935. A bill to suspend temporarily the duty on Brodifacoum technical; to the Committee on Finance.

By Mr. CARPER:

S. 2936. A bill to suspend temporarily the duty on Pymetrozine technical; to the Committee on Finance.

By Mr. CARPER:

S. 2937. A bill to suspend temporarily the duty on formulations of thiamethoxam, difenoconazole, fludioxinil, and mefenoxam; to the Committee on Finance.

By Mr. CARPER:

S. 2938. A bill to suspend temporarily the duty on Cypermethrin; to the Committee on Finance.

By Mr. CARPER:

S. 2939. A bill to suspend temporarily the duty on Yellow 1189; to the Committee on Finance.

By Mr. CARPER:

S. 2940. A bill to suspend temporarily the duty on Yellow 104; to the Committee on Finance.

By Mr. CARPER:

S. 2941. A bill to suspend temporarily the duty on Magenta 377; to the Committee on Finance.

By Mr. CARPER:

S. 2942. A bill to suspend temporarily the duty on Black 1334; to the Committee on Finance.

By Mr. CARPER:

S. 2943. A bill to suspend temporarily the duty on certain men's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2944. A bill to extend temporarily the reduction of duty on Thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2945. A bill to extend temporarily the suspension of duty on Thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2946. A bill to suspend temporarily the duty on trifloxysulfuron-sodium technical; to the Committee on Finance.

By Mr. CARPER:

S. 2947. A bill to extend temporarily the suspension of duty on Fast Yellow 2 Stage Liquid Feed; to the Committee on Finance.

By Mr. CARPER:

S. 2948. A bill to suspend temporarily the duty on certain women's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2949. A bill to suspend temporarily the duty on certain footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2950. A bill to suspend temporarily the duty on certain men's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2951. A bill to suspend temporarily the duty on certain women's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2952. A bill to suspend temporarily the duty on certain other footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2953. A bill to reduce temporarily the duty on certain men's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2954. A bill to reduce temporarily the duty on certain footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2955. A bill to reduce temporarily the duty on certain women's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2956. A bill to reduce temporarily the duty on certain women's footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2957. A bill to reduce temporarily the duty on certain other footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2958. A bill to reduce temporarily the duty on certain footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2959. A bill to suspend temporarily the duty on 2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Finance.

By Mr. CARPER:

S. 2960. A bill to suspend temporarily the duty on 2-Amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Finance.

By Mr. CARPER:

S. 2961. A bill to reduce temporarily the duty on mixtures ofsodium-2-chloro-6-[(4,6 dimethoxypyrimidin-2-yl)thio]benzoate and application adjuvants (pyrithiobac-sodium); to the Committee on Finance.

By Mr. CARPER:

S. 2962. A bill to extend temporarily the suspension of duty on Methyl-4-trifluor omethoxyphenyl-N-(chlorocarbonyl) carbamate; to the Committee on Finance.

By Mr. CARPER:

S. 2963. A bill to suspend temporarily the duty on formulated products containing mixtures of the active ingredient 2-chloro-n-[[(4-methoxy-6-methyl-1,3,5-triazin-2yl)amino]carbonyl] benzenesulfonamide and application adjuvants; to the Committee on Finance.

By Mr. CARPER:

S. 2964. A bill to extend temporarily the suspension of duty on Mixtures of N-[[(4,6-dimethoxypyrimidin-2-yl)amino]carbonhyl]3-(ethylsulfonyl)-2-pridinesulfonamide and application adjuvant, and for other purposes; to the Committee on Dinance.

By Mr. SANTORUM:

S. 2965. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty free treatment for Propylene Glycol Alginates (PGA); to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2966. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 85 W; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2967. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 105 W; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2968. A bill to suspend temporarily the duty on certain AC electric motors; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2969. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 95 W; to the Committee on Finance.

By Mr. KERRY:

S. 2970. A bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON:

S. 2971. A bill to suspend temporarily the duty on non-high definition color television reception apparatus, having a single liquid crystal display for direct viewing exceeding 37 cm but not exceeding 39 cm; to the Committee on Finance.

By Mr. ISAKSON:

S. 2972. A bill to suspend temporarily the duty on certain 16-inch variable speed scroll saw machines; to the Committee on Finance.

By Mr. ISAKSON:

S. 2973. A bill to suspend temporarily the duty on certain standard laminate wood molding measuring less than 8-feet in length but greater than 4-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2974. A bill to suspend temporarily the duty on certain laminate wood molding measuring less than 4-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2975. A bill to suspend temporarily the duty on certain laminate wood floor molding, other than standard molding, less than 4-feet in length but greater than 3-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2976. A bill to suspend temporarily the duty on 6-inch bench grinders for grinding, polishing or otherwise finishing metal or cement, valued under $3,025 each; to the Committee on Finance.

By Mr. ISAKSON:

S. 2977. A bill to suspend temporarily the duty on 8-inch bench grinders for grinding, polishing or otherwise finishing metal or cement, valued under $3,025 each; to the Committee on Finance.

By Mr. ISAKSON:

S. 2978. A bill to suspend temporarily the duty on 12 or 18 gauge hanging wire; to the Committee on Finance.

By Mr. ISAKSON:

S. 2979. A bill to extend temporarily the suspension of duty on Pyromellitic Dianhydride; to the Committee on Finance.

By Mr. ISAKSON:

S. 2980. A bill to suspend temporarily the duty on 3,4-Dimethoxybenzaldehyde; to the Committee on Finance.

By Mr. ISAKSON:

S. 2981. A bill to suspend temporarily the duty on 2-Aminothiophenol; to the Committee on Finance.

By Mr. ISAKSON:

S. 2982. A bill to suspend temporarily the duty on Solvent red 227; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2983. A bill to provide for the Department of Housing and Urban Development to coordinate Federal housing assistance efforts in the case of disasters resulting in long-term housing needs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. OBAMA:

S. 2984. A bill to require certain profitable oil companies to expend 1 percent of recent quarterly profits to install E-85 fuel pumps in the United States; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2985. A bill to establish the Land Between the Rivers National Heritage Area in

the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLEN:

S. 2986. A bill to extend the temporary suspension of duty on railway car body shells of stainless steel designed for use in gallery type cab control railway cars; to the Committee on Finance.

By Mr. ALLEN:

S. 2987. A bill to extend the temporary suspension of duty on railway car body shells of stainless steel designed for gallery type railway cars; to the Committee on Finance.

By Mr. ALLEN:

S. 2988. A bill to extend the temporary suspension of duty on railway car body shells for electric multiple unit commuter coaches of stainless steel; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2989. A bill to reform the franchise procedure relating to cable service and video service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER (for himself, Mr. DEWINE, Mr. MARTINEZ, Mr. COBURN, Mr. DOMENICI, Mr. TALENT, Mr. BURR, Ms. SNOWE, Mrs. DOLE, and Mr. KYL):

S. 2990. A bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians; to the Committee on Finance.

By Mr. SANTORUM:

S. 2991. A bill to suspend temporarily the duty on epoxy curing agents; to the Committee on Finance.

By Mr. SANTORUM:

S. 2992. A bill to suspend temporarily the duty on mixtures of formaldehyde polymer and toluene; to the Committee on Finance.

By Mrs. CLINTON:

S. 2993. A bill to amend the Internal Revenue Code of 1986 to impose a temporary oil profit fee and to use the proceeds of the fee collected to provide a Strategic Energy Fund and expand certain energy tax incentives, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself, Mr. REID, Mrs. HUTCHISON, Mr. CORNYN, Mr. STEVENS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 489. A resolution relative to the death of Lloyd Bentsen, distinguished member of the United States Senate; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 490. A resolution to authorize representation by the Senate Legal Counsel in the case of Lannak v. Biden, et al; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. BYRD):

S. Con. Res. 96. A concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. SANTORUM, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to expand the tip credit to certain employers and to promote tax compliance.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1353

At the request of Mr. REID, the names of the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1479

At the request of Mr. DODD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1479, 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.

S. 1509

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1509, a bill to amend the Lacey Act Amendments of 1981 to add nonhuman primates to the definition of prohibited wildlife species.

S. 1741

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1791

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1887

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1887, a bill to authorize the conduct of small projects for the rehabilitation or removal of dams.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2200

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2200, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2424

At the request of Mr. ALLEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States

trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2553

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2553, a bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2723

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2723, a bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA–PD plan to promptly pay claims submitted under part D, and for other purposes.

S. 2770

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2770, a bill to impose sanctions on certain officials of Uzbekistan responsible for the Andijan massacre.

S. 2803

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 2803, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

S. 2810

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2811

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2811, a bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes.

S. CON. RES. 65

At the request of Mr. BURR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Con. Res. 65, a concurrent resolution recognizing the benefits and importance of Federally-qualified health centers and their Medicaid prospective payment system.

S. RES. 405

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 469

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

S. RES. 485

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

AMENDMENT NO. 4057

At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4057 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4072

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4072 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4087

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4087 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4106

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4106 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2970. A bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, yesterday we learned that personal information, including names, dates of birth, and social security numbers of as many as 26.5 million Americans—overwhelmingly veterans—may have been compromised. I know we are all shocked and concerned that so many of America's veterans could be in jeopardy of identity theft.

The case is unique in many ways. This is not the result of computer hacking or private companies failing to protect data. This data was stolen from the home of a Department of Veterans Affairs employee.

We have been told that the FBI, local police, and the VA Inspector General are all investigating. That aspect of this case should be left to them. There are other issues associated with security practices that must be explored by the VA and the appropriate oversight and investigatory bodies of Congress.

But we in Congress have another responsibility. We must act now to help veterans secure their own identity and protect their credit. As we read in this morning's papers, experts tell us that this is the largest breach of Social Security numbers in history. A criminal

can use this information to do grievous harm and perpetrate fraud on a massive scale.

Mr. President, this isn't a private company that is responsible for this breach. It's the Department of Veterans Affairs of the United States Government and we have a moral obligation to make sure that we protect the identity and credit of every American veteran.

That is why today I am introducing the Veterans Identity Protection Act of 2006—to ensure the government assumes its rightful responsibility to protect the identity security of so many Americans.

This legislation will require the Department of Veterans Affairs to provide 1 year of credit monitoring to each affected individual. After that year, this legislation requires the VA to provide one free credit report to each person in addition to the free credit report already provided by the Fair Credit Reporting Act. As a result, after the full year of credit monitoring, those affected by this theft will have access to four free credit reports over the course of 2 additional years.

The legislation provides $1.25 billion in budget authority in the first year to pay for these programs. The total cost over 3 years is estimated at $2.5 billion. That is a lot of money and I would urge the VA to negotiate reduced costs with the service providers. To be sure, this is no insignificant sum and the VA has many needs, but I hope my colleagues will join me in recognizing that this is not an optional course of action. It is something we have to do to protect American veterans. It is also an expense that the VA cannot realistically fund out of its strapped budget. We will need an emergency appropriation to fund this security initiative—but let us begin to do right by our veterans.

Mr. President, I believe that caring for America's veterans is a continuing cost of war. I also believe that the United States government has a moral obligation to protect the identity security of those who are in jeopardy because of mistakes or the lax security practices of government employees.

America's veterans put their lives on the line for all of us throughout history. Those who served in peace and in war, from Iwo Jima and Normandy to Baghdad and Kabul, shouldn't be forced to bear the additional cost and worry of protecting their security identity because the government put them at risk. We must act.

Mr. President, thank you.

By Ms. LANDRIEU:

S. 2983. A bill to provide for the Department of Housing and Urban Development to coordinate Federal housing assistance efforts in the case of disasters resulting in long-term housing needs, to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr President, there are countless examples of times when FEMA, the Federal Emergency Management Agency, did more harm than good in the aftermath of the 2005 hurricanes. While they could not avoid some of the problems and better planning could have helped avoid others, FEMA's lack of expertise in one area in particular has been especially problematic: disaster housing. Today, I am introducing the Natural Disaster Housing Reform Act of 2006 to put long-term disaster housing in the hands of the agency with the appropriate expertise: the Department of Housing and Urban Develpment, HUD. Congressman BAKER introduced this legislation in the House of Representatives. I congratulate him on his leadership.

I am not introducing this bill simply to gang up on FEMA. One could argue that the Agency is an easy target. Let me assure my colleagues that this is not my intention. I simply believe that for future disasters, the Federal Cabinet Agency with the expertise in housing should run disaster housing assistance.

HUD has housing expertise. FEMA does not. HUD oversees 1.2 million public housing units. It administers the section 8 rental assistance program for 2.1 million families. They provide supportive housing for 320,000 senior citizens and people with disabilities. HUD also has a network of more than 3,000 public housing agencies in cities and counties across the country, so it has the infrastructure already in place to meet emergency housing needs. In all, HUD provides housing assistance to over 3.3 million households nationwide. FEMA is simply not equipped to deal with the housing needs of hundreds of thousands of people after mass disasters like Katrina and Rita.

FEMA's expertise lies in disaster preparedness and response, as well as short-term recovery needs: emergency shelter and financial assistance, infrastructure rebuilding, and financial support to communities. In smaller disasters that do not impact as widespread an area, FEMA can provide short-term housing assistance either by putting people up in hotels or giving them trailers to live in. But the displacement of hundreds of thousands of people over a wide area and the need to provide all of those people with housing assistance proved too much for FEMA. Its administration of the hotel program was marked by confusion and unrealistic termination deadlines that were constantly extended, causing additional anxiety for displaced victims who did not need more uncertainty. At such a time, an agency should not provide additional housing problems—it should provide housing solutions.

The travel trailer program is extremely costly and inefficient. The cheapest trailer cost between $16,000 and $20,000 to purchase. Over the 18-month life of assistance, including installation and maintenance, the travel trailers cost $59,800. That's $3,300 per month for the travel trailers—the low-end option. Mobile homes cost $76,800 over 18 months. Compare this to the roughly $500 average monthly cost of a HUD section 8 rental voucher. These vouchers could be provided on an emergency basis at a far less than FEMA programs. HUD programs are also easily accessible. Everyone who was displaced by Katrina and Rita ended up near one of the 3,000 public housing authorities that administer HUD programs.

The bill also contains provisions that my colleague from Louisiana, Senator VITTER, included in his bill S. 2771, the Disaster Housing Flexibility Act of 2006. That bill amends the Stafford Act to allow hurricane victims to receive modular housing if the President determines that such housing is more cost effective. I am pleased to include these provisions in the legislation I am introducing today.

Mr. President, hurricane season starts next week. Across the Federal Government, agencies are getting ready. This legislation will help us avoid repeating some of the mistakes of the past in the event of another storm. This bill will create a more efficient, effective and responsive Federal housing assistance program for future disasters. Disaster victims need this efficiency and certainty, not a repeat of FEMA's woeful performance during Katrina.

I thank the Chair and ask unanimous consent that my entire statement and a copy of the legislation be printed in the RECORD.

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

S. 2983

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 ''Natural Disaster Housing Reform Act of 2006''.

SEC. 2. HUD AS LEAD AGENCY IN CASES OF DISASTERS RESULTING IN LONG-TERM HOUSING NEEDS.

(a) IN GENERAL.—It is the policy of the United States that the Department of Housing and Urban Development shall be primary Federal agency responsible for coordinating and administering housing assistance in connection with any major disaster (as such term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) for any area that, pursuant to section 408(b)(2) of such Act, is determined to be an area for which such disaster will result in long-term housing needs.

(b) CONSULTATION.—The Secretary of Housing and Urban Development shall, in coordinating and administering housing assistance pursuant to subsection (a), consult with the Secretary of Homeland Security, the Director of the Federal Emergency Management Agency, and such other heads of Federal agencies as may be appropriate.

(c) USE OF REGIONAL AND LOCAL OFFICES.—In coordinating and administering housing assistance pursuant to subsection (a), the Secretary of Housing and Urban Development shall utilize staff and other resources of appropriate regional, field, and area offices of the Department and consult and coordinate with appropriate State and local housing agencies.

(d) PREPAREDNESS.—The Secretary of Housing and Urban Development shall take

such actions as may be necessary to ensure that officers and staff of the Department at headquarters, regional, field, and area offices at all times have the capability, capacity, training, and resources necessary to carry out the responsibilities under subsection (a).

(e) HOUSING ASSISTANCE.—For purposes of this section, the term ''housing assistance''—

(1) means any assistance that is provided to individuals, families, or households to respond to disaster-related housing needs of individuals, families, or households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster pursuant to—

(A) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)); or

(B) any other provision of law specifically providing funds or assistance in connection with a major disaster; and

(2) includes—

(A) financial assistance;

(B) the provision of temporary, transitional, and permanent housing units;

(C) assistance for repair, replacement, and construction of housing units;

(D) technical assistance; and

(E) any other form or type of housing assistance.

(f) DETERMINATION OF LONG-TERM HOUSING NEEDS.—Section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) DETERMINATION OF AREAS FOR WHICH DISASTER RESULTS IN LONG-TERM HOUSING NEEDS.—

''(A) STATE REQUEST.—After the occurrence and declaration of a major disaster, the Governor of a State containing any area that is subject to the declaration by the President of such major disaster may request the President to determine, for all or any part of such area in the State, that the disaster will result in long-term housing needs.

''(B) STANDARD.—

''(i) IN GENERAL.—Upon a request pursuant to subparagraph (A), the President shall determine whether to grant such request.

''(ii) FINDINGS.—The President shall grant such a request and determine that the major disaster will result in long-term housing needs with respect to an area if the President finds that the disaster will displace individuals or households in the area from their predisaster primary residences, or will render such predisaster primary residences in the area uninhabitable, for a period of 30 days or more.''.

(g) CONFORMING AMENDMENT.—Section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b)), as amended by subsection (f) of this section, is amended by adding at the end the following:

''(4) HUD ADMINISTRATION.—In accordance with section 2 of the Natural Disaster Housing Reform Act of 2006, in the case of any area for which any major disaster is determined to result in long-term housing needs pursuant to paragraph (2), the President shall carry out the functions under this section relating to housing assistance, including this subsection and subsections (c) and (d), acting through the Secretary of Housing and Urban Development.''.

(h) SAVINGS PROVISION.—This section and the amendments made by this section may not be construed to affect, alter, limit, or decrease the authority of the Director of the Federal Emergency Management Agency in the overall coordination of assistance and relief with respect to a major disaster.

SEC. 3. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) in subsection (b)—

(A) in paragraph (3) (as so redesignated by section 2(f)(1) of this Act), by adding at the end the following:

''(C) MANUFACTURED MODULAR HOUSING.—In making any determination of cost effectiveness under subparagraph (A), the President shall consider whether or not manufactured modular housing can be provided to an individual or household at a cost to the Government that is less than the same cost necessary to provide other readily fabricated dwellings.''; and

(B) by adding at the end the following:

''(5) CONSENT OF OWNER.—

''(A) IN GENERAL.—Notwithstanding paragraph (2)(C), the President shall seek the consent of each individual or household prior to providing such individual or household with manufactured modular housing assistance.

''(B) REJECTION OF MANUFACTURED MODULAR HOUSING ASSISTANCE.—If an individual or household does not provide consent under subparagraph (A), such individual or household shall remain eligible for any other assistance available under this section.

''(6) OWNER CONTRIBUTION.—Nothing in this section shall be construed to prevent an individual or household from contributing, in addition to any assistance provided under this section, such sums as are necessary in order to obtain manufactured modular housing that is of greater size or quality than that provided by the President under this section.'';

(2) in subsection (c)—

(A) in paragraph (1)(A)(ii), by inserting ''the amount of any security deposit for the accommodation, the amount of any utility fees associated with the accommodation, and'' after ''plus'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''(i)'' and inserting ''(i)(I)'';

(II) by redesignating clause (ii) as subparagraph (II); and

(III) by adding at the end the following:

''(ii) the repair, to a safe and sanitary living or functioning condition, of existing rental units that, upon such repair, will be used as alternate housing accommodations for individuals or households described in paragraph (1).'';

(ii) in subparagraph (B)—

(I) by striking ''this paragraph'' and inserting ''subparagraph (A)(i)''; and

(II) by inserting ''not'' after ''can''; and

(iii) in subparagraph (C), by striking ''this paragraph'' and inserting ''subparagraph (A)(i)''; and

(C) in paragraph (4)—

(i) in the paragraph heading, by inserting ''OR SEMI-PERMANENT'' after ''PERMANENT'';

(ii) by inserting ''or semi-permanent'' after ''permanent'';

(iii) by striking ''in insular areas'' and inserting the following: ''in—

''(A) insular areas'';

(iv) by striking ''(A) no alternative'' and inserting ''(i) no alternative'' and adjusting the margin accordingly;

(v) by striking ''(B)'' and inserting ''(ii)'' and adjusting the margin accordingly;

(vi) by striking the period at the end and inserting ''; and''; and

(vii) by adding at the end the following:

''(B) any area in which the President declared a major disaster or emergency in connection with Hurricane Katrina of 2005 during the period beginning on August 28, 2005, and ending on December 31, 2007.'';

(3) in subsection (d)(1), by adding at the end the following:

''(C) SITES LOCATED IN A FLOODPLAIN.—Notwithstanding any other provision of law, including section 9 of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), any permanent, semi-permanent, or temporary housing provided under this section, including any readily fabricated dwelling, manufactured housing, or manufactured modular housing, may be located in any area identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a)).

''(D) INDIVIDUAL SITES FOR MANUFACTURED MODULAR HOUSING.—Manufactured modular housing made available under this section—

''(i) shall, whenever practicable, be located on a site that is a discrete and separate parcel of land; and

''(ii) may not be located on a site that—

''(I) is managed by the Director; and

''(II) contains 3 or more other manufactured modular housing units.''; and

(4) by adding at the end the following:

''(j) EVACUATION PLANS.—The Director, in consultation with the Governor of each State and the heads of such units of local government as the Director may determine, shall develop and maintain detailed and comprehensive mass evacuation plans for individuals or households receiving assistance under this section for the 18-month period beginning on the date of the declaration of the disaster for which such assistance is provided.''.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2985. A bill to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce legislation to establish the Land Between the Rivers National Heritage Area in southern Illinois. I am pleased that my colleague, Senator OBAMA, is an original cosponsor of this legislation.

The unique landscape of southern Illinois helped to shape the history of our Nation, from the Revolutionary War through the Civil War, from westward expansion to trade along the rivers. Designating this area a National Heritage Area will help to provide assistance in both the conservation and historic preservation of southern Illinois and many areas that influenced events in our Nation's history.

The name ''Land Between the Rivers'' was a phrase first used by Native Americans to describe the area covered by this bill. It includes 17 counties in the southernmost region of Illinois located between the Mississippi and the Ohio Rivers and between the Mississippi and Wabash Rivers. Native Americans arrived in southern Illinois about 10,000 years ago and formed the largest settlement north of the Mayan/Aztec civilization.

The arrival of the Europeans, including French, British and Spanish explorers, began a period of settlements and fortifications in the area. The Spanish first explored the Mississippi River in 1542, followed by the French in 1673.

The French founded Cahokia in 1699 and Kaskaskia in 1703. While the British occupied much of the area after the French and Indian War and the Treaty of Paris in 1762, British control of the area lasted only until the onset of the Revolutionary War. In 1778 and 1779, George Rogers Clarke and a group of about 200 men forced the British out of the area and captured the British occupied Fort Cahokia and Fort Sackville at Vincennes.

Southern Illinois's central location made the area a hotbed of racial issues as well as a pivotal point militarily, socially and politically during the Civil War. As the southernmost slavery-free location, southern Illinois, and particularly Cairo and the surrounding area, was the destination of numerous runaway slaves. As the Civil War approached, thousands of African-Americans fled to southern Illinois, seeking the help of southern Illinois abolitionists such as Benajah Guernesy Roots. During the Civil War the Union Army maintained its southernmost point of operations in southern Illinois with BG Ulysses S. Grant headquartered in Cairo. Southern Illinois is also the home to numerous victories of the Union Army along the Mississippi River. The inland Union Navy came through to defeat the Confederate forces culminating in the capture of Vicksburg in July 1863.

Finally, this area of southern Illinois has tremendous historical significance in the transport of trade goods along the Mississippi River. The oldest Illinois town, Shawneetown, was once the most important entry port on the Ohio River. Steamboat transport flourished in the early part of the 19th century with more tonnage on the Mississippi and Ohio Rivers than on the Atlantic coast. Towns such as Chester, Elizabethtown, Cairo, Metropolis, and Golconda were created during the steamboat era.

The legislation I am introducing today, would call for Southern Illinois University Carbondale to be designated as the management entity for the Land Between the Rivers National Heritage Area.

The unique natural history of southern Illinois combined with its historical and cultural features are making it an important contribution to tourism in Illinois. Creating the Land Between the Rivers National Heritage Area will provide the ability to connect the entire region into one cohesive historic unit in which the places and events of the past can be united to provide the full story of southern Illinois's influence in the shaping of our Nation.

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

S. 2985

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 ''Land Between the Rivers Southern Illinois National Heritage Area Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) southern Illinois has a cohesive, distinctive, and important landscape that distinguishes the area as worthy of designation as a National Heritage Area;

(2) the historic features of southern Illinois reflect a period during which the area was the strategic convergence point during the westward expansion of the United States;

(3) the geographic centrality of southern Illinois ensured that the area played a pivotal military, social, and political role during the Civil War, which resulted in the area being known as the ''Confluence of Freedom'';

(4) southern Illinois is at the junction of the ending glaciers and 6 ecological divisions;

(5) after the expeditions of Lewis and Clark, the land between the rivers became known as ''Egypt'' because of the rivers in, and the beauty and agricultural abundance of, the area;

(6) Native Americans described the area in southern Illinois between the Mississippi and Ohio Rivers as the ''Land Between the Rivers'';

(7) a feasibility study led by the Office of Economic and Regional Development at Southern Illinois University Carbondale that was revised in April 2006 documents a sufficient assemblage of nationally distinctive historic resources to demonstrate the feasibility of, and the need for, establishing the Land Between the Rivers National Heritage Area; and

(8) stakeholders participating in the feasibility study process for the Heritage Area have developed a proposed management entity and financial plan to preserve the natural, cultural, historic, and scenic features of the area while furthering recreational and educational opportunities in the area.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Land Between the Rivers National Heritage Area established by section 4(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by section 4(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Illinois.

SEC. 4. LAND BETWEEN THE RIVERS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Land Between the Rivers National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include—

(1) Kincaid Mound, Fort de Chartres, Kaskaskia, Fort Massac, Wilkinsonville Contonment, the Lewis and Clark Sculpture, Flat Boat, Cave-in-Rock, the Shawneetown Bank Building, the Iron Furnace, the Crenshaw ''Slave House,'' Roots House, the site of the Lincoln-Douglas debate, certain sites associated with John A. Logan, the Fort Defiance Planning Map, Mound City National Cemetary, and Riverlore Mansion; and

(2) any other sites in Randolph, Perry, Jefferson, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties in the State that the Secretary, in consultation with the management entity, determine to be appropriate for inclusion in the Heritage Area.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Southern Illinois University Carbondale.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 489—RELATIVE TO THE DEATH OF LLOYD BENTSEN, DISTINGUISHED MEMBER OF THE UNTIED STATES SENATE

Mr. FRIST (for himself, Mr. REID, Mrs. HUTCHISON, Mr. CORNYN, Mr. STEVENS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. RES. 489

Whereas Lloyd Bentsen was born in Mission, Texas, on February 11, 1921, to the children of first generation citizens of the United States;

Whereas Lloyd Bentsen began his service to the United States as a pilot in the Army Air Forces during World War II;

Whereas, at the age of 23, Lloyd Bentsen was promoted to the rank of Major and given command of a squadron of 600 men;

Whereas, because of his heroic efforts during World War II, Lloyd Bentsen was awarded the Distinguished Flying Cross, the highest commendation of the Air Force for valor in combat, and the Air Medal with 3 Oak Clusters;

Whereas, after his service in the military, Lloyd Bentsen returned to Texas to serve as a judge for Hidalgo County and was then elected to 3 consecutive terms in the House of Representatives;

Whereas, after a successful business career, Lloyd Bentsen desired to return to public life;

Whereas, in 1970, Lloyd Bentsen was elected to serve as a Senator from Texas, and did so with distinction for 22 years;

Whereas the illustrious career of Lloyd Bentsen also included a Vice Presidential nomination in 1988;

Whereas Lloyd Bentsen retired from the Senate in 1993 to serve as the 69th Secretary of the Treasury;

Whereas Lloyd Bentsen was awarded the Presidential Medal of Freedom in 1999 for his meritorious contributions to the United States;

Whereas the record of Lloyd Bentsen demonstrates his outstanding leadership and his dedication to public service; and

Whereas Lloyd Bentsen will be remembered for his faithful service to Texas and the United States; Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Lloyd Bentsen;

Resolved, That the Senate extends its warmest sympathies to the family members and friends of Lloyd Bentson;

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Lloyd Bentsen.

SENATE RESOLUTION 490—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF LANNAK V. BIDEN, ET AL

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 490

Whereas, in the case of *Lannak* v. *Biden*, et al., No. 06–CV–0180, pending in the United States District Court for the District of Delaware, the plaintiff has named as defendants Senators Joseph R. Biden, Jr. and Thomas R. Carper;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Joseph R. Biden, Jr. and Thomas R. Carper in the case of *Lannak* v. *Biden, et al.*

SENATE CONCURRENT RESOLUTION 96—TO COMMEMORATE, CELEBRATE, AND REAFFIRM THE NATIONAL MOTTO OF THE UNITED STATES ON THE 50TH ANNIVERSARY OF ITS FORMAL ADOPTION

Mr. BROWNBACK (for himself and Mr. BYRD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 96

Whereas the phrase ''In God We Trust'' is the national motto of the United States;

Whereas, from the colonial beginnings of the United States, citizens of the Nation have officially acknowledged their dependence on God;

Whereas, in 1694, the phrase ''God Preserve Our Carolina and the Lords Proprietors'' was engraved on the Carolina cent and the phrase ''God Preserve Our New England'' was inscribed on coins that were minted in New England during that year;

Whereas, while declaring the independence of the United States from Great Britain, the Founding Fathers of the Nation asserted: ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'';

Whereas those signers of the Declaration of Independence further declared: ''And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.'';

Whereas, in 1782, one of the great leaders of the United States, Thomas Jefferson, wrote: ''[C]an the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with His wrath?'';

Whereas the distinguished founding statesman, Benjamin Franklin, when speaking in 1787 at the Constitutional Convention, declared: ''Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? or do we imagine that we no longer need His assistance. I have lived, Sir, a long time and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings that 'except the Lord build they labor in vain that build it.' I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel. . . .'';

Whereas the national hero and first President, George Washington, proclaimed in his first inaugural address in 1789: ''[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and the happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.'';

Whereas one stanza of the ''Star Spangled Banner'', which was written by Francis Scott Key in 1814 and adopted as the national anthem of the United States in 1931, states: ''O thus be it ever when free-men shall stand, Between their lov'd home and the war's desolation; Blest with vict'ry and peace, may the heav'n-rescued land Praise the Pow'r that hath made and preserv'd us as a nation! Then conquer we must, when our cause it is just, And this be our motto: 'In God is our trust!' And the star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave!'';

Whereas, in 1861, the Secretary of the Treasury, Salmon P. Chase, while instructing James Pollock, Director of the Mint at Philadelphia, to prepare a motto, stated: ''No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins. You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.'';

Whereas the phrase ''In God We Trust'' first appeared on a coin of the United States in the 1864;

Whereas, in 1955, the phrase ''In God We Trust'' was designated as a mandatory phrase to be inscribed on all currency and coins of the United States;

Whereas, on March 28, 1956, the Judiciary Committee of the House of Representatives, in its report accompanying H.J. Res. 396 (84th Congress), stated: ''It will be of great spiritual and psychological value to our country to have a clearly designated national motto of inspirational quality in plain, popularly accepted English.'';

Whereas, on July 30, 1956, President Dwight D. Eisenhower signed H.J. Res. 396 (84th Congress), making the phrase ''In God We Trust'' the official motto of the United States; and

Whereas the occasion of the 50th anniversary of the formal adoption of the national motto of the United States, ''In God We Trust'', presents an opportunity for the citizens of the United States to reaffirm the concept embodied in that motto that—

(1) the proper role of civil government is derived from the consent of the governed, who are endowed by their Creator with certain unalienable Rights; and

(2) the success of civil government relies firmly on the protection of divine Providence: Now, therefore, be it

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

(1) commemorates the 50th anniversary of the national motto of the United States, ''In God We Trust'';

(2) celebrates the national motto as—

(A) a fundamental aspect of the national life of the citizens of the United States; and

(B) a phrase that is central to the hopes and vision of the Founding Fathers for the perpetuity of the United States;

(3) reaffirms today that the substance of the national motto is no less vital to the future success of the Nation; and

(4) encourages the citizens of the United States to reflect on—

(A) the national motto of the United States; and

(B) the integral part that the national motto of the United States has played in the life of the Nation, before and after its official adoption.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4108. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4109. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4110. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4111. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4112. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4113. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4114. Mr. GREGG (for himself, Ms. CANTWELL, Mr. ALEXANDER, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4115. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4116. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4117. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4118. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4119. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4120. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4121. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4122. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4123. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4124. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4125. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4126. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4127. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4128. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4129. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4130. Mr. AKAKA (for himself, Ms. MIKULSKI, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4131. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4132. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4133. Mr. DODD (for himself, Mr. LUGAR, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4134. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4135. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4136. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4137. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4138. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4139. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4140. Mr. DOMENICI (for himself, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4141. Mr. SCHUMER (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4142. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4143. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4144. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4145. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4146. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4147. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4148. Mr. KENNEDY (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4149. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4150. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4151. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4152. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4153. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4154. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4155. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4156. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4157. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4158. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4159. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4160. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4161. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4162. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4163. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4165. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4166. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4167. Mr. COLEMAN (for himself, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Ms. CANTWELL, Ms. SNOWE, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4168. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4169. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4170. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4171. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4172. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4173. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4174. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4175. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4176. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4177. Mr. GRASSLEY (for himself, Mr. OBAMA, Mr. BAUCUS, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4178. Mr. BAUCUS (for himself, Mr. CRAIG, Ms. CANTWELL, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4179. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4180. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4181. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4182. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4108. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 364, line 22, after ''an'' insert the following: ''alien who is unlawfully present in the United States, or an alien receiving adjustment of status under section 408(h) of this Act who was illegally present in the United States prior to January 7, 2004, section 601 of this Act, or section 613(c) of this Act, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien''.

SA 4109. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 295, line 10, strike available, and insert—''available, subject to the numerical limitations in sections 201(d) and 203(b)

SA 4110. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, insert the following:

SEC. 766. IMMIGRATION OF RELATIVES OF UNITED STATES CITIZENS.

(a) REPEAL OF EXEMPTION FROM NUMERICAL LIMITATION FOR PARENTS OF CITIZENS.—Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by striking ''children, spouses, and parents'' and inserting ''children and spouses''; and

(2) by striking ''States, except that, in the cases of parents, such citizens shall be at least 21 years of age.'' and inserting ''States.''.

(b) REPEAL OF PREFERENCE ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS FOR THE BROTHERS AND SISTERS OF CITIZENS.—Section 203(a) (8 U.S.C. 1153(a)) is amended by striking paragraph (4).

SA 4111. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . LIMITATION.

(a) The total number of aliens and dependents of such aliens who receive legal permanent resident status as a result of the provisions of title VI of this Act, or the amendments made by such title, shall not exceed a total of 7,000,000. If the number of aliens qualified to adjust to legal permanent resident status under Title VI of this Act exceeds 7,000,000, they shall still be eligible to receive a green card, but the total number of immigrants under subsection (b) shall he reduced by the total number of such qualified aliens in excess of 7,000,000.

(b) Except as provided in subsection (a), the total number of aliens and dependents of such aliens who receive legal permanent resident status shall not exceed 18,000,000 during each 10-year period beginning with the period extending from 2007 through 2016.''.

SA 4112. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide 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. ___. ALIEN MEDICAL RESIDENT SERVICE REQUIREMENT.

Any alien admitted as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), who is participating in a medical residency program in the United States, shall, during the 3-year period beginning on the date of commencement of such nonimmigrant status (or, in the case of an alien who initially practices medicine as part of such medical residency program in a medical facility that is located in an area described in paragraph (1) or (2)), during the 3-year period beginning on the date of completion of such program), practice medicine in a facility that is located in—

(1) a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations); or

(2) a Medically Underserved Area (as designated by the Secretary of Health and Human Services).

SA 4113. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide 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. ___. EXEMPTION FROM NUMERICAL LIMITATION FOR PHYSICIANS PRACTICING IN UNDERSERVED AREAS.

Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) practices medicine for at least 5 years in a facility that is located in a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations) or a Medically Underserved Area (as designated by the Secretary of Health and Human Services).''.

SA 4114. Mr. GREGG (for himself, Ms. CANTWELL, Mr. ALEXANDER, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection

(c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

SA 4115. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 219, line 18, insert after ''or (a)(2)'' the following: ''or knowingly employs an alien after receiving a final nonconfirmation''.

On page 227, line 17, strike ''amended by adding at the end'' and insert the following: ''amended—

(1) in subparagraph (G)—

(A) by inserting ''(i)'' after ''(G)'';

(B) by striking ''banknote paper'' and inserting ''durable plastic or similar material''; and

(C) by adding at the end the following new clauses:

''(ii) Each Social Security card issued under this subparagraph shall include an encrypted machine-readable electronic identification strip which shall be unique to the individual to whom the card is issued. The Commissioner shall develop such electronic identification strip in consultation with the Secretary of Homeland Security.

''(iii) Each Social Security card issued under this subparagraph shall contain—

''(I) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes; and

''(II) a disclaimer stating the following: 'This card shall not be used for the purpose of identification.'.

''(iv) The Commissioner shall provide for the issuance (or reissuance) to each individual who—

''(I) has been assigned a Social Security account number under subparagraph (B),

''(II) has attained the minimum age applicable, in the jurisdiction in which such individual engages in employment, for legally engaging in such employment, and

''(III) files application for such card under this clause in such form and manner as shall be prescribed by the Commissioner,

a Social Security card which meets the preceding requirements of this subparagraph and which includes a recent digitized photograph of the individual to whom the card is issued.

''(v) The Commissioner shall maintain an ongoing effort to develop measures in relation to the Social Security card and the issuance thereof to preclude fraudulent use thereof.''; and

(2) by adding at the end

SA 4116. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 244, after line 24, add the following:

(d) EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.—Upon completion of the report under subsection (c), the Director of the Bureau of the Census shall make such adjustments in total population figures as may be necessary, using methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SA 4117. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 65, line 24, strike ''f'' and insert the following;

(f) TERRORIST ORGANIZATIONS.—

(1) DEFINITIONS.—Section 212(a)(3)(B)(vi) (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking subclause (III) and inserting the following:

''(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv), and that the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, has determined that these activities threaten the security of United States nationals or the national security of the United States.

''(vii) APPLICABILITY.—Clause (iv)(VI) shall not apply to—

''(I) any active or former member of the Armed Forces of the United States with regard to activities undertaken in the course of official military duties; or

''(II) any alien determined not to be a threat to the security of United States nationals or the national security of the United States and who is not otherwise inadmissible on security related grounds under this subparagraph.''.

(2) TEMPORARY ADMISSION OF NON-IMMIGRANTS.—Section 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

''(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subclause (IV)(bb), (VI), or (VII) of subsection (a)(3)(B)(i) shall not apply to an alien, that subsection (a)(3)(B)(iv)(VI) shall not apply with respect to any material support an alien afforded to an organization (or its members) or individual that has engaged in a terrorist activity, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group, or to a subgroup of such group, within the scope of that subsection. The Secretary of State may not, however, exercise discretion under this clause with respect to an alien once removal proceedings against the alien are instituted under section 240.''.

(g)

SA 4118. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, 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. . CITIZENSHIP STATUS AT BIRTH FOR CHILDREN OF NON-CITIZEN, NON-PERMANENT RESIDENT ALIENS.

(a) PURPOSE.—The purpose of this section is to deny automatic citizenship at birth to children born in the United States if neither parent is a citizen or permanent resident alien of the United States.

(b) AMENDMENTS.—

(1) IN GENERAL.—Chapter 1 of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(A) in section 301(a), by inserting ''(as defined in section 309A))'' after ''subject to the jurisdiction thereof''; and

(B) by adding at the end the following new section:

''SEC. 309A. PERSONS BORN TO CITIZENS OR PERMANENT RESIDENT ALIENS.

''(a) For purposes of section 301(a), a person born in the United States shall be considered to be 'subject to the jurisdiction of the United States' only if—

''(1) the child was born in wedlock in the United States to a parent who is—

''(A) a citizen or national of the United States; or

''(B) an alien who is lawfully admitted for permanent residence and maintains his or her residence in the United States; or

''(2) the child was born out of wedlock in the United States to a mother who is—

''(A) a citizen or national of the United States; or

''(B) an alien who is lawfully admitted for permanent residence and maintains her residence in the United States.

''(b) For purposes of this section, a child is considered to be 'born in wedlock' only if, at the time of such birth—

''(1) the child's parents are married to each other; and

''(2) the marriage referred to in paragraph (1) is not a common law marriage.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 309 the following new item:

''Sec. 309A. Children born to non-citizens or non-permanent resident aliens.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to aliens born on or after the date of enactment of this Act.

SA 4119. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1325(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1326(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 758.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(iv).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(l)(A)(v)(I).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(II).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment

of status under any provision from criminal or civil liability under 8 U.S.C. 1325(c).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(iii).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(I).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(II).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324d(a)(1)(A).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1546(b).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1621.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1001.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1425(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1426.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1427.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1423.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(1).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(2).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(c)(3).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(5).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any proyision from criminal or civil liability under 42 U.S.C. 408(a)(7)(A).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408(a)(7)(B).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408(a)(7)(C).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1621.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 611.

SA 4120. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 16 and 17, insert the following:

SEC. 5. EFFECTIVENESS OF CERTAIN PROVISIONS CONTINGENT ON COST ESTIMATE BY THE CONGRESSIONAL BUDGET OFFICE.

Notwithstanding any other provision of this Act, in the case of any provision of this Act (including an amendment made by such provision) that grants change of legal status, or adjustment of current status, of an individual who enters the United States in violation of Federal law, such provision shall not go into effect until the Congressional Budget Office submits to Congress a report setting forth a comprehensive estimate and assessment of the costs of the implementation such provision.

SA 4121. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Sec. 133(h) is amended to read as follows:

''(h) ASSISTANCE TO LAW ENFORCEMENT.—Notwithstanding any other provision of law, a member of the National Guard providing assistance under this section may participate in a search, seizure, or similar activity, in order to detain an individual until law enforcement personnel can assume custody of such individual.''

SA 4122. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 249, strike lines 16 through 20, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that a total of $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

SA 4123. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, 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 II, insert the following:

SEC. ___. EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes of the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

SA 4124. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the Director of the Bureau of the Census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several states, and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SA 4125. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, strike line 10 and all that follows through page 395, line 23, and insert the following:

Subtitle A—Mandatory Departure and Reentry in Legal Status

SEC. 601. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218C, as added by section 405, the following:

''SEC. 218D. MANDATORY DEPARTURE AND REENTRY.

''(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

''(b) REQUIREMENTS.—

''(1) PRESENCE.—An alien shall establish that the alien—

''(A) was physically present in the United States on or before April 5, 2001;

''(B) has been continuously in the United States since that date; and

''(C) was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

''(2) EMPLOYMENT.—An alien must establish that the alien—

''(A) has been employed in the United States, in the aggregate, for at least 3 years during the 5-year period ending on April 5, 2006; and

''(B) has been employed in the United States since that date.

''(3) ADMISSIBILITY.—

''(A) IN GENERAL.—The alien must establish that the alien—

''(i) is admissible to the United States (except as provided in subparagraph (B)); and

''(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

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

''(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), as applied to individual aliens—

''(i) for humanitarian purposes;

''(ii) to assure family unity; or

''(iii) if such waiver is otherwise in the public interest.

''(4) GROUNDS FOR INELIGIBILITY.—

''(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), an alien is ineligible for Deferred Mandatory Departure status if—

''(i) the alien has been ordered removed from the United States—

''(I) for overstaying the period of authorized admission under section 217;

''(II) under section 235 or 238; or

''(III) pursuant to a final order of removal under section 240;

''(ii) the alien failed to depart the United States during the period of a voluntary departure order under section 240B;

''(iii) the alien is subject to section 241(a)(5);

''(iv) the alien fails to comply with any request for information by the Secretary of Homeland Security;

''(v) the Secretary of Homeland Security determines that—

''(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(vi) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding clauses (i) and (ii) of subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for Deferred Mandatory Departure status if the alien's ineligibility under such clauses is solely related to the alien's—

''(i) entry into the United States without inspection;

''(ii) remaining in the United States beyond the period of authorized admission; or

''(iii) failure to maintain legal status while in the United States.

''(C) WAIVER.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the applicability of clauses (i) and (ii) of subparagraph (A) if the alien was ordered removed on the basis that the alien—

''(i)(I) entered the United States without inspection;

''(II) failed to maintain legal status while in the United States; or

''(III) was ordered removed under section 212(a)(6)(C)(i) prior to April 7, 2006; and

''(ii)(I) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a);

''(II) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

''(III) the alien's departure from the United States would result in extreme hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

''(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status—

''(A) if the Secretary determines that the alien was not eligible for such status; or

''(B) if the alien commits an act that makes the alien removable from the United States.

''(7) APPLICATION CONTENT AND WAIVER.—

''(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

''(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax history.

''(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates anti-fraud protection. The Secretary shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

''(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(3) APPLICATION.—An alien shall submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

''(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

''(e) ACKNOWLEDGMENT.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

''(1) an acknowledgment made in writing and under oath that the alien—

''(A) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

''(B) understands the terms of the terms of Deferred Mandatory Departure;

''(2) any Social Security account number or card in the possession of the alien or relied upon by the alien;

''(3) any false or fraudulent documents in the alien's possession.

''(f) MANDATORY DEPARTURE.—

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, grant Deferred Mandatory Departure status to an alien for a period not to exceed 5 years.

''(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure shall—

''(A) depart the United States before the expiration of the period of Deferred Mandatory Departure status;

''(B) register with the Secretary of Homeland Security at the time of departure; and

''(C) surrender any evidence of Deferred Mandatory Departure status at time of departure.

''(3) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and departs before the expiration of such status—

''(A) shall not be subject to section 212(a)(9)(B); and

''(B) may immediately seek admission as a nonimmigrant or immigrant, if otherwise eligible.

''(4) FAILURE TO DEPART.—An alien who fails to depart the United States before the expiration of Deferred Mandatory Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, except as provided under section

208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates an intention to apply for asylum under section 208 or a fear of persecution or torture.

''(5) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to immediately depart the United States shall be subject to—

''(A) no fine if the alien departs the United States not later than 1 year after being granted Deferred Mandatory Departure status;

''(B) a fine of $2,000 if the alien remains in the United States for more than 1 year and not more than 2 years after being granted Deferred Mandatory Departure status;

''(C) a fine of $3,000 if the alien remains in the United States for more than 2 years and not more than 3 years after being granted Deferred Mandatory Departure status;

''(D) a fine of $4,000 if the alien remains in the United States for more than 3 years and not more than 4 years after being granted Deferred Mandatory Departure status; and

''(E) a fine of $5,000 if the alien remains in the United States for more than 4 years after being granted Deferred Mandatory Departure status.

''(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

''(h) TERMS OF STATUS.—

''(1) REPORTING.—During the period in which an alien is in Deferred Mandatory Departure status, the alien shall comply with all registration requirements under section 264.

''(2) TRAVEL.—

''(A) An alien granted Deferred Mandatory Departure status is not subject to section 212(a)(9) for any unlawful presence that occurred before the Secretary of Homeland Security granting such status to the alien.

''(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure status—

''(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

''(ii) shall establish, at the time of application for admission, that the alien is admissible under section 212.

''(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

''(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure status under this section, the alien—

''(A) shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

''(B) may be deemed ineligible for public assistance by a State or any political subdivision of a State that furnishes such assistance.

''(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—An alien granted Deferred Mandatory Departure status may not apply to change status under section 248 or, unless otherwise eligible under section 245(i), from applying for adjustment of status to that of a permanent resident under section 245.

''(j) APPLICATION FEE.—

''(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

''(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

''(k) FAMILY MEMBERS.—

''(1) FAMILY MEMBERS.—

''(A) IN GENERAL.—The spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien, but is not authorized to work in the United States.

''(B) APPLICATION FEE.—

''(i) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

''(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

''(l) EMPLOYMENT.—

''(1) IN GENERAL.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens.

''(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status shall be employed while the alien is in the United States. An alien who fails to be employed for 30 days may not be hired until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien's departure from the United States.

''(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security System, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

''(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—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).

''(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

''(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

''(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

''(1) any judgment regarding the granting of relief under this section; or

''(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

''(r) JUDICIAL REVIEW.—

''(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

''(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

''(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

''(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

''(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

''(2) CHALLENGES TO VALIDITY.—

''(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

''(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

''(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.''.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218C the following:

''Sec. 218D. Mandatory departure and reentry.''.

(2) DEPORTATION.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting ''(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218D),''.

SEC. 602. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 603. EXCEPTIONS FOR HUMANITARIAN REASONS.

Notwithstanding any other provision of law, an alien of good moral character may be exempt from Deferred Mandatory Departure status and may apply for lawful permanent resident status during the 1-year period beginning on the date of the enactment of this Act if the alien—

(1) is the spouse of a citizen of the United States at the time of application for lawful permanent resident status;

(2) is the parent of a child who is a citizen of the United States;

(3) is not younger than 65 years of age;

(4) is not older than 16 years of age and is attending school in the United States;

(5) is younger than 5 years of age;

(6) on removal from the United States, would suffer long-term endangerment to the life of the alien; or

(7) owns a business or real property in the United States.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out this title and the amendments made by this title.

SA 4126. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Insert in the appropriate place:

Resolved, That it is the Sense of the Senate—

(1) That the national security of the United States depends on an immigration policy, the first step of which, is to secure our borders and to control the flow of illegal immigration;

(2) That our national immigration policy must demand accountability from those who hire illegal workers by creating a national employee verification system that employers would be required to use to verify the legal status of their employees and imposing severe penalties for employers who hire illegal workers;

(3) That Congress must be able to confirm to the American public that the borders are secured and an employment verification system is in place before determining the final status of those persons who are not currently lawfully in the United States;

(4) That any temporary worker program enacted by Congress should contain both positive incentives for preferable conduct and negative consequences for objectionable conduct;

(5) That temporary worker status should be extended to reward continuous employment, English fluency, and private health insurance coverage;

(6) That temporary worker status should not be given to people who are not working full time; who have committed a crime or may present a danger to American citizens or legal immigrants; or who go on, or are likely to go on, public assistance or become dependent on any other government program; and

(7) That America should fully recognize and appreciate that America is a nation of immigrants, but also a nation of laws, and that the American people should welcome those who want to enter the country legally, learn English, maintain employment, pay taxes and contribute to our communities.

SA 4127. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 537, between lines 2 and 3, insert the following:

SEC. 645. 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);

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a);

(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 maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SA 4128. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 575, strike 22 and all that follows through page 577, line 25, and insert the following:

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall 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 subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. 743. 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), the Secretary 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 subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who 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.

SA 4129. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 1, strike ''(e)'' and insert the following:

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program, based at the Northern Border airbase in Great Falls, Montana, to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f)

SA 4130. Mr. AKAKA (for himself, Ms. MIKULSKI, Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. DESIGNATION OF PROGRAM COUNTRIES.

Section 217(c)(1) (8 U.S.C. 1187(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—As soon as any country fully meets the requirements under paragraph (2), the Secretary of Homeland Security, in consultation with the Secretary of State, shall designate such country as a program country.''.

SA 4131. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 316, strike lines 1 through 5, and insert the following:

''(2) VISAS FOR SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

''(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

''(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

SA 4132. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 290, between lines 7 and 8, and insert the following:

(3) to study the impact of numerical limitations on employment-based visas issued under section 201(d) of the Immigration and Nationality Act, as amended by section 501(b), on the wages, working conditions, and employment of United States workers, and to make recommendations to the Secretary of Labor regarding any need to modify such numerical limitations.

SA 4133. Mr. DODD (for himself, Mr. LUGAR, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, 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 the bill insert the following new section

Sec. . Consultation Requirement. Consultations between United States and Mexican authorities at the federal, state, and local levels concerning the construction of additional fencing and related border security structures along the United States-Mexico border, provided for elsewhere in this Act, shall be undertaken prior to commencing any new construction, in order to solicit the views of affected communities, lessen tensions and foster greater understanding and stronger cooperation on this and other important security issues of mutual concern.

SA 4134. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 249, strike lines 16 through 20, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that a total of $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

(2) EXCEPTION.—Not later than 1 year after the date of the enactment of this Act, the amendment made by subsection (a) may apply to aliens who are reentering the United States pursuant to section 245C of the Immigration and Nationality Act, as added by section 601(c).

Subsection (b) of section 406 is amended to read as follows:

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act and shall be applied as follows:

(1) Not later than 1 year after the date of the enactment of this Act, such amendments. shall apply to aliens who are reentering the United States pursuant to section 245C of the Immigration and Nationality Act, as added by section 601(c).

(2) Not later than 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), such amendment shall apply to aliens, who, on such effective date, are outside of the United States.

SA 4135. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 364, line 22, after ''an'' insert the following—

''alien who is unlawfully present in the United States, or an alien receiving adjustment of status under section 408(h) of this Act who was illegally present in the United States prior to January 7, 2004, section 601 of this Act, or section 613(c) of this Act, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien''.

SA 4136. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, line 13, strike ''The alien'' through ''which taxes are owed.'' on page 351, line 22, and insert the following:

''(i) 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.

''(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.''

SA 4137. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 411, after line 25, insert the following clause:

(iii) LIMITATION.—Provided further that an alien required to to pay taxes under this subparagraph, or who otherwise satisfies the requirements of subclause (I), (II), or (II) of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.''

SA 4138. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 5 and 6, insert the following:

(c) NORTHERN BORDER TRAINING FACILITY FEASIBILITY STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States, in consultation with the Secretary, shall conduct a study to examine the feasibility of establishing a northern border training facility at Rainy River Community College in International Falls, Minnesota to carry out the training programs described in this subsection.

(2) USE OF TRAINING FACILITY.—The training facility should be designed to allow the Secretary to conduct a variety of supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(3) TRAINING CURRICULUM.—The training curriculum, as determined by the Secretary, would be offered at the training facility through multi-day training programs involving classroom and real-world applications, and would include training in—

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;

(ii) changing tactics;

(iii) language;

(iv) culture; and

(v) communications.

SA 4139. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, 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 NATIONAL PUBLIC ACHIEVEMENT PILOT PROGRAM FOR NEW IMMIGRANTS AND CROSS-CULTURAL UNDERSTANDING.

(a) FINDINGS.—Congress finds that—

(1) it is desirable to educate new immigrants about American civic rights and duties;

(2) fostering civic dialogue between new immigrants and American citizens will help to bring new immigrants into the fabric of the communities in which they live;

(3) for over 15 years, the Public Achievement program at the University of Minnesota has given people the opportunity to be producers and creators of their communities;

(4) through that program, participants have learned basic methods for becoming civically engaged citizens;

(5) the Public Achievement program was created in 1990 as a partnership between the city of St. Paul, Minnesota and the Center for Democracy and Citizenship at the Humphrey Institute of Public Affairs;

(6) as of the date of enactment of this Act, public achievement programs have been established in the States of Minnesota, New York, Colorado, Florida, New Hampshire, Wisconsin, California, and Missouri;

(7) internationally, the Public Achievement program (and similar programs) are active in Northern Ireland, Turkey, Palestine, Israel, Poland, Moldova, Ukraine, Romania, Bulgaria, Serbia, Macedonia, Albania, Kosovo, and Scotland;

(8) the Public Achievement program has been recognized nationally as a promising model of youth civic engagement by the National Commission on Civic Renewal and in the Civic Mission of Schools report by the Carnegie Corporation of New York and the Center for Information and Research on Civic Learning and Engagement (CIRCLE);

(9) the Public Achievement program model of civic engagement is a valuable model for programs that assist new immigrants in integrating their lives into American society;

(10) working alongside American-born citizens to practice the skills of citizenship, new immigrants involved in public achievement programs will begin to understand and embrace American civic values;

(11) through public achievement programs, American citizens will put their values into action and gain understanding of and appreciation for new cultures; and

(12) through public work and reflection, immigrants and American citizens will continue to foster the true American spirit that includes freedom, democracy, citizenship, and other ideals that are at the core of American society.

(b) ESTABLISHMENT.—The Director of the Bureau of Citizenship and Immigration Services shall establish a National Public Achievement Pilot Program for new immigrants and to increase cross-cultural understanding that is carried out at elementary, middle, and high schools in the United States for the purposes described in subsection (c).

(c) PURPOSES.—The purposes of the National Public Achievement Pilot Program for new immigrants and cross-cultural understanding shall be—

(1) to assist the integration into American society by developing civic skills and engaging immigrants and American citizens in creative opportunities for enhancing public life;

(2) to promote sustained productive efforts between people of different backgrounds, views, and interests;

(3) to educate new immigrant groups regarding methods to become involved in local and national civics, while teaching others about the culture of such groups; and

(4) to enable American citizens and immigrants to work together and with civic, educational, community-based, and faith-based organizations to create a broad culture of citizenship, civic renewal, and inter-cultural understanding.

SA 4140. Mr. DOMENICI (for himself, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, 1 additional district court judge for each district court—

(1) in which immigration filings during fiscal year 2004 represented more than 50 percent of all criminal filings during such fiscal year; and

(2) for which the 2005 Judicial Conference recommendations included at least 1 additional temporary or permanent judgeship.

SA 4141. Mr. SCHUMER (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 320, line 4, strike ''(c)'' and insert the following:

(c) DIVERSITY IMMIGRANTS.—Section 203(c) (8 U.S.C. 1153(c)) is amended—

(1) in paragraph (2)—

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

(B) by amending subparagraph (B) to read as follows:

''(B) has at least—

''(i) 2 years of work experience in an occupation that requires at least 2 years of training or experience; or

''(ii) 4 years of formal education beyond the education described in subparagraph (A).''; and

(2) by adding at the end the following:

''(4) GROUNDS FOR INELIGIBILITY.—Notwithstanding any other provision in this Act, an alien is ineligible to receive a visa under this subsection if the alien is described in paragraph (1) (relating to health-related grounds), (2) (relating to criminal and related grounds), (3) (relating to security and terrorist grounds), (4) (relating to likelihood to become a public charge), (6) (relating to illegal entrants and immigration violators), (8) (relating to permanent ineligibility for citizenship), or (9) (relating to aliens previously removed) of section 212(a).''.

(d)

SA 4142. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 183, between lines 4 and 5, insert the following:

SEC. 235. WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY OR REMOVAL BASED ON HARDSHIP TO CITIZEN OR PERMANENT RESIDENT ALIEN SPOUSE, PARENT, OR CHILD.

(a) WAIVER.—Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary of Homeland Security (in the sole and unreviewable discretion of the Secretary) or the Attorney General (in the sole and unreviewable discretion of the Attorney General), as applicable, may waive any ground of inadmissibility or removal of an alien under, or arising from, an amendment made by a provision of section 203, 208, 209, 214 or 222 of this Act if the denial of admission or removal of such alien would result in an extreme hardship to a spouse, parent, or child of such alien who is a citizen or an alien lawfully admitted for permanent residence.

(b) EXCEPTION FOR TERRORISTS.—No waiver may be made under subsection (a) under or arising from an amendment referred to in that subsection with respect to a ground of inadmissability or removal under a provision of law as follows:

(1) Section 212(a)(3) of the Immigration and Nationality Act.

(2) Section 237(a)(4) of the Immigration and Nationality Act.

SA 4143. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 107, strike lines 15 through 18 and insert the following:

''(4) DURATION OF OFFENSE.—

''(A) IN GENERAL.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

''(B) APPLICABILITY.—Subparagraph (A) shall apply only to offenses that occur after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

SA 4144. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 265, between lines 7 and 8, insert the following:

''(b) REQUIRED PROCEDURE.—

''(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H-2C nonimmigrant is sought under the petition:

''(A) Submit a copy of the job offer, 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, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

''(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

''(C) Authorize the State Employment Service Agency 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.

''(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

''(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H-2C nonimmigrant shall—

''(A) first offer the job to any eligible United States worker who applies, is qualified for the job, and is available at the time of need;

''(B) be required to maintain for at least 1 year after the employment relation is terminated, documentation of recruitment efforts and responses conducted and received prior to the filing of the employer's application with the Department of Labor, including resumes, applications, and if applicable, tests of United States workers who applied and

were not hired for the job the employer seeks to fill with a nonimmigrant worker; and

''(C) certify that there are not sufficient United States workers who are able, willing, qualified, and available at the time of the filing of the application.''.

SA 4145. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 575, strike lines 22 through 24.

SA 4146. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

Subtitle B—Preservation of Immigration Benefits for Hurricane Katrina Victims

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Hurricane Katrina Victims Immigration Benefits Preservation Act''.

SEC. 512. DEFINITIONS.

In this subtitle:

(1) APPLICATION OF DEFINITIONS FROM THE IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) DIRECT RESULT OF A SPECIFIED HURRICANE DISASTER.—The term ''direct result of a specified hurricane disaster''—

(A) means physical damage, disruption of communications or transportation, forced or voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 513. SPECIAL IMMIGRANT STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) INAPPLICABLE PROVISION.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) CONSTRUCTION.—In construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 514. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later 1 year after the application would have otherwise been due.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) DEPARTURE DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) DIVERSITY IMMIGRANTS.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.''.

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a)

as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(e) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(f) CURRENT NONIMMIGRANT VISA HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) CONTINUATION OF EMPLOYMENT AUTHORIZATION.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 515. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS BY SURVIVING SPOUSES AND CHILDREN OF REFUGEES AND ASYLEES.—

(1) IN GENERAL.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under sections 207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien's death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 516. RECIPIENT OF PUBLIC BENEFITS.

An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit as a direct result of a specified hurricane disaster.

SEC. 517. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 518. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters .

(b) NOTIFICATION.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) SUNSET DATE.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 519. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 520. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 521. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for

purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death;

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 522. IDENTIFICATION DOCUMENTS.

(a) TEMPORARY IDENTIFICATION.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any federal law or regulation until August 26, 2006.

(b) ISSUANCE.—An agency may not issue identity documents under this section after January 1, 2006.

(c) NO COMPULSION TO ACCEPT OR CARRY IDENTIFICATION DOCUMENTS.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) NO PROOF OF CITIZENSHIP.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 523. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedure Act'') or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 524. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005, and ending on the date of the enactment of this Act, the alien may submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 525. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

SA 4147. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

SEC. 301. SHORT TITLE.

This title may be cited as the ''Employment Security Act of 2006''.

SEC. 302. FINDINGS.

Congress makes the following findings:

(1) The failure of Federal, State, and local governments to control and sanction the unauthorized employment and unlawful exploitation of illegal alien workers is a primary cause of illegal immigration.

(2) The use of modern technology not available in 1986, when the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) created the I–9 worker verification system, will enable employers to rapidly and accurately verify the identity and work authorization of their employees and independent contractors.

(3) The Government and people of the United States share a compelling interest in protection of United States employment authorization, income tax withholding, and social security accounting systems, against unauthorized access by illegal aliens.

(4) Limited data sharing between the Department of Homeland Security, the Internal Revenue Service, and the Social Security Administration is essential to the integrity of these vital programs, which protect the employment and retirement security of all working Americans.

(5) The Federal judiciary must be open to private United States citizens, legal foreign workers, and law-abiding enterprises that seek judicial protection against injury to their wages and working conditions due to unlawful employment of illegal alien workers and the United States enterprises that utilize the labor or services provided by illegal aliens, especially where lack of resources constrains enforcement of Federal immigration law by Federal immigration officials.

Subtitle B—Employment Eligibility Verification System

SEC. 311. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by adding at the end the following:

''(7) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish and administer a verification system, known as the Employment Eligibility Verification System, through which the Secretary—

''(i) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

''(ii) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

''(B) INITIAL RESPONSE.—The verification system shall provide verification or a tentative nonverification of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing verification or tentative nonverification, the verification system shall provide an appropriate code indicating such verification or such nonverification.

''(C) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONVERIFICATION.—In cases of tentative nonverification, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final verification or nonverification within 10 working days after the date of the tentative nonverification. When final verification or nonverification is provided, the verification system shall provide an appropriate code indicating such verification or nonverification.

''(D) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

''(i) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

''(ii) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(iii) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

''(iv) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(I) the selective or unauthorized use of the system to verify eligibility;

''(II) the use of the system prior to an offer of employment; or

''(III) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

''(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such verification or nonverification) except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

''(F) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—(i) As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and alien identification or authorization number which are provided in an inquiry against such information maintained by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

''(ii) When a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number, the Secretary of Homeland Security shall conduct an investigation, within the time periods specified in subparagraphs (B) and (C), in order to ensure that no fraudulent use of a social security account number has taken place. If the Secretary has selected a designee to establish and administer the verification system, the designee shall notify the Secretary when a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number. The designee shall also provide the Secretary with all pertinent information, including the name and address of the employer or employers who submitted the relevant social security account number, the relevant social security account number submitted by the employer or employers, and the relevant name and date of birth of the employee submitted by the employer or employers.

''(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subparagraph (C).

''(H) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than the enforcement and administration of the immigration laws, the Social Security Act, or any provision of Federal criminal law.

''(I) FEDERAL TORT CLAIMS ACT.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this subparagraph.

''(J) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION.—No person or entity shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility verification mechanism established under this paragraph.''.

(b) REPEAL OF PROVISION RELATING TO EVALUATIONS AND CHANGES IN EMPLOYMENT VERIFICATION.—Section 274A(d) (8 U.S.C. 1324a(d)) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 312. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting ''(A)'' after ''DEFENSE.—'', and by adding at the end the following:

''(B) FAILURE TO SEEK AND OBTAIN VERIFICATION.—In the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

''(i) FAILURE TO SEEK VERIFICATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(7), seeking verification of the identity and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring, the date specified in subsection (b)(8)(B) for previously hired individuals, or before the recruiting or referring commences, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (b)(7)(B) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.'';

(2) by amending subparagraph (A) of subsection (b)(1) to read as follows:

''(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Secretary by regulation, that it has verified that the individual is not an unauthorized alien by—

''(i) obtaining from the individual the individual's social security account number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under paragraph (2), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

''(ii)(I) examining a document described in subparagraph (B); or

''(II) examining a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and, if the document bears an expiration date, that expiration date has not elapsed. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and is sufficient to meet the first sentence of this paragraph, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce another document.'';

(3) in subsection (b)(1)(D)—

(A) in clause (i), by striking ''or such other personal identification information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section''; and

(B) in clause (ii), by inserting before the period ''and that contains a photograph of the individual'';

(4) in subsection (b)(2), by adding at the end the following: ''The individual must also provide that individual's social security account number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under this paragraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.'';

(5) by amending paragraph (3) of subsection (b) to read as follows:

''(3) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

''(A) IN GENERAL.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity shall—

''(i) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual or the date of the completion of verification of a previously hired individual and ending—

''(I) in the case of the recruiting or referral of an individual, three years after the date of the recruiting or referral;

''(II) in the case of the hiring of an individual, the later of—

''(aa) three years after the date of such hiring; or

''(bb) one year after the date the individual's employment is terminated; and

''(III) in the case of the verification of a previously hired individual, the later of—

''(aa) three years after the date of the completion of verification; or

''(bb) one year after the date the individual's employment is terminated;

''(ii) make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring or in the case of previously hired individuals, the date specified in subsection (b)(8)(B), or before the recruiting or referring commences; and

''(iii) not commence recruitment or referral of the individual until the person or entity receives verification under subparagraph (B)(i) or (B)(iii).

''(B) VERIFICATION.—

''(i) VERIFICATION RECEIVED.—If the person or other entity receives an appropriate verification of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final verification of such identity and work eligibility of the individual.

''(ii) TENTATIVE NONVERIFICATION RECEIVED.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so

inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the process for secondary verification provided under paragraph (7). The nonverification will remain tentative until a final verification or nonverification is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonverification becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

''(iii) FINAL VERIFICATION OR NONVERIFICATION RECEIVED.—If a final verification or nonverification is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a verification or nonverification of identity and work eligibility of the individual.

''(iv) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

''(v) CONSEQUENCES OF NONVERIFICATION.—

''(I) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonverification regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

''(II) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under subclause (I), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

''(vi) CONTINUED EMPLOYMENT AFTER FINAL NONVERIFICATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonverification, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).'';

(6) by amending paragraph (4) of subsection (b) to read as follows:

''(4) COPYING AND RECORD KEEPING OF DOCUMENTATION REQUIRED.—

''(A) LAWFUL EMPLOYMENT DOCUMENTS.—Notwithstanding any other provision of law, a person or entity shall retain a copy of each document presented by an individual to the individual or entity pursuant to this subsection. Such copy may only be used (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection and shall be maintained for a time period to be determined by the Secretary of Homeland Security.

''(B) SOCIAL SECURITY CORRESPONDENCE.—A person or entity shall maintain records of correspondence from the Commissioner of Social Security regarding name and number mismatches or no-matches and the steps taken to resolve such mismatches or no-matches. The employer shall maintain such records for a time period to be determined by the Secretary.

''(C) OTHER DOCUMENTS.—The Secretary may, by regulation, require additional documents to be copied and maintained.''; and

(7) by amending paragraph (5) of subsection (b) to read as follows:

''(5) USE OF ATTESTATION FORM.—A form designated by the Secretary to be used for compliance with this subsection, and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter or of title 18, United States Code.''.

(b) INVESTIGATION NOT A WARRANTLESS ENTRY.—Section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) is amended by adding at the end the following: ''An investigation authorized pursuant to subsections (b)(7) or (e) of section 274A is not a warrantless entry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 313. EXPANSION OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM TO PREVIOUSLY HIRED INDIVIDUALS AND RECRUITING AND REFERRING.

(a) APPLICATION TO RECRUITING AND REFERRING.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(A), by striking ''for a fee'';

(2) in subsection (a)(1), by amending subparagraph (B) to read as follows:

''(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).'';

(3) in subsection (a)(2) by striking ''after hiring an alien for employment in accordance with paragraph (1),'' and inserting ''after complying with paragraph (1),''; and

(4) in subsection (a)(3), as amended by section 312, is further amended by striking ''hiring,'' and inserting ''hiring, employing,'' each place it appears.

(b) EMPLOYMENT ELIGIBILITY VERIFICATION FOR PREVIOUSLY HIRED INDIVIDUALS.—Section 274A(b) of such Act (8 U.S.C. 1324a(b)), as amended by section 311(a), is amended by adding at the end the following new paragraph:

''(8) USE OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM FOR PREVIOUSLY HIRED INDIVIDUALS.—

''(A) ON A VOLUNTARY BASIS.—Beginning on the date that is 2 years after the date of the enactment of the Employment Security Act of 2006 and until the date specified in subparagraph (B)(iii), a person or entity may make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the person or entity, as long as it is done on a nondiscriminatory basis.

''(B) ON A MANDATORY BASIS.—

''(i) INITIAL COMPLIANCE.—A person or entity described in clause (ii) shall make an inquiry as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity who have not been previously subject to an inquiry by the person or entity by the date 3 years after the date of the enactment of the Employment Security Act of 2006.

''(ii) PERSON OR ENTITY COVERED.—A person or entity is described in this clause if it is a Federal, State, or local governmental body (including the Armed Forces of the United States), or if it employs individuals working in a location that is a Federal, State, or local government building, a military base, a nuclear energy site, a weapon site, an airport, or that contains critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))), but only to the extent of such individuals.

''(iii) SUBSEQUENT COMPLIANCE.—All persons and entities other than a person or entity described in clause (ii) shall make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity that have not been previously subject to an inquiry by the person or entity by the date 6 years after the date of the enactment of the Employment Security Act of 2006.''.

SEC. 314. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking ''imposing'', and inserting a dash and ''(A) imposing'';

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

(3) by adding at the end the following:

''(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

''(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

''(ii) take other steps that facilitate the employment of day laborers by others.''.

SEC. 315. BASIC PILOT PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''at the end of the 11-year period beginning on the first day the pilot program is in effect'' and inserting ''2 years after the date of the enactment of the Employment Security Act of 2006''.

SEC. 316. PROTECTION FOR UNITED STATES WORKERS AND INDIVIDUALS REPORTING IMMIGRATION LAW VIOLATIONS.

Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

''(7) PROTECTION OF RIGHT TO REPORT.—Notwithstanding any other provision of law, the rights protected by this subsection include the right of any individual to report a violation or suspected violation of any immigration law to the Secretary of Homeland Security or a law enforcement agency.''.

SEC. 317. PENALTIES.

(a) CIVIL AND CRIMINAL PENALTIES.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended to read:

''(4) CIVIL AND CRIMINAL PENALTIES.—

''(A) KNOWINGLY HIRING UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(1)(A) shall—

''(i) in the case of a first offense, be fined $10,000 for each unauthorized alien;

''(ii) (in the case of a second offense, be fined $50,000 for each unauthorized alien; and

''(iii) in the case of a third or subsequent offense, be fined in accordance with title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.

''(B) CONTINUING EMPLOYMENT OF UNAUTHORIZED ALIENS.—Any person or entity that

violates subsection (a)(2) shall be fined in accordance of title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.''.

(b) PAPERWORK OR VERIFICATION VIOLATIONS.—Section 274A(e)(5) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read:

''(5) PAPERWORK OR VERIFICATION VIOLATIONS.—Any person or entity that violates subsection (a)(1)(B) shall—

''(A) in the case of a first offense, be fined $1,000 for each violation;

''(B) in the case of a second violation, be fined $5,000 for each violation; and

''(C) in the case of a third and subsequent violation, be fined $10,000 for each such violation.''.

(c) GOVERNMENT CONTRACTS.—Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

''(10) GOVERNMENT CONTRACTS.—

''(A) EMPLOYERS.—

''(i) IN GENERAL.—If the Secretary of Homeland Secretary determines that a person or entity that employs an alien is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary of Homeland Security 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 2-year period.

''(ii) WAIVER.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and Attorney General, may waive the application of this subparagraph or may limit the duration or scope of the debarment imposed under it.

''(iii) PROHIBITION ON JUDICIAL REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

''(B) CONTRACTORS AND RECIPIENTS.—

''(i) IN GENERAL.—If the Secretary of Homeland Security determines that a person or entity that employs an alien and holds a Federal contract, grant, or cooperative agreement is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. Prior to debarring the employer, the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise the head of each agency holding such a contract, grant, or cooperative agreement with person or entity of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(ii) WAIVER.—After consideration of the views of the head of each such agency, the Secretary of Homeland Security may, in lieu of debarring the employer from the receipt of new a Federal contract, grant, or cooperative agreement for a period of 2 years, waive application of this subparagraph, 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.

''(iii) PROHIBITION ON REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

''(C) CAUSE FOR SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this paragraph shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(D) APPLICABILITY.—The provisions of this paragraph shall apply to any Federal contract, grant, or cooperative agreement that is effective on or after the date of the enactment of the Employment Security Act of 2006.''.

(d) CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(f)(1)) is amended to read as follows:

''(1) CRIMINAL PENALTY.—Any person or entity engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 3 years and not more than 5 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels. The amount of the gross proceeds of such violation, and any property traceable to such proceeds, shall be seized and subject to forfeiture under title 18, United States Code.''.

(e) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Subsections (b)(2) and (f)(2) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) are amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

SEC. 321. VERIFICATION RESPONSIBILITIES OF THE 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, however in no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

SEC. 322. NOTIFICATION BY COMMISSIONER OF FAILURE TO CORRECT SOCIAL SECURITY INFORMATION.

The Commissioner of Social Security shall promptly notify the Secretary of Homeland Security of the failure of any individual to provide, upon any request of the Commissioner made pursuant to section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), evidence necessary, under such section to—

(1) establish the age, citizenship, immigration or work eligibility status of the individual;

(2) establish such individual's true identity; or

(3) determine which (if any) social security account number has previously been assigned to such individual.

SEC. 323. RESTRICTION ON ACCESS AND USE.

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 new subparagraph:

''(I)(i) Access to any information contained in the Employment Eligibility Verification System established section 274A(b)(7) of the Immigration and Nationality Act, shall be prohibited for any purpose other than the administration or enforcement of Federal immigration, social security, and tax laws, any provision of title 18, United States Code, or as otherwise authorized by Federal law.

''(ii) No person or entity may use the information in such Employment Eligibility Verification System for any purpose other than as permitted by Federal law.

''(iii) Whoever knowingly uses, discloses, publishes, or permits the unauthorized use of information in such Employment Eligibility Verification System in violation of clause (i) or (ii) shall be fined not more than $10,000 per individual injured by such violation. The Commissioner of Social Security shall establish procedure to ensure that 60 percent of any fine imposed under this clause is awarded to the individual injured by such violation.''.

SEC. 324. SHARING OF INFORMATION WITH THE COMMISSIONER OF INTERNAL REVENUE SERVICE.

Section 205(c)(2)(H) of the Social Security Act (42 U.S.C. 405(c)(2)(H)) is amended to read as follows:

''(H) The Commissioner of Social Security shall share with the Secretary of the Treasury—

''(i) the information obtained by the Commissioner pursuant to the second sentence of subparagraph (B)(ii) and to subparagraph (C)(ii) for the purpose of administering those sections of the Internal Revenue Code of 1986 that grant tax benefits based on support or residence of children; and

''(ii) information relating to the detection of wages or income from self-employment of unauthorized aliens (as defined by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)), or the investigation of false statements or fraud by such persons incident to the administration of immigration, social security, or tax laws of the United States.

Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.''.

SEC. 325. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY.

(a) AMENDMENT TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), as amended by section 423, is amended by adding at the end the following new subparagraph:

''(J) Upon the issuance of a social security account number under subparagraph (B) to any individual or the issuance of a Social Security card under subparagraph (G) to any individual, the Commissioner of social security shall transmit to the Secretary of Homeland Security such information received by the Commissioner in the individual's application for such number or such card as the Secretary of Homeland Security determines necessary and appropriate for administration of the immigration laws of the United States.''.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—

(1) FORMS AND PROCEDURES.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

''(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, Secretary of Labor and the Attorney General are authorized to require any individual to provide the individual's own social security account number for purposes of inclusion in any record of the individual maintained by any of any such Secretary or the Attorney General, or for inclusion on any application, document, or form provided under or required by the immigration laws.''.

(2) CENTRAL FILE.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986) earnings are reported on or after January 1, 1997, to the Commissioner of Social Security on a social security account number issued to an alien who is not authorized to work in the United States, the Commissioner shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

''(3) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where a social security account number does not match the name in the Social Security Administration record. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(4) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where the individual has more than one person reporting earnings for the individual during a single tax year and where a social security number was used with multiple names. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, any search or manipulation of records held by the Commissioner, so long as the Secretary certifies that the purpose of the search or manipulation is to obtain information likely to assist in identifying individuals (and their employers) who—

''(i) are using false names or social security numbers; who are sharing among multiple individuals a single valid name and social security number;

''(ii) are using the social security number of persons who are deceased, too young to work or not authorized to work; or

''(iii) are otherwise engaged in a violation of the immigration laws.

''(B) The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986). The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations reported by the Secretary.''.

Subtitle D—Sharing of Information

SEC. 331. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY AND THE COMMISSIONER OF SOCIAL SECURITY.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 6103(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE OF INFORMATION RELATING TO VIOLATIONS OF FEDERAL IMMIGRATION LAW.—

''(A) Upon receipt by the Secretary of the Treasury of a written request, by the Secretary of Homeland Security or Commissioner of Social Security, the Secretary of the Treasury shall disclose return information to officers and employees of the Department of Homeland Security and the Social Security Administration who are personally and directly engaged in—

''(i) preparation for any judicial or administrative civil or criminal enforcement proceeding against an alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the adjudication of any application for a change in immigration status or other benefit by such alien, or

''(ii) preparation for a civil or criminal enforcement proceeding against a citizen or national of the United States under section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, or 1324c), or

''(iii) any investigation which may result in the proceedings enumerated in clauses (i) and (ii) above.

''(B) LIMITATION ON USE AND RETENTION OF TAX RETURN INFORMATION.—

''(i) Information disclosed under this paragraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

''(ii) Should the proceeding for which such information has been disclosed not commence within 3 years after the date on which the information has been disclosed by the Secretary, the information shall be returned to the Secretary in its entirety, and shall not be retained in any form by the requestor, unless the taxpayer is notified in writing as to the information that has been retained.''.

(b) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end the following new subsection:

''(i) NO-MATCH NOTICE.—

''(1) NO-MATCH NOTICE DEFINED.—In this subsection, the term 'no-match notice' means a written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

''(2) PROVISION OF INFORMATION.—

''(A) REQUIREMENT TO PROVIDE.—Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner shall provide the Secretary of Homeland Security with information relating to employers who have received no-match notices and, upon request, with such additional information as the Secretary certifies is necessary to administer or enforce the immigration laws.

''(B) FORM OF INFORMATION.—The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

''(C) USE OF INFORMATION.—A no-match notice received by the Secretary from the Commissioner may be used as evidence in any civil or criminal proceeding.

''(3) OTHER AUTHORITIES.—

''(A) VERIFICATION REQUIREMENT.—The Secretary, in consultation with the Commissioner, is authorized to establish by regulation requirements for verifying the identity and work authorization of an employee who is the subject of a no-match notice.

''(B) PENALTIES.—The Secretary is authorized to establish by regulation penalties for failure to comply with this subsection.

''(C) LIMITATION ON AUTHORITIES.—This authority in this subsection is provided in aid of the Secretary's authority to administer and enforce the immigration laws, and nothing in this subsection shall be construed to authorize the Secretary to establish any regulation regarding the administration or enforcement of laws otherwise relating to taxation or the Social Security system.''.

Subtitle E—Identification Document Integrity

SEC. 341. CONSULAR IDENTIFICATION DOCUMENTS.

(a) ACCEPTANCE OF FOREIGN IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), for purposes of personal identification, no agency, commission, entity, or agent of the executive or legislative branches of the Federal Government may accept, acknowledge, recognize, or rely on any identification document issued by the government of a foreign country, unless otherwise mandated by Federal law.

(2) AGENT DEFINED.—In this section, the term ''agent'' shall include the following:

(A) A Federal contractor or grantee.

(B) An institution or entity exempted from Federal income taxation under the Internal Revenue Code of 1986.

(C) A financial institution required to ask for identification under section 5318(l) of title 31, United States Code.

(3) EXCEPTIONS.—

(A) IN GENERAL.—An individual who is not a citizen or national of the United States may present for purposes of personal identification an official identification document issued by the government of a foreign country or other foreign identification document recognized pursuant to a treaty entered into by the United States, if—

(i) such individual simultaneously presents valid verifiable documentation of lawful presence in the United States issued by the appropriate agency of the Federal Government;

(ii) reporting a violation of law or seeking government assistance in an emergency;

(iii) the document presented is a passport issued to a citizen or national of a country that participates in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by the government of such country; or

(iv) such use is expressly permitted another provision of Federal law.

(B) NONAPPLICATION.—The provisions of paragraph (1) shall not apply to—

(i) inspections of alien applicants for admission to the United States; or

(ii) verification of personal identification of persons outside the United States.

(4) LISTING OF ACCEPTABLE DOCUMENTS.—The Secretary of Homeland Security shall issue and maintain an updated public listing, compiled in consultation with the Secretary of State, and including sample facsimiles, of all acceptable Federal documents that satisfy the requirements of paragraph (3)(A).

(b) ESTABLISHMENT OF PERSONAL IDENTITY.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a comma and ''or''; and

(3) by inserting after paragraph (6) the following new paragraph:

''(7) to use to establish personal identity, before any agent of the Federal Government, or before any agency of the Federal Government or of a State or any political subdivision therein, a travel or identification document issued by a foreign government that is not accepted by the Secretary of Homeland Security to establish personal identity for purposes of admission to the United States at a port of entry, except—

''(A) in the case of a person who is not a citizen of the United States—

''(i) the person simultaneously presents valid verifiable documentation of lawful presence in the United States issued by an agency of the Federal Government;

''(ii) the person is reporting a violation of law or seeking government assistance in an emergency; or

''(iii) such use is expressly permitted by Federal law.''.

SEC. 342. MACHINE-READABLE TAMPER-RESISTANT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) in the heading, by striking ''**ENTRY AND EXIT DOCUMENTS**'' and inserting ''**TRAVEL, ENTRY, AND EVIDENCE OF STATUS DOCUMENTS**'';

(2) in subsection (b)(1)—

(A) by striking ''Not later than October 26, 2004, the Attorney General'' and inserting ''The Secretary of Homeland Security''; and

(B) by striking ''visas and'' each place it appears and inserting ''visas, evidence of status, and'';

(3) by striking subsection (d) and inserting the following:

''(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of immigrant, nonimmigrant, parole, asylee, or refugee status, shall be machine-readable, tamper-resistant, and incorporate a biometric identifier to allow the Secretary of Homeland Security to electronically verify the identity and status of the alien.

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursements to international and domestic standards organizations.

''(2) FEE.—During any fiscal year for which appropriations sufficient to issue documents described in subsection (d) are not made pursuant to law, the Secretary of Homeland Security is authorized to implement and collect a fee sufficient to cover the direct cost of issuance of such document from the alien to whom the document will be issued.

''(3) EXCEPTION.—The fee described in paragraph (2) may not be levied against nationals of a foreign country if the Secretary of Homeland has determined that the total estimated population of such country who are unlawfully present in the United States does not exceed 3,000 aliens.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173; 116 Stat. 543) is amended by striking the item relating to section 303 and inserting the following:

''Sec. 303. Machine-readable, tamper-resistant travel, entry, and evidence of status documents.''.

Subtitle F—Effective Date; Authorization of Appropriations

SEC. 351. EFFECTIVE DATE.

Except as otherwise specially provided in this Act, the provisions of this title shall take effect not later than 45 days after the date of the enactment of this Act.

SEC. 352. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

SA 4148. Mr. KENNEDY (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (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, that the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—

''(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

''(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

''(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

''(B) INFORMATION SHARING.—The person hiring the alien shall provide to the employer who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

''(C) REPORTING REQUIREMENT.—The employer shall submit to the Electronic Employment Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

''(D) ENFORCEMENT.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien failed to comply with the requirements of this section.

''(4) DEFENSE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense 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

''(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 satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

''(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;

''(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

''(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

''(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—

''(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

''(v) 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, a document, or a combination of documents, of such type that, as of the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary had established by regulation were sufficient for purposes of this section.

''(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 under this Act or by the Secretary 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 paragraph (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, including a copy of the form described in subsection (a)(3)(B).

''(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 or the Commissioner of Social Security; and

''(B) such individual is eligible for employment in the United States.

''(2) REQUIREMENT FOR PARTICIPATION.—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 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection.

''(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 employees hired prior to, on, or after the date of enactment of the Comprehensive Immigration Reform Act of 2006—

''(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 (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)(v).

''(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 the 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; and

''(III) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such 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 later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

''(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

''(C) INITIAL RESPONSE.—Not later than 10 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 paragraph (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 paragraph (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)(2), 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)(iii) 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 the earlier of—

''(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

''(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

''(vi) AUTOMATIC FINAL NOTICE.—

''(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

''(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

''(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

''(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

''(vii) 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 identity fraud; or

''(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

''(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the 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 employment for any reason other than such tentative nonconfirmation.

''(ix) 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.

''(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the 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) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Secretary shall submit to Congress a report that includes—

''(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

''(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

''(iii) 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.

''(iv) 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.

''(v) 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.

''(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 60 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 if the final nonconfirmation notice issued for the individual was the result of—

''(i) an error or negligence on the part of an employee or official operating or responsible for the System;

''(ii) the decision rules, processes, or procedures utilized by the System; or

''(iii) erroneous system information that was not the result of acts or omissions of the individual.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final confirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall take such affirmative action as the Secretary determines is appropriate, which shall include compensating the individual for reasonable costs and 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 beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

''(E) 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 ineligible for employment in the United States.

''(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

''(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 60 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 shall take appropriate affirmative action, which shall include compensating the individual for reasonable costs and 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 beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

''(12) LIMITATION ON COLLECTION AND USE OF DATA.—

''(A) LIMITATION ON COLLECTION OF DATA.—

''(i) IN GENERAL.—The System 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 not more than $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.

''(13) 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.

''(14) 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 the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

''(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

''(ii) 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.

''(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

''(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

''(v) 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.

''(vi) 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.

''(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 not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

''(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 not less than $200 and not more than $2,000 for each such violation.

''(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

''(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 45 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 46 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.

''(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

''(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 $20,000 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 and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 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 referring for a fee, 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 referring 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 Employer Compliance Fund established under section 286(w).

''(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 debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

''(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

''(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.

''(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 imposing 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.

''(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

''(l) DEFINITIONS.—In this section:

''(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

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

''(3) 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.''.

(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 (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 (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(d)''.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—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 new subparagraphs:

''(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Comprehensive Immigration Reform Act of 2006, 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 in order to confirm the validity of the information provided;

''(II) 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, 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.''.

(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 new paragraph:

''(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

''(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

''(i) DISCLOSURE OF EMPLOYER NO-MATCH NOTICES.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

''(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

''(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

''(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

''(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security 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.—Taxpayer identity information of all employees (within the meaning of section 6051) hired 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.—Taxpayer identity information of all employees (within the meaning of section 6051) 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.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired 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 Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

''(i) establishing and enforcing employer participation in the System,

''(ii) 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

''(iii) the civil operation of the Alien Terrorist Removal Court.

''(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

''(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.''.

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

''(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 (mid-point review in the case of

contracts or agreements of less than 1 year 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.

The certification required by subparagraph (D) shall include 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 the Secretary has provided, in advance, funds 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 that is 180 days after 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 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

''(w) EMPLOYER COMPLIANCE FUND.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

''(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

''(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''.

SEC. 303. 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 personnel of the Bureau of Immigration and Customs Enforcement 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 personnel of the Bureau of Immigration and Customs Enforcement shall be 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 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by 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''.

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

''(B) is an alien who is—

''(i) lawfully admitted for permanent residence;

''(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

''(iii) admitted as a refugee under section 207;

''(iv) granted asylum under section 208;

''(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

''(vi) granted temporary protected status under section 244; or

''(vii) granted parole under section 212(d)(5).''.

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

''(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—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)—

''(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(B) to use the verification system for screening of an applicant prior to an offer of employment;

''(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

''(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).''.

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(B) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(C) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(D) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2007 through 2009'' before the period at the end.

(f) 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.

SA 4150. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 391, strike line 24 and all that follows through page 392, line 9.

SA 4151. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 378, strike lines 11 through 14, and insert ''any right to judicial review, other than to contest any removal action on the basis of''.

SA 4152. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 380, between lines 20 and 21, insert the following:

''(e) CONFIDENTIALITY OF INFORMATION.—The restrictions on the use of information set out in subsection (e) of section 245B shall apply to information submitted by an alien seeking Deferred Mandatory Departure status under this section.

SA 4149. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

Subtitle B—Preservation of Immigration Benefits for Hurricane Katrina Victims

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Hurricane Katrina Victims Immigration Benefits Preservation Act''.

SEC. 512. DEFINITIONS.

In this subtitle:

(1) APPLICATION OF DEFINITIONS FROM THE IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) DIRECT RESULT OF A SPECIFIED HURRICANE DISASTER.—The term ''direct result of a specified hurricane disaster''—

(A) means physical damage, disruption of communications or transportation, forced or voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 513. SPECIAL IMMIGRANT STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) INAPPLICABLE PROVISION.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) CONSTRUCTION.—In construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 514. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than one year after it would have otherwise been due.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) DEPARTURE DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) DIVERSITY IMMIGRANTS.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.''.

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(f) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(g) CURRENT NONIMMIGRANT VISA HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section

101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) CONTINUATION OF EMPLOYMENT AUTHORIZATION.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 515. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS BY SURVIVING SPOUSES AND CHILDREN OF REFUGEES AND ASYLEES.—

(1) IN GENERAL.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under sections 207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien's death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 516. RECIPIENT OF PUBLIC BENEFITS.

An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit or as a direct result of a specified hurricane disaster.

SEC. 517. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 518. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters .

(b) NOTIFICATION.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) SUNSET DATE.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 519. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 520. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 521. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death;

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 522. IDENTIFICATION DOCUMENTS.

(a) TEMPORARY IDENTIFICATION.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any federal law or regulation until August 26, 2006.

(b) ISSUANCE.—An agency may not issue identity documents under this section after January 1, 2006.

(c) NO COMPULSION TO ACCEPT OR CARRY IDENTIFICATION DOCUMENTS.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) NO PROOF OF CITIZENSHIP.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 523. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing

this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedure Act'') or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 524. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005 and ending on the date of enactment of this legislation, the alien shall have 30 days after notice of enactment of this legislation to submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 525. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

SA 4153. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. VOTER VERIFIED BALLOTS.

(a) VERIFICATION.—

(1) IN GENERAL.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

''(7) VOTER VERIFIED BALLOTS.—In order to meet the requirements of paragraph (1)(A)(i), on and after January 1, 2009:

''(A) The voting system shall provide an independent means of voter verification which meets the requirements of subparagraph (B) and which allows each voter to verify the ballot before it is cast and counted.

''(B) A means of voter verification meets the requirements of this subparagraph if the voting system allows the voter to choose from one of the following options to verify the voter's vote selection:

''(i) A paper record.

''(ii) An audio record.

''(iii) A pictorial record.

''(iv) An electronic record or other means that provides for voter verification that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides privacy and independence equal to that provided for other voters.

''(C) Any means of verification described in clause (ii), (iii), or (iv) of subparagraph (B) must provide verification which is equal or superior to verification through the use of a paper record.

''(D) The requirements of this paragraph shall not apply to any voting system purchased before January 1, 2009, in order to meet the requirements of paragraph (3)(B).''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 301(a)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended by inserting ''and consistent with the requirements of paragraphs (2), (4), and (7)'' after ''independent manner''.

(b) GUIDANCE.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. VOTER VERIFIED BALLOTS.

''The Commission shall issue uniform and nondiscriminatory standards—

''(1) for voter verified ballots required under section 301(a)(7); and

''(2) for meeting the audit requirements of section 301(a)(2).''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title.''.

(c) REPORTS.—

(1) ELECTION ASSISTANCE COMMISSION.—Section 207 of the Help America Vote Act of 2002 (42 U.S.C. 15327) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) A description of the progress on implementing the voter verified ballot requirements of section 301(a)(7) and the impact of the use of such requirements on the accessibility, privacy, security, usability, and auditability of voting systems.''.

(2) STATE REPORTS.—Section 258 of the Help America Vote Act of 2002 (42 U.S.C. 15408) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and'', and by adding at the end the following new paragraph:

''(4) an analysis and description in the form and manner prescribed by the Commission of the progress on implementing the voter verified ballot requirements of section 301(a)(7).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4154. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot if the individual who cast such ballot is otherwise eligible to vote.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by adding at the end the following:

''(2) EFFECTIVE DATE FOR STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2007.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2007.

SA 4155. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. IMPARTIAL ADMINISTRATION OF ELECTIONS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. ELECTION ADMINISTRATION REQUIREMENTS.

''(a) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

''(b) OBSERVERS.—

''(1) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to—

''(A) party challengers;

''(B) voting rights and civil rights organizations; and

''(C) nonpartisan domestic observers and international observers.

''(2) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (1) for access to any polling place for purposes of observing a Federal election. Such notice

shall be issued not later than 24 hours after such denial.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4156. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. VOTER REGISTRATION.

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION.—On and after January 1, 2009—

''(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

''(ii) subparagraph (B) shall not apply.''.

(b) INTERNET REGISTRATION.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. INTERNET REGISTRATION.

''(a) INTERNET REGISTRATION.—Each State shall establish a program under which individuals may access and submit voter registration forms electronically through the Internet.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(c) STANDARDS FOR INTERNET REGISTRATION.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. STANDARDS FOR INTERNET REGISTRATION PROGRAMS.

''The Commission shall establish standards regarding the design and operation of programs which allow electronic voter registration through the Internet.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4157. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking ''or'' at the end of subclause (I) and by adding at the end the following new subclause:

''(III) executes a written affidavit attesting to such individual's identity; or''.

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking ''or'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ''; or'', and by adding at the end the following new subclause:

''(III) a written affidavit, executed by such individual, attesting to such individual's identity.''.

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. VOTER IDENTIFICATION.

''The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4158. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. INTEGRITY OF VOTER REGISTRATION LIST.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. REMOVAL FROM VOTER REGISTRATION LIST.

''(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section.

''(b) NOTICE TO INDIVIDUAL VOTERS.—

''(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

''(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

''(A) provided to each voter in a uniform and nondiscriminatory manner;

''(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

''(C) in the form and manner prescribed by the Election Assistance Commission.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4159. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. ELECTION DAY REGISTRATION.

(a) REQUIREMENT.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. ELECTION DAY REGISTRATION.

''(a) IN GENERAL.—

''(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any individual on the day of a Federal election—

''(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 297; and

''(B) to cast a vote in such election.

''(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2009.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(b) ELECTION DAY REGISTRATION FORM.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.)

is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. ELECTION DAY REGISTRATION FORM.

''The Commission shall develop an election day registration form for elections for Federal office.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4160. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. EARLY VOTING.

(a) REQUIREMENT.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. EARLY VOTING.

''(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

''(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

''(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

''(2) have uniform hours each day for which such voting occurs.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(b) STANDARDS FOR EARLY VOTING.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. STANDARDS FOR EARLY VOTING.

''(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

''(b) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4161. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES.

(a) MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems and poll workers for each polling place on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 297.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(b) STANDARDS.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—The Commission shall issue standards regarding the minimum number of voting systems and poll workers required in each polling place on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

''(b) DISTRIBUTION.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory geographic distribution of such systems and workers.

''(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4162. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. USE OF NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

''(a) IN GENERAL.—Any person who is otherwise qualified to vote in a Federal election in a State shall be permitted to use the national Federal write-in absentee ballot prescribed by the Election Assistance Commission under section 297 to cast a vote in an election for Federal office.

''(b) SUBMISSION AND PROCESSING.—

''(1) IN GENERAL.—Except as otherwise provided in this section, a national Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved.

''(2) DEADLINE.—An otherwise eligible national Federal write-in absentee ballot shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for receipt of absentee ballots under State law, whichever is later.

''(c) SPECIAL RULES.—The following rules shall apply with respect to national Federal write-in absentee ballots:

''(1) In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

''(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

''(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(b) NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

''(a) FORM OF BALLOT.—The Commission shall prescribe a national Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in elections for Federal office.

''(b) STANDARDS.—The Commission shall prescribe standards for—

''(1) distributing the national Federal write-in absentee ballot, including standards for distributing such ballot through the Internet; and

''(2) processing and submission of the national Federal write-in absentee ballot.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E;''.

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(B) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.''.

(c) COORDINATION WITH UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act, in consultation with the Election Assistance Commission, shall facilitate the use and return of the national Federal write-in ballot for absent uniformed services voters and overseas voters.

(2) DEFINITIONS.—For purposes of this subsection, the terms ''absent uniformed service voter'' and ''overseas voter'' shall have the meanings given such terms by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973gg–6).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4163. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ____—VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Voting Opportunity and Technology Enhancement Rights Act of 2006''.

SEC. ____02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The right of all eligible citizens to vote and have their vote counted is the cornerstone of a democratic form of government and the core precondition of government of the people, by the people, and for the people.

(2) The right of citizens of the United States to vote is a fundamental civil right guaranteed under the United States Constitution.

(3) Congress has an obligation to reaffirm the right of each American to have an equal opportunity to vote and have that vote counted in Federal elections, regardless of color, ethnicity, disability, language, or the resources of the community in which they live.

(4) Congress has an obligation to ensure the uniform and nondiscriminatory exercise of that right by removing barriers in the form of election administration procedures and technology and insufficient and unequal resources of State and local governments.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To secure the opportunity to participate in democracy for all eligible American citizens by establishing a national Federal write-in absentee ballot for Federal elections.

(2) To expand and establish uniform and nondiscriminatory requirements and standards to remove administrative procedural barriers and technological obstacles to casting a vote and having that vote counted in Federal elections.

(3) To expand and establish uniform and nondiscriminatory requirements and standards to provide for the accessibility, accuracy, verifiability, privacy, and security of all voting systems and technology used in Federal elections.

(4) To provide a Federal funding mechanism for the States to implement the requirements and standards to preserve and protect voting rights and the integrity of Federal elections in the United States.

SEC. ____03. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle C—Additional Requirements

''SEC. 321. USE OF NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

''(a) IN GENERAL.—Any person who is otherwise qualified to vote in a Federal election in a State shall be permitted to use the national Federal write-in absentee ballot prescribed by the Election Assistance Commission under section 298 to cast a vote in an election for Federal office.

''(b) SUBMISSION AND PROCESSING.—

''(1) IN GENERAL.—Except as otherwise provided in this section, a national Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved.

''(2) DEADLINE.—An otherwise eligible national Federal write-in absentee ballot shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for receipt of absentee ballots under State law, whichever is later.

''(c) SPECIAL RULES.—The following rules shall apply with respect to national Federal write-in absentee ballots:

''(1) In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

''(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

''(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and subtitle C''.

(b) NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

''(a) FORM OF BALLOT.—The Commission shall prescribe a national Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in elections for Federal office.

''(b) STANDARDS.—The Commission shall prescribe standards for—

''(1) distributing the national Federal write-in absentee ballot, including standards for distributing such ballot through the Internet; and

''(2) processing and submission of the national Federal write-in absentee ballot.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described in subtitle E.''.

(c) COORDINATION WITH UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Absentee Voting Act, in consultation with the Election Assistance Commission, shall facilitate the use and return of the national Federal write-in ballot for absent uniformed services voters and overseas voters.

(2) DEFINITIONS.—The terms ''absent uniformed service voter'' and ''overseas voter'' shall have the meanings given such terms by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973gg–6).

SEC. ____04. VOTER VERIFIED BALLOTS.

(a) VERIFICATION.—

(1) IN GENERAL.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

''(7) VOTER VERIFIED BALLOTS.—In order to meet the requirements of paragraph (1)(A)(i), on and after January 1, 2009:

''(A) The voting system shall provide an independent means of voter verification which meets the requirements of subparagraph (B) and which allows each voter to

verify the ballot before it is cast and counted.

''(B) A means of voter verification meets the requirements of this subparagraph if the voting system allows the voter to choose from one of the following options to verify the voter's vote selection:

''(i) A paper record.

''(ii) An audio record.

''(iii) A pictorial record.

''(iv) An electronic record or other means that provides for voter verification that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides privacy and independence equal to that provided for other voters.

''(C) Any means of verification described in clause (ii), (iii), or (iv) of subparagraph (B) must provide verification which is equal or superior to verification through the use of a paper record.

''(D) The requirements of this paragraph shall not apply to any voting system purchased before January 1, 2009, in order to meet the requirements of paragraph (3)(B).''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 301(a)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended by inserting ''and consistent with the requirements of paragraphs (2), (4), and (7)'' after ''independent manner''.

(b) GUIDANCE.—Subtitle E of title II of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

''SEC. 298. VOTER VERIFIED BALLOTS.

''The Commission shall issue uniform and nondiscriminatory standards—

''(1) for voter verified ballots required under section 301(a)(7); and

''(2) for meeting the audit requirements of section 301(a)(2).''.

(c) REPORTS.—

(1) ELECTION ASSISTANCE COMMISSION.—Section 207 of the Help America Vote Act of 2002 (42 U.S.C. 15327) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) A description of the progress on implementing the voter verified ballot requirements of section 301(a)(7) and the impact of the use of such requirements on the accessibility, privacy, security, usability, and auditability of voting systems.''.

(2) STATE REPORTS.—Section 258 of the Help America Vote Act of 2002 (42 U.S.C. 15408) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and'', and by adding at the end the following new paragraph:

''(4) an analysis and description in the form and manner prescribed by the Commission of the progress on implementing the voter verified ballot requirements of section 301(a)(7).''.

SEC. ___05. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot if the individual who cast such ballot is otherwise eligible to vote.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by adding at the end the following:

''(2) EFFECTIVE DATE FOR STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2007.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each''.

SEC. ___06. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES.

(a) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

''SEC. 322. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems and poll workers for each polling place on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 299A.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(b) STANDARDS.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—The Commission shall issue standards regarding the minimum number of voting systems and poll workers required in each polling place on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

''(b) DISTRIBUTION.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory geographic distribution of such systems and workers.

''(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.''.

SEC. ___07. ELECTION DAY REGISTRATION.

(a) REQUIREMENT.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 323. ELECTION DAY REGISTRATION.

''(a) IN GENERAL.—

''(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any individual on the day of a Federal election—

''(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 297; and

''(B) to cast a vote in such election.

''(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2009.''.

(b) ELECTION DAY REGISTRATION FORM.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299A. ELECTION DAY REGISTRATION FORM.

''The Commission shall develop an election day registration form for elections for Federal office.''.

SEC. ___08. INTEGRITY OF VOTER REGISTRATION LIST.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.

''(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section.

''(b) NOTICE TO INDIVIDUAL VOTERS.—

''(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

''(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

''(A) provided to each voter in a uniform and nondiscriminatory manner;

''(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

''(C) in the form and manner prescribed by the Election Assistance Commission.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

SEC. ___09. EARLY VOTING.

(a) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 325. EARLY VOTING.

''(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

''(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

''(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

''(2) have uniform hours each day for which such voting occurs.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(b) STANDARDS FOR EARLY VOTING.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299B. STANDARDS FOR EARLY VOTING.

''(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

''(b) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.''.

SEC. ___10. ACCELERATION OF STUDY ON ELECTION DAY AS A PUBLIC HOLIDAY.

(a) IN GENERAL.—Section 241 of the Help America Vote Act of 2002 (42 U.S.C. 15381) is

amended by adding at the end the following new subsection:

''(d) REPORT ON ELECTION DAY.—

''(1) IN GENERAL.—The report required under subsection (a) with respect to election administration issues described in subsection (b)(10) shall be submitted not later than 6 months after the date of the enactment of the Voting Enhancement and Technology Accuracy Rights Act of 2006.

''(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 210 for fiscal year 2007, $100,000 shall be authorized solely to carry out the purposes of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. ___11. IMPROVEMENTS TO VOTING SYSTEMS.

(a) IN GENERAL.—Subparagraph (B) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is amended by striking '', a punch card voting system, or a central count voting system''.

(b) CLARIFICATION OF REQUIREMENTS FOR PUNCH CARD SYSTEMS.—Subparagraph (A) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)) is amended by inserting ''punch card voting system,'' after ''any''.

SEC. ___12. VOTER REGISTRATION.

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION.—On and after January 1, 2009—

''(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

''(ii) subparagraph (B) shall not apply.''.

(b) INTERNET REGISTRATION.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 326. INTERNET REGISTRATION.

''(a) INTERNET REGISTRATION.—Each State shall establish a program under which individuals may access and submit voter registration forms electronically through the Internet.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

(c) STANDARDS FOR INTERNET REGISTRATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299C. STANDARDS FOR INTERNET REGISTRATION PROGRAMS.

''The Commission shall establish standards regarding the design and operation of programs which allow electronic voter registration through the Internet.''.

SEC. ___13. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking ''or'' at the end of subclause (I) and by adding at the end the following new subclause:

''(III) executes a written affidavit attesting to such individual's identity; or''.

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking ''or'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ''; or'', and by adding at the end the following new subclause:

''(III) a written affidavit, executed by such individual, attesting to such individual's identity.''.

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299D. VOTER IDENTIFICATION.

''The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.''.

SEC. ___14. IMPARTIAL ADMINISTRATION OF ELECTIONS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 327. ELECTION ADMINISTRATION REQUIREMENTS.

''(a) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

''(b) OBSERVERS.—

''(1) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to—

''(A) party challengers;

''(B) voting rights and civil rights organizations; and

''(C) nonpartisan domestic observers and international observers.

''(2) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (1) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.''.

SEC. ___15. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.

(a) BUDGET REQUESTS.—Part 1 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by inserting after section 209 the following new section:

''SEC. 209A. SUBMISSION OF BUDGET REQUESTS.

''Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.''.

(b) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) the Election Assistance Commission;''.

(c) RULEMAKING.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(1) by striking ''The Commission'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission'', and

(2) by inserting at the end the following new subsection:

''(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or subtitle C of title III.''.

(d) NIST AUTHORITY.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 299E. TECHNICAL SUPPORT.

''At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking ''for each of fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year)'' and inserting ''$23,000,000 for fiscal year 2006 (of which $3,000,000 are authorized solely to carry out the purposes of section 299E) and such sums as may be necessary for succeeding fiscal years''.

SEC. ___16. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by adding at the end the following new paragraphs:

''(4) For fiscal year 2006, $2,000,000,000.

''(5) For each fiscal year after 2006, such sums as are necessary.''.

SEC. ___17. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section __10 and subsection (b), the amendments made by this title shall take effect on January 1, 2009.

(b) PROVISIONAL BALLOTS.—The amendments made by sections __05, __15, and __16, shall take effect on January 1, 2007.

SA 4164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. REDUCTION IN IMMIGRANT VISAS.

(a) ESTIMATE OF BIRTHS TO ILLEGAL ALIENS.—The Secretary, in consultation with the Commissioner of Social Security, shall annually estimate the number of children who were born, during the most recently concluded calendar year, to a mother who was unlawfully present in the United States at the time of the birth if the child's father is not a citizen of the United States.

(b) REPORT.—The Secretary shall annually submit a report to Congress that contains the estimate described in subsection (a) and an explanation of the methods used to create such estimate.

(c) VISA REDUCTION.—The Secretary shall reduce, for each fiscal year, the number of family-sponsored immigrants authorized under section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) by a number equal to the number estimated under subsection (a) for the most recently concluded calendar year.

SA 4165. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 107, strike lines 15 through 18.

SA 4166. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment

intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 370, strike line 14 and all that follows through page 371, line 14, and insert the following:

''(3) ADDITIONAL AMOUNTS OWED.—Prior to the adjudication of an application for adjustment of status filed under this section, the alien shall pay an amount equaling $2,500, but such amount shall not be required from an alien under the age of 18.

''(4) USE OF AMOUNTS COLLECTED.—The Secretary of Homeland Security shall deposit payments received under this subsection in the Immigration Examinations Fee Account, and these payments in such account shall be available, without fiscal year limitation, such that—

''(A) 80 percent of such funds shall be available to the Department of Homeland Security for border security purposes;

''(B) 10 percent of such funds shall be available to the Department of Homeland Security for implementing and processing applications under this section; and

''(C) 10 percent of such funds shall be available to the Department of Homeland Security and the Department of State to cover administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section.

''(5) FINES CONTINGENT ON APPROPRIATIONS.—No fine may be collected under this section in excess of $2,000 except to the extent that the expenditures of the fine to pay the costs of activities and services for which the fine in excess of $2,000 is imposed, as described in paragraph (6), is provided for in advance in an appropriations Act.

''(6) DEPOSIT OF COLLECTIONS.—Amounts collected under subsection (5) 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 covered in section 212(a);

''(B) to carry out the apprehension and detention of any alien who is deportable by reason of any offense under section 237(a);

''(C) for border sensor and surveillance technology;

''(D) for air and marine interdiction, operations, maintenance and procurement;

''(E) for customs and border protection construction;

''(F) for federal law enforcement training;

''(G) for maritime security;

SA 4167. Mr. COLEMAN (for himself, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Ms. CANTWELL, Ms. SNOWE, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

SEC. 133. WESTERN HEMISPHERE TRAVEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) EXTENSION OF WESTERN HEMISPHERE TRAVEL INITIATIVE IMPLEMENTATION DEADLINE.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking ''January 1, 2008'' and inserting ''the later of June 1, 2009, or 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subsection (i) of section 133 of the Comprehensive Immigration Reform Act of 2006.''.

(c) PASSPORT CARDS.—

(1) AUTHORITY TO ISSUE.—In order to facilitate travel of United States citizens to Canada, Mexico, the countries located in the Caribbean, and Bermuda, the Secretary of State, in consultation with the Secretary, is authorized to develop a travel document known as a Passport Card.

(2) ISSUANCE.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall be authorized to issue to a citizen of the United States who submits an application in accordance with paragraph (5) a travel document that will serve as a Passport Card.

(3) APPLICABILITY.—A Passport Card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(4) VALIDITY.—A Passport Card shall be valid for the same period as a United States passport.

(5) LIMITATION ON USE.—A Passport Card may only be used for the purpose of international travel by United States citizens through land and sea ports of entry between—

(A) the United States and Canada;

(B) the United States and Mexico; and

(C) the United States and a country located in the Caribbean or Bermuda.

(6) APPLICATION FOR ISSUANCE.—To be issued a Passport Card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(7) TECHNOLOGY.—

(A) EXPEDITED TRAVELER PROGRAMS.—To the maximum extent practicable, a Passport Card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the Passport Card is not developed by that date.

(B) TECHNOLOGY.—The Secretary and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department, allows for future technological innovations, and ensures maximum facilitation at the northern and southern borders.

(8) SPECIFICATIONS FOR CARD.—A Passport Card shall be easily portable and durable. The Secretary of State and the Secretary shall consult regarding the other technical specifications of the Card, including whether the security features of the Card could be combined with other existing identity documentation.

(9) FEE.—

(A) IN GENERAL.—An applicant for a Passport Card shall submit an application under paragraph (6) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Fees for a Passport Card shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended.

(B) LIMITATION ON FEES.—The Secretary of State shall seek to make such fees as low as possible and less than $24. If the Secretary of State, the Secretary, and the Postmaster General jointly certify to Congress that such fees represent the lowest possible cost of issuing Passport Cards and provide a detailed cost analysis for any such fee that is more than $24, fees may exceed $24 but may not exceed $34.

(C) REDUCTION OF FEE.—The Secretary of State shall reduce the fee for a Passport Card for an individual who submits an application for a Passport Card together with an application for a United States passport.

(D) WAIVER OF FEE FOR CHILDREN.—The Secretary of State shall waive the fee for a Passport Card for a child under 18 years of age.

(E) AUDIT.—In the event that the fee for a Passport Card exceeds $24, the Comptroller General of the United States shall conduct an audit to determine whether Passport Cards are issued at the lowest possible cost.

(10) ACCESSIBILITY.—In order to make the Passport Card easily obtainable, an application for a Passport Card shall be accepted in the same manner and at the same locations as an application for a United States passport.

(11) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a Passport Card.

(d) STATE ENROLLMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary of State and the Secretary shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

(A) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(B) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

(C) All information collected about the individual shall be managed exclusively in the same manner as information collected through a passport application and no further distribution of such information shall be permitted.

(D) A State may not require an individual to include the individual's citizenship status on a driver's license.

(E) Notwithstanding any other provision of law, a driver's license which meets the requirements of this paragraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States

from Canada through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall have the effect of creating a national identity card.

(3) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary may expand the demonstration program under this subsection so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

(4) STUDY.—Not later than 6 months after the date that the demonstration program under this subsection is carried out, the Comptroller General of the United States shall conduct a study of—

(A) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

(B) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

(C) the security of travel documents that meet the requirements of the program compared with other travel documents.

(5) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, the Secretary of State and Secretary are authorized to work with appropriate authorities of Canada to certify identification issued by the Government of Canada, including a driver's license, as meeting security requirements similar to the requirements under the REAL ID Act of 2005 (division B of Public Law 109–13) and including a citizenship verification mechanism. To the maximum extent possible, the Secretary shall work to ensure that Canadian identification documents used as described in this paragraph contain the same technology as United States documents and may be accepted using the same document scanners. Notwithstanding any other provision of law, in the event that such certified identity document includes information that shows an individual to be a citizen of Canada, such individual shall be permitted to enter the United States from Canada. The Secretary shall ensure that, at all times, more States are participants in this program than Canadian provinces.

(e) EXPEDITED PROCESSING FOR REPEAT TRAVELERS.—

(1) LAND CROSSINGS.—To the maximum extent practicable, the Secretary shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists. The Secretary, in consultation with the appropriate officials of the Government of Canada, shall equip at least 6 additional northern border crossings with NEXUS technology.

(2) SEA CROSSINGS.—The Commissioner of Customs and Border Patrol shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. One such program shall be conducted in Florida and modeled on the I–68 program.

(f) PROCESS FOR INDIVIDUALS LACKING APPROPRIATE DOCUMENTS.—

(1) IN GENERAL.—The Secretary shall establish a program that satisfies section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(A) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States for a time period of not more than 72 hours, on a limited basis, and at no additional fee; or

(B) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in paragraph (A) upon the arrival of such citizen at an international border of the United States.

(2) GRACE PERIOD.—During a time period determined by the Secretary, officers of the United States Customs and Border Patrol may permit citizens of the United States and Canada who are unaware of the requirements of 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), or otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer. Officers of the United States Customs and Border Patrol shall educate such individuals about documentary requirements.

(g) TRAVEL BY CHILDREN.—For travel to Canada, the Secretary shall have authority to waive the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) for travel by children who are 17 years old or younger traveling in groups of 6 or more, provided that such groups present documents demonstrating parental consent for each child's travel. The Secretary may issue similar regulations for travel to Mexico.

(h) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the collection and analysis of data to measure the success of the public promotion plan; and

(4) additional measures as appropriate.

(i) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the later of June 1, 2009, or the date that is 3 months after the Secretary of State and the Secretary certify to Congress that—

(1)(A) if the Secretary and the Secretary of State develop and issue Passport Cards under this section—

(i) such cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(ii) Passport Cards are provided to applicants, on average, within 4 weeks of application or within the same period of time required to adjudicate a passport; and

(iii) a successful pilot has demonstrated the effectiveness of the Passport Card; or

(B) if the Secretary and the Secretary of State do not develop and issue Passport Cards under this section and develop a program to issue an alternative document that satisfies the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, in addition to the NEXUS, SENTRI, FAST and Border Crossing Card programs, such alternative document is widely available and well publicized;

(2) United States border crossings have been equipped with sufficient document readers and other technologies to ensure that implementation will not substantially slow the flow of traffic and persons across international borders;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept Passport Cards and all alternative identity documents at all United States border crossings; and

(4) the outreach plan described in subsection (g) has been implemented and the Secretary determines such plan has been successful in providing information to United States citizens.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Secretary such sums as may be necessary to carry out this section, and the amendment made by this section.

SA 4168. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 397, strike lines 21 through 25 and insert the following:

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

SA 4169. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 398, strike lines 10 through 13, and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

SA 4170. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 400, strike line 14, and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the

extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 4171. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 407, strike line 18, and all that follows through page 408, line 9 and insert the following:

(i) QUALIFYING EMPLOYMENT.—The alien has performed not less than the following agricultural employment:

(I) IN GENERAL.—Except as provided in subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

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

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to have met the agricultural employment requirements described in subclause (I) if the alien has performed 4 years of agricultural employment in the Untied States for at least 150 work days during three of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

SA 4172. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 398, between lines 21 and 22, insert the following:

(D) has not been convicted of a felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 410, strike lines 18 through 20, and insert the following:

(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.

On page 413, strike lines 22 through 24, and insert the following:

(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.

SA 4173. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 428, strike lines 8 through 11, and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 and 2008 such sums as may be necessary to carry out this section, including carrying out the initial actions necessary to beginning conferring blue card status to aliens.

SA 4174. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 417, line 10, strike ''paragraph (1)(A)(i)(II)'' and insert ''paragraph (1)(A)(ii)''.

On page 429, strike line 8 and all that follows through page 502, line 25, and insert the following:

CHAPTER 2—REFORM OF H–2A WORKER PROGRAM

SEC. 615. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 218 (8 U.S.C. 1188) is amended to read as follows:

''SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

''(a) EMPLOYER APPLICATIONS.—

''(1) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(A) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(i) the assurances described in paragraph (2);

''(ii) a description of the nature and location of the work to be performed;

''(iii) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(iv) the number of job opportunities in which the employer seeks to employ the workers.

''(B) ACCOMPANIED BY JOB OFFER.—Each application filed under subparagraph (A) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

''(2) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in paragraph (1)(A)(i) are the following:

''(A) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(i) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(ii) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(iii) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this subparagraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(iv) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(v) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(vi) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(B) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(i) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(ii) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(iii) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by subsection (b) to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

''(iv) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(v) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(I) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

''(II) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(III) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(vi) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under clause (v) of an employer if the other employer described in such clause displaces a United States worker as described in such clause.

''(vii) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment, which shall provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(viii) EMPLOYMENT OF UNITED STATES WORKERS.—

''(I) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(aa) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before

the worker completed the period of employment of the job opportunity for which the worker was hired.

''(bb) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in paragraph (1)(B) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(cc) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(dd) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(II) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(III) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

''(aa) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this subclause.

''(bb) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of item (aa) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, not later than 36 hours after the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary shall immediately suspend the application of this subclause with respect to that certification for that date of need.

''(cc) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding item (aa), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(IV) STATUTORY CONSTRUCTION.—Nothing in this clause shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(3) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(A) IN GENERAL.—An agricultural association may file an application under paragraph (1) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section.

''(B) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under subparagraph (A) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under paragraph (5)(B)(ii) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(4) WITHDRAWAL OF APPLICATIONS.—

''(A) IN GENERAL.—An employer may withdraw an application filed under paragraph (1), except that if the employer is an agricultural association, the association may withdraw an application filed under paragraph (1) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application filed under paragraph (1), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(B) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(C) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under paragraph (1) is unaffected by withdrawal of such application.

''(5) REVIEW AND APPROVAL OF APPLICATIONS.—

''(A) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, not later than 1 working day after the date on which an application is filed under paragraph (1), at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

''(B) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(i) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this paragraph. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(ii) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary shall certify that the intending employer has filed with the Secretary an application described in paragraph (1). Such certification shall be provided not later than 7 days after the application is filed.

''(b) EMPLOYMENT REQUIREMENTS.—

''(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. A job offer may not impose on United States workers any restrictions or obligations that will not be imposed on the employer's H–2A workers.

''(2) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required under paragraph (1), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under subsection (a)(2)(B) shall include each of the following benefit, wage, and working condition provisions:

''(A) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(i) IN GENERAL.—An employer applying under subsection (a)(1) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that subsection and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(ii) TYPE OF HOUSING.—In complying with clause (i), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(iii) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(iv) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(v) LIMITATION.—Nothing in this subparagraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(vi) CHARGES FOR HOUSING.—

''(I) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(II) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(vii) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(I) IN GENERAL.—If the requirement under subclause (II) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under clause (i). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this subclause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

''(II) CERTIFICATION.—The requirement of this subclause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(III) AMOUNT OF ALLOWANCE.—

''(aa) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this clause is a nonmetropolitan county, the amount of the housing allowance under this clause shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(bb) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this clause is in a metropolitan county, the amount of the housing allowance under this clause shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(B) REIMBURSEMENT OF TRANSPORTATION.—

''(i) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(ii) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(iii) LIMITATION.—

''(I) AMOUNT OF REIMBURSEMENT.—Except as provided in subclause (II), the amount of reimbursement provided under clause (i) or (ii) to a worker or alien shall not exceed the lesser of—

''(aa) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(bb) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(II) DISTANCE TRAVELED.—No reimbursement under clause (i) or (ii) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance provided under subparagraph (A)(vii).

''(iv) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in subparagraph (D)(iv)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by clause (ii) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by clause (i).

''(v) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(C) REQUIRED WAGES.—

''(i) IN GENERAL.—An employer applying for workers under subsection (a)(1) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(ii) LIMITATION.—Effective on the date of the enactment of the AgJOBS Act of 2006, 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.

''(iii) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

''(I) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this subsection before the first March 1 that is not less than 3 years after the date of the enactment of AgJOBS Act of 2006, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

''(aa) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(bb) 4 percent.

''(II) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of the enactment of the AgJOBS Act of 2006, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

''(aa) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(bb) 4 percent.

''(iv) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(v) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(vi) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

''(I) the worker's total earnings for the pay period;

''(II) the worker's hourly rate of pay, piece rate of pay, or both;

''(III) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the 75 percent guarantee described in subparagraph (D);

''(IV) the hours actually worked by the worker;

''(V) an itemization of the deductions made from the worker's wages; and

''(VI) if piece rates of pay are used, the units produced daily.

''(vii) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(V) recommendations for future wage protection under this subsection.

''(viii) COMMISSION ON WAGE STANDARDS.—

''(I) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (referred to in this clause as the 'Commission').

''(II) COMPOSITION.—The Commission shall consist of 10 members, of which—

''(aa) 4 shall be representatives of agricultural employers and 1 shall be a representative of the Department of Agriculture, each appointed by the Secretary of Agriculture; and

''(bb) 4 shall be representatives of agricultural workers and 1 shall be a representative of the Department of Labor, each appointed by the Secretary of Labor.

''(III) FUNCTIONS.—The Commission shall conduct a study that addresses—

''(aa) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien

farm workers had not been employed in the United States;

''(bb) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(cc) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(dd) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(ee) recommendations for future wage protection under this subsection.

''(IV) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under subclause (III).

''(V) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(D) GUARANTEE OF EMPLOYMENT.—

''(i) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least 75 percent of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. In this clause, 'the hourly equivalent' means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned had the worker worked for the guaranteed number of hours.

''(ii) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, if the worker has been offered an opportunity to so work, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(iii) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 75 percent guarantee described in clause (i).

''(iv) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in clause (i) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in clause (i) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in subparagraph (B)(iv).

''(E) MOTOR VEHICLE SAFETY.—

''(i) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(I) IN GENERAL.—Except as provided in subclauses (III) and (IV), this subparagraph applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(II) DEFINED TERM.—In this subparagraph, the term 'uses or causes to be used'—

''(aa) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

''(bb) does not apply to—

''(AA) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

''(BB) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(III) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(IV) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subparagraph does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental to such activities.

''(V) COMMON CARRIERS EXCLUDED.—This subparagraph does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(ii) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(I) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(aa) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(bb) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(cc) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(II) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required under subclause (I)(cc) shall be determined by the Secretary of Labor pursuant to regulations to be issued under this paragraph.

''(III) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of clause (ii)(I)(cc) relating to having an insurance policy or liability bond apply:

''(aa) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(bb) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(3) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided under this subsection, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(4) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in subsection (a)(1), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(5) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section 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.

''(c) PROCEDURE FOR ADMISSION AND EXTENSION OF STAY.—

''(1) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission of an H–2A worker into the United States may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under subsection (a)(5)(B)(ii) covering the petitioner.

''(2) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for the expedited adjudication of petitions filed under paragraph (1). Not later than 7 working days after the receipt of such a petition, the Secretary shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate if the petitioner has indicated that the alien beneficiary or beneficiaries will apply for a visa or admission to the United States.

''(3) CRITERIA FOR ADMISSIBILITY.—

''(A) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section and the alien is not ineligible under subparagraph (B).

''(B) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(i) violated a material provision of this subsection, including the requirement to promptly depart the United States when the alien's authorized period of admission under this subsection has expired; or

''(ii) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period

of authorized admission as such a nonimmigrant.

''(C) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(i) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this subsection, and who is otherwise eligible for admission in accordance with subparagraphs (A) and (B), shall not be deemed inadmissible under section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(ii) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to clause (i) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility under clause (i).

''(4) PERIOD OF ADMISSION.—

''(A) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to subsection (a)(5)(B)(ii), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

''(i) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(ii) the total period of employment, including such 14-day period, may not exceed 10 months.

''(B) CONSTRUCTION.—Nothing in this paragraph shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(5) ABANDONMENT OF EMPLOYMENT.—

''(A) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(B) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

''(C) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(D) VOLUNTARY TERMINATION.—Notwithstanding subparagraph (A), an alien may voluntarily terminate the alien's employment if the alien promptly departs the United States upon termination of such employment.

''(6) REPLACEMENT OF ALIEN.—

''(A) IN GENERAL.—Upon notification to the Secretary under paragraph (5)(B), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(i) who abandons or prematurely terminates employment; or

''(ii) whose employment is terminated after a United States worker is employed pursuant to subsection (a)(2)(B)(viii)(III), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(B) CONSTRUCTION.—Nothing in this paragraph shall limit any preference required to be accorded United States workers under any other provision of this Act.

''(7) IDENTIFICATION DOCUMENT.—

''(A) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(B) REQUIREMENTS.—An identification and employment eligibility document may be issued only if it meets the following requirements:

''(i) The document shall be capable of reliably determining whether—

''(I) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(II) the individual whose eligibility is being verified is claiming the identity of another person; and

''(III) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(ii) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(iii) 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; and

''(II) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(8) EXTENSION OF STAY IN THE UNITED STATES.—

''(A) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to paragraph (1), shall request an extension of the alien's stay and a change in the alien's employment.

''(B) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(i) for a period of more than 10 months; or

''(ii) to a date that is more than 3 years after the date of the alien's last admission to the United States under this subsection.

''(C) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

''(i) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under subparagraph (A) on the date on which the petition is filed.

''(ii) DEFINITION.—In clause (i), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

''(iii) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(iv) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of subparagraph (A), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(E) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(i) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(ii) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(I) IN GENERAL.—Subject to subclause (II), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least 20 percent of the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(II) EXCEPTION.—Subclause (I) shall not apply if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(9) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the AgJOBS Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

''(A) may be admitted for an initial period of 12 months;

''(B) subject to paragraph (10)(E), may have such initial period of admission extended for a period of up to 3 years; and

''(C) shall not be subject to the requirements of paragraph (8)(E).

''(10) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

''(A) ELIGIBLE ALIEN.—In this paragraph, the term 'eligible alien' means an alien—

''(i) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

''(ii) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

''(iii) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(B) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

''(i) the alien's employer on behalf of an eligible alien; or

''(ii) the eligible alien.

''(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa for

an eligible alien under section 203(b)(3)(A)(iii).

''(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

''(E) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(F) CONSTRUCTION.—Nothing in this paragraph shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

''(d) WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.—

''(1) ENFORCEMENT AUTHORITY.—

''(A) INVESTIGATION OF COMPLAINTS.—

''(i) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition under subsection (a)(2), or an employer's misrepresentation of material facts in an application under subsection (a)(1). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this clause if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(ii) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, not later than 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in clause (iii), (iv), (v), or (vii). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, not later than 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this clause on such complaints.

''(iii) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of subparagraph (A)(i), (A)(ii), (A)(iv), (A)(vi), (B)(i), (B)(ii), or (B)(vii) of subsection (a)(2), a substantial failure to meet a condition of subparagraph (A)(iii), (A)(v), (B)(iii), (B)(iv), (B)(v), or (B)(viii) of subsection (a)(2), or a material misrepresentation of fact in an application under subsection (a)(1)—

''(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(II) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(iv) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of subsection (a)(2), a willful misrepresentation of a material fact in an application under subsection (a)(2), or a violation of paragraph (4)(A)—

''(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(II) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of paragraph (4)(A); and

''(III) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(v) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of subsection (a)(2) or a willful misrepresentation of a material fact in an application under subsection (a)(1), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under subsection (a)(1) or during the 30-day period preceding such period of employment—

''(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(II) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(vi) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under subsection (a)(1) in excess of $90,000.

''(vii) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under subsection (b)(2), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under subsection (b)(2) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(B) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section.

''(2) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in paragraph (3), and no other right of action shall exist under Federal or State law to enforce such rights:

''(A) The providing of housing or a housing allowance as required under subsection (b)(2)(A).

''(B) The reimbursement of transportation as required under subsection (b)(2)(B).

''(C) The payment of wages required under subsection (b)(2)(C) when due.

''(D) The benefits and material terms and conditions of employment expressly provided in the job offer described in subsection (a)(1)(B), not including the assurance to comply with other Federal, State, and local labor laws described in subsection (b)(3), compliance with which shall be governed by the provisions of such laws.

''(E) The guarantee of employment required under subsection (b)(2)(D).

''(F) The motor vehicle safety requirements under subsection (b)(2)(E).

''(G) The prohibition of discrimination under paragraph (4)(B).

''(3) PRIVATE RIGHT OF ACTION.—

''(A) MEDIATION.—

''(i) IN GENERAL.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under paragraph (2), and not later than 60 days after the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in clause (iii).

''(ii) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under paragraph (2) between H–2A workers and agricultural employers without charge to the parties.

''(iii) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(iv) AUTHORIZATION.—

''(I) IN GENERAL.—Subject to subclause (II), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this subsection.

''(II) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to subclause (I). Such reimbursement shall be credited to appropriations available at the time of receipt.

''(B) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under paragraph (2) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this section, not later than 3 years after the date the violation occurs.

''(C) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under subparagraph (B) unless a complaint based on the same violation filed with the Secretary of Labor under paragraph (1)(A) is withdrawn before the filing of such action, in which case the rights and remedies available under this paragraph shall be exclusive.

''(D) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this section shall be

construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this section.

''(E) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this section shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this section. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(F) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(i) If the court finds that the respondent has intentionally violated any of the rights enforceable under paragraph (2), it shall award actual damages, if any, or equitable relief.

''(ii) Any civil action brought under this paragraph shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(G) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection, if the workers' compensation law of a State is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this subsection in the case of bodily injury or death, in accordance with such workers' compensation law.

''(ii) PRECLUSION.—The exclusive remedy prescribed in clause (i) precludes the recovery under subparagraph (F) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(I) a recovery under a State workers' compensation law; or

''(II) rights conferred under a State workers' compensation law.

''(H) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under this paragraph shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(I) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subparagraph (A) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(J) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under paragraph (1)(A)(ii) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(4) DISCRIMINATION PROHIBITED.—

''(A) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under subsection (a)(1), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section subsection (a) or (b), or any rule or regulation pertaining to such subsections, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements such subsections or any rule or regulation pertaining to either of such subsections.

''(B) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under subsection (a)(1), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under paragraph (2) or instituted, or caused to be instituted, a private right of action under paragraph (3) regarding the denial of the rights under paragraph (2), or has testified or is about to testify in any court proceeding brought under paragraph (3).

''(5) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of paragraph (4) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(6) ROLE OF ASSOCIATIONS.—

''(A) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of subsections (a) and (b), as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(B) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this subsection, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''(e) 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 (26 U.S.C. 3121(g)), including employment under section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

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

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more H–2A workers.

''(7) H-2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYS OFF.—

''(A) IN GENERAL.—The term 'lays off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in subsection (b)(1)(B)(iv)), or temporary layoffs due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under subsection (a) by an entity that is not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

''(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

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

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 616. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this subtitle and the amendments made by this subtitle, and a collection process for such fees from employers participating in the program provided under this subtitle. Such fees shall be the only fees chargeable to employers for services provided under this subtitle.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this subtitle, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out subsections (a) and (c) of the Immigration and Nationality Act, as added by section 615 of this Act, and the provisions of this subtitle.

SEC. 617. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this subtitle and the amendments made by this subtitle.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this subtitle and the amendments made by this subtitle.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, shall be issued not later than 1 year after the date of the enactment of this Act.

SEC. 618. REPORT TO CONGRESS.

Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to section 218(c)(5)(B) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218(c)(4) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 613(a);

(5) the number of such aliens whose status was adjusted under section 613(a);

(6) the number of aliens who applied for permanent residence pursuant to section 613(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 613(c).

SA 4175. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2611, 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. ___. SENSE OF CONGRESS ON SOCIAL SECURITY BENEFITS FOR ILLEGAL IMMIGRANTS.

It is the sense of the Congress that—

(1) illegal immigrants should never receive Social Security benefits or federally funded cash welfare, nor should illegal aliens receive the earned income tax credit based on unauthorized employment under any circumstances, and this prohibition should be strictly enforced; and

(2) identity theft should be prosecuted to the fullest extent of the law.

SA 4176. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2611, 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. _____. RADIATION SOURCE PROTECTION.

(a) TRACKING SYSTEM.—Section 170H of the Atomic Energy Act of 1954 (42 U.S.C. 2210h) is amended—

(1) in subsection c.—

(A) in paragraph (1)(B)—

(i) by inserting ''and the Secretary of Homeland Security'' after ''Secretary of Transportation'' the first place it appears; and

(ii) by inserting ''or the Secretary of Homeland Security'' after ''Secretary of Transportation'' the second place it appears; and

(B) in paragraph (2)(A), by inserting ''and each license holder'' after ''unique identifier''; and

(2) by adding at the end the following:

''h. LICENSE VERIFICATION FOR EXPORTS AND IMPORTS.—The Commission shall—

''(1) assist the Bureau of Customs and Border Protection of the Department of Homeland Security in verifying any documentation or authorization issued by the Commission associated with the export or import of a radiation source regulated under this section, including allowing the Department of Homeland Security access to the tracking system established under subsection c.; and

''(2) require any individual transporting radiation sources that are exported from or imported into the United States to possess the applicable and required documentation issued by the Commission.''.

(b) CUSTOMS REVENUE FUNCTION.—Section 415 of the Homeland Security Act of 2002 (6 U.S.C. 215) is amended by adding at the end the following:

''(9) Verifying the authorizations issued by the Nuclear Regulatory Commission to possess and transport radiation sources when individuals pass through United States ports of entry.''.

SA 4177. Mr. GRASSLEY (for himself, Mr. OBAMA, Mr. BAUCUS, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes, as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (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, that the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—

''(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

''(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

''(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

''(B) INFORMATION SHARING.—The person hiring the alien shall provide to the employer, who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

''(C) REPORTING REQUIREMENT.—The employer shall submit to the Electronic Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

''(D) ENFORCEMENT.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien fails to comply with the requirements of subsections (c) and (d).

''(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

''(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 satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

''(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;

''(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

''(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

''(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—

''(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

''(v) 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, a document, or a combination of documents, of such type that, as of the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary had established by regulation were sufficient for purposes of this section.

''(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 under this Act or by the Secretary 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 paragraph (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 or the Commissioner of Social Security; and

''(B) such individual is eligible for employment in the United States.

''(2) REQUIREMENT FOR PARTICIPATION.—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 18 months after the date that not less than $400,000,000 have been appropriated and made available to implement this subsection.

''(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 the Comprehensive Immigration Reform Act of 2006—

''(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 (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)(v).

''(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 the 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 and, if the individual was born in the United States, the State in which such individual was born;

''(II) the individual's social security account number;

''(III) the employment identification number of the individual's employer during any one of the 5 most recently completed calendar years; 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)(2), 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 later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

''(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

''(iii) EIN REQUIREMENTS.—

''(I) REQUIREMENT TO PROVIDE.—An employer shall provide the employer identification number issued to such employer to the individual, upon request, for purposes of providing the information under clause (i)(III).

''(II) REQUIREMENT TO AFFIRMATIVELY STATE A LACK OF RECENT EMPLOYMENT.—An individual providing information under clause (i)(III) who was not employed in the United States during any of the 5 most recently completed calendar years shall affirmatively state on the form described in subsection (c)(1)(A)(i) that no employer identification number is provided because the individual was not employed in the United States during such period.

''(C) INITIAL RESPONSE.—Not later than 10 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 paragraph (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 paragraph (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)(2), 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)(iii) 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 the earlier of—

''(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

''(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

''(vi) AUTOMATIC FINAL NOTICE.—

''(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

''(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

''(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

''(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

''(vii) 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 identity fraud; or

''(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

''(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the 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 employment for any reason other than such tentative nonconfirmation.

''(ix) 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.

''(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the 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) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes—

''(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

''(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

''(iii) 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.

''(iv) 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.

''(v) 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.

''(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 60 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 if the final nonconfirmation notice issued for the individual was the result of—

''(i) an error or negligence on the part of an employee or official operating or responsible for the System;

''(ii) the decision rules, processes, or procedures utilized by the System; or

''(iii) erroneous system information that was not the result of acts or omissions of the individual.

''(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 not caused by an act or omission of the individual, the Secretary 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 beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

''(E) 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 ineligible for employment in the United States.

''(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

''(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 60 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 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 beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

''(12) LIMITATION ON COLLECTION AND USE OF DATA.—

''(A) LIMITATION ON COLLECTION OF DATA.—

''(i) IN GENERAL.—The System 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 not more than $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.

''(13) 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.

''(14) 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 that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, 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 the annual report and certification described in paragraph (8)(E)(ii).

''(ii) 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.

''(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

''(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

''(v) 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.

''(vi) 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.

''(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 not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

''(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 not less than $200 and not more than $2,000 for each such violation.

''(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

''(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 45 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 46 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.

''(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

''(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 $20,000 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 and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 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 referring for a fee, 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 referring 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 Employer Compliance Fund established under section 286(w).

''(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 debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

''(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

''(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.

''(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 imposing 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.

''(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

''(l) DEFINITIONS.—In this section:

''(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

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

''(3) 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.''.

(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 (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 (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(d)''.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—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 new subparagraphs:

''(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Comprehensive Immigration Reform Act of 2006, 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, employer identification number, 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 in order to confirm the validity of the information provided;

''(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, 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.''.

(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 new paragraph:

''(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

''(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

''(i) DISCLOSURE OF EMPLOYER NO-MATCH NOTICES.—Taxpayer identity information of

each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

''(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

''(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

''(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

''(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security 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.—Taxpayer identity information of all employees (within the meaning of section 6051) hired 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.—Taxpayer identity information of all employees (within the meaning of section 6051) 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.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired 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 Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

''(i) establishing and enforcing employer participation in the System,

''(ii) 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

''(iii) the civil operation of the Alien Terrorist Removal Court.

''(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

''(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.''.

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

''(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 (mid-point review in the case of contracts or agreements of less than 1 year 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.

The certification required by subparagraph (D) shall include 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 the Secretary has provided, in advance, funds 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 that is 180 days after 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 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

''(w) EMPLOYER COMPLIANCE FUND.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

''(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

''(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''.

SEC. 303. 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 personnel of the Bureau of Immigration and Customs Enforcement 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 personnel of the Bureau of Immigration and Customs Enforcement shall be 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 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by 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''.

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

''(B) is an alien who is—

''(i) lawfully admitted for permanent residence;

''(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

''(iii) admitted as a refugee under section 207;

''(iv) granted asylum under section 208;

''(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

''(vi) granted temporary protected status under section 244; or

''(vii) granted parole under section 212(d)(5).''.

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

''(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—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)—

''(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(B) to use the verification system for screening of an applicant prior to an offer of employment;

''(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

''(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).''.

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(B) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(C) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(D) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2007 through 2009'' before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to violations occurring on or after such date.

Subsection (b) of section 402 is amended to read as follows:

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

SA 4178. Mr. BAUCUS (for himself, Mr. CRAIG, Ms. CANTWELL, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 1, strike ''(e)'' and insert the following:

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f)

SA 4179. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, 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 FOR SHORT-TERM STUDY.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting ''Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section 101(a)(15) for a program that will not exceed 90 days, the fee shall not exceed $35.''.

(2) TECHNICAL AMENDMENTS.—Such section 641(e)(4)(A) is further amended—

(A) in the first sentence, by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in the third sentence, by striking ''Attorney General's'' and inserting ''Secretary's''.

(b) RECREATIONAL COURSES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers to in order to give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, so that a course of a duration no more than 1 semester (or its equivalent), and not awarding certification, license or degree, is considered recreational in nature for purposes of determining appropriateness for visitor status.

(c) LANGUAGE TRAINING PROGRAMS.—

(1) REQUIREMENT FOR ACCREDITATION.—-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''.

(2) REQUIREMENT FOR REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1). Such regulations shall—

(A) except as provided in subparagraphs (C) and (D), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) be accredited by an accrediting agency recognized by the Secretary of Education;

(B) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary with documentation regarding the specific subject matter for which the program is accredited;

(C) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program that is not accredited as described in subparagraph (A) during the 2-year period beginning on the date of the enactment of this Act; and

(D) permit a language training program established after the date of the enactment of this Act and that is not accredited as described in subparagraph (A) to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 2-year period beginning on the date such language training program is established.

SA 4180. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. IDENTIFICATION REQUIREMENTS.

(a) REQUIREMENT FOR IDENTIFICATION CARDS TO INCLUDE CITIZENSHIP INFORMATION.—Subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and by inserting after paragraph (7) the following new paragraph:

''(8) An indication of whether the person is a United States citizen.''.

(b) IDENTIFICATION REQUIRED FOR VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after May 11, 2008.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

''PART 7—PHOTO IDENTIFICATION

''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements of section 304; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

SEC. ___. EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the Director of the Bureau of Census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several states, and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SEC. ___. REFORM OF THE DIVERSITY VISA PROGRAM.

(a) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(b) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. ___. ADMISSION OF TEMPORARY GUEST WORKERS.

(a) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.), as amended by title IV and title VI, is further amended by inserting after section 218H the following:

''SEC. 218I. SECURE AUTHORIZED FOREIGN EMPLOYEE (SAFE) VISA PROGRAM.

''(a) AUTHORIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall, subject to the numeric limits under subsection (i), award a SAFE visa to each alien who is a national of a NAFTA or CAFTA–DR country and who meets the requirements under subsection (b), to perform services in the United States in accordance with this section.

''(b) REQUIREMENTS FOR ADMISSION.—An alien is eligible for a SAFE visa if the alien—

''(1) has a residence in a NAFTA or CAFTA–DR country, which the alien has no intention of abandoning;

''(2) applies for an initial SAFE visa while in the alien's country of nationality;

''(3) establishes that the alien has received a job offer from an employer who has complied with the requirements under subsection (c);

''(4) undergoes a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice;

''(5) passes all appropriate background checks, as determined by the Secretary of Homeland Security;

''(6) submits a completed application, on a form designed by the Secretary of Homeland Security; and

''(7) pays a visa issuance fee, in an amount determined by the Secretary of State to be equal to not less than the cost of processing and adjudicating such application.

''(c) EMPLOYER RESPONSIBILITIES.—An employer seeking to hire a national of a NAFTA or CAFTA–DR country under this section shall—

''(1) submit a request to the Secretary of Labor for a certification under subsection (d) that there is a shortage of workers in the occupational classification and geographic area for which the foreign worker is sought;

''(2) submit to each foreign worker a written employment offer that sets forth the rate of pay at a rate that is not less than the greater of—

''(A) the prevailing wage for such occupational classification in such geographic area; or

''(B) the applicable minimum wage in the State in which the worker will be employed;

''(3) provide the foreign worker one-time transportation from the country of origin to the place of employment and from the place of employment to the country of origin, the cost of which may be deducted from the worker's pay under an employment agreement; and

''(4) withhold and remit appropriate payroll deductions to the Internal Revenue Service.

''(d) LABOR CERTIFICATION.—Upon receiving a request from an employer under subsection (c)(1), the Secretary of Labor shall—

''(1) determine if there are sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed, based on the national unemployment rate and the number of workers needed in the occupational classification and geographic area for which the foreign worker is sought; and

''(2) if the Secretary determines under paragraph (1) that there are insufficient United States workers, provide the employer with labor shortage certification for the occupational classification for which the worker is sought.

''(e) PERIOD OF AUTHORIZED ADMISSION.—

''(1) DURATION.—A SAFE visa worker may remain in the United States for not longer than 10 months during the 12-month period for which the visa is issued.

''(2) RENEWAL.—A SAFE visa may be renewed for additional 10-month work periods under the requirements described in this section.

''(3) VISITS OUTSIDE UNITED STATES.—Under regulations established by the Secretary of Homeland Security, a SAFE visa worker—

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

''(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

''(4) LOSS OF EMPLOYMENT.—The period of authorized admission under this section shall terminate if the SAFE visa worker is unemployed for 60 or more consecutive days. Any SAFE visa worker whose period of authorized admission terminates under this paragraph shall be required to leave the United States.

''(5) RETURN TO COUNTRY OF ORIGIN.—A SAFE visa worker may not apply for lawful permanent residence or any other visa category until the worker has relinquished the SAFE visa and returned to the worker's country of origin.

''(6) FAILURE TO COMPLY.—If a SAFE visa worker fails to comply with the terms of the SAFE visa, the worker will be permanently ineligible for the SAFE visa program.

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—Each SAFE visa worker shall be issued a SAFE visa card, which—

''(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

''(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement; and

''(3) shall, during the alien's authorized period of admission under subsection (e), serve as a valid entry document for the purpose of entering the United States.

''(g) SOCIAL SERVICES.—

''(1) IN GENERAL.—SAFE visa workers are not eligible for Federal, State, or local government-sponsored social services.

''(2) SOCIAL SECURITY.—Upon request, a SAFE visa worker shall receive the total employee portion of the Social Security contributions withheld from the worker's pay. Any worker who receives such contributions shall be permanently ineligible to renew a SAFE visa under subsection (e)(2).

''(3) MEDICARE.—Amounts withheld from the SAFE visa workers' pay for Medicare contributions shall be used to pay for uncompensated emergency health care provided to noncitizens.

''(h) PERMANENT RESIDENCE; CITIZENSHIP.—Nothing in this section shall be construed to provide a SAFE visa worker with eligibility to apply for legal permanent residence or a path towards United States citizenship.

''(i) NUMERICAL LIMITS.—

''(1) ANNUAL LIMITS.—Except as provided under paragraphs (2) and (3), the number of SAFE visas authorized under this section shall not exceed 200,000 per fiscal year.

''(2) WAIVER.—The President may waive the limit under paragraph (1) for a specific fiscal year by certifying that additional foreign workers are needed in that fiscal year.

''(3) INCREMENTAL ADJUSTMENTS.—If the President certifies that additional foreign workers are needed in a specific year, the Secretary of State may increase the number of SAFE visas available in that fiscal year by the number of additional workers certified under paragraph (2).

''(4) CONGRESSIONAL OVERSIGHT.—The President shall transmit to Congress all certifications authorized in this section.

''(5) ALLOCATION OF SAFE VISAS DURING A FISCAL YEAR.—Not more than 50 percent of the total number of SAFE visas available in each fiscal year may be allocated to aliens who will enter the United States pursuant to such visa during the first 6 months of such fiscal year.

''(j) SAVINGS PROVISION.—Nothing in this section shall be construed to affect any other visa program authorized by Federal law.

''(k) REPORTING REQUIREMENT.—Not later than 3 years after the implementation of the SAFE visa program, the President shall submit a detailed report to Congress on the status of the program, including the number of visas issued and the feasibility of expanding the program.

''(l) DEFINITIONS.—In this section:

''(1) NAFTA OR CAFTA–DR COUNTRY.—The term 'NAFTA or CAFTA–DR country' means any country (except for the United States) that has signed the North American Free Trade Agreement or the Central America-Dominican Republic-United States Free Trade Agreement.

''(2) SAFE VISA.—The term 'SAFE visa' means a visa authorized under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents (8 U.S.C. 1101) is amended by inserting after the item relating to section 218H, as added by section 615, the following:

''Sec. 218I. Secure Authorized Foreign Employee Visa Program.''.

SEC. ___. BLUE CARD PROGRAM.

(a) WORK DAY DEFINED.—Notwithstanding paragraph (7) of section 612 of this Act, for the purposes of the AgJOBS Act of 2006, as added by subtitle B of title VI, the term ''work day'' shall mean any day in which the individual is employed 8 or more hours in agriculture.

(b) DEFINITIONS.—The definitions of terms defined in section 612 of this Act, as applied by subsection (a), shall apply to such terms in this section.

(c) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 150 work days per year during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (g)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this section or AgJOBS Act of 2006, as added by subtitle B of title VI, that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (e), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (g)(2);

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

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

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

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

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

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $1,000.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(d) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status 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 Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT FOR ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status 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 granted blue card status 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 a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated 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 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, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (e)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph 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).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (c)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(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 section.

(e) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (c)(5); or

(II) such documentation as may be submitted under subsection (f)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) 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.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $1,000.

(vi) ENGLISH LANGUAGE.—The alien has demonstrated an understanding of the English language, as required under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (g)(2);

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

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required under paragraph (1)(A) 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.

(ii) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required under this paragraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—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 status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, 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.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (g)(2);

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

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(f) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (e) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (c), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this subtitle as ''qualified designated entities''.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (c)(1)(A) or (e)(1)(A) 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 status under subsection (c)(1) or (e)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (c)(1)(A) or (e)(1)(A)).

(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 those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (c)(1)(A) or (e)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

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

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, 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.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (c) or (e) 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

(ii) 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.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) 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 adjustment of status under this section.

(9) APPLICATION FEES.—

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

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(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.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—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 subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for status under subsections (c) and (e).

(g) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (c)(1)(C) or an alien's eligibility for adjustment of status under subsection (e)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

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

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this 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 status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

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

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien

may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

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

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (e)(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—

(A) may not be removed; and

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

(i) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (c) or (e) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD 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 or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(j) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(k) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(l) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2007 through 2010.

(n) APPLICATION OF OTHER PROVISIONS.—Section 613 of this Act is null and void.

SEC. ___. CONFIDENTIALLY OF INFORMATION SUBMITTED FOR EARNED ADJUSTMENT OF STATUS.

Notwithstanding section 601(b) of this Act, subsection (e) of section 245B of the Immigration and Nationality Act, as added by such section 601(b), is amended to read as follows:

''(e) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2) or (3) or as otherwise provided in this section, or pursuant to written waiver of the applicant or order of a court of competent jurisdiction, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

''(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

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

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

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to—

''(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

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

''(3) INAPPLICABILITY AFTER DENIAL.—The limitation under paragraph (1)—

''(A) shall apply only until an application filed under paragraph (1) or (2) of subsection (a) is denied and all opportunities for appeal of the denial have been exhausted; and

''(B) shall not apply to 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.

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

SEC. ___. EFFECTIVE DATE FOR NEW NONIMMIGRANT TEMPORARY WORKER CATEGORIES.

Notwithstanding subsection (b) of section 402 of this Act, the amendments made by subsection (a) of such section 402 shall take effect on the date that is 18 months after the date that a total of not less than $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a) of this Act, with respect to aliens, who, on such effective date, are outside of the United States.

SEC. ___. ELIGIBILITY FOR THE EARNED INCOME TAX CREDIT.

Notwithstanding section 601(b) of this Act, subsection (g) of section 245B of the Immigration and Nationality Act, as added by such section 601(b), is amended to read as follows:

''(g) 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 who is unlawfully present in the United States, or an alien who receives an adjustment of status under subsection (n) of section 245 who was illegally present in the United States prior to January 7 2004, this section, section 245C, or section ___(e) of the Comprehensive Immigration Reform Act of 2006, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien whose status has been adjusted in accordance with subsection (a) 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 the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.).''.

SA 4181. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this act the language in Title V Sec. 501 under the heading ''(2) VISAS FOR SPOUSES AND CHILDREN'' is null and void and the following shall be applicable in lien thereof.

''(2) VISAS FOR SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

''(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

''(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

SA 4182. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this act the language in Title V Sec. 501 under the heading ''(2) VISAS FOR SPOUSES AND CHILDREN'' is null and void and the following shall be applicable in lien thereof.

''(2) VISAS FOR SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

''(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or

section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

''(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 1st, 2006 at 9:30 a.m. in the Grand Junction City Hall Auditorium located at 250 North 5th Street in Grand Junction, Colorado.

The purpose of the hearing is to receive testimony on the implementation of the oil shale provisions of the Energy Policy Act of 2005.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Sara Zecher at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 23, 2006, at 10 a.m., to conduct a hearing on ''Improving Financial Literacy in the United States.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President. I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 23, 2006, at 10 a.m. on price gouging.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 23 at 10 a.m.

The purpose of this hearing is to receive testimony on the National Research Council Report, ''Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation'' and the U.S. Bureau of Reclamation Report, ''Managing for Excellence: An Action Plan for the 21st Century.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a Business Meeting on May 23, 2006 at 9:30 am to consider the following agenda:

S. 2735 To amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 2832 The Appalachian Regional Development Act Amendments of 2006.

S. 2430 Great Lakes Fish and Wildlife Restoration Act of 2006 with amendment.

S. 1509 Captive Primate Safety Act.

S. 2041 Ed Fountain Park Expansion Act.

S. 2127 To redesignate the Mason Neck National Wildlife Refuge in the state of Virginia as the ''Elizabeth Hartwell Mason Neck National Wildlife Refuge''.

S. Res. 301 Commemorating Audubon Society's 100th Anniversary with amendment.

S. 2781 Wastewater Treatment Works Security Act of 2006.

S. 2650 To designate the Federal courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr. Federal Courthouse.''

S. 801 To designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse.''

S.____ Great Lakes Coordination and Oversight Act of 2006.

S. 2023 To amend the oil pollution act of 1990 to improve that act, and for other purposes.

GSA Resolutions: To authorize the majority of the General Services Administration's FY 2007 Capital Investment and Leasing Program; To authorize seven new courthouse construction projects.

Army Corps Study Resolutions: Committee Resolution on Cedar River, Time Check Area, Cedar Rapids, Iowa; Committee Resolution on Pawcatuck River, Little Narragansett Bay, and Watch Hill Cove, Rhode Island and Connecticut; Committee Resolution on Kansas River Basin, Kansas, Colorado, and Nebraska; and Committee Resolution on Port of San Francisco, San Francisco, California.

Nominations: Molly O'Neill to be an Assistant Administrator—EPA; Dr. Dale Klein to be a member of the Nuclear Regulatory Commission; Dr. Gregory Jaczko to be a member of the Nuclear Regulatory Commission; and Dr. Peter Lyons to-be a member of the Nuclear Regulatory Commission.

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

COMMITTEE ON FINANCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 23, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Encouraging Economic Self-Determination in Indian Country''.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 23, 2006, at 2:15 p.m. to hold a business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 23, 2006, at 2:30 p.m. to hold a closed mark-up.

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

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on ''Perspectives on Patents: Post-Grant Review Procedures and Other Litigation Reforms'' on Tuesday, May 23, 2006, at 2 p.m. in room 226 of the Dirksen Senate Office Building.

Witness List: Panel I: Andrew Cadel, Managing Director, Associate General Counsel and Chief Intellectual Property Counsel, JP Morgan Chase, New York, NY; Philip S. Johnson, Chief Patent Counsel, Johnson & Johnson, Newbrunswick, NJ; Nathan P. Myhrvold, Chief Executive Officer, Intellectual Ventures, Bellevue, WA; John R. Thomas, Professor of Law, Georgetown University Law Center, Washington, DC; and Mark Chandler, Senior Vice President and General Counsel, Cisco Systems, Inc., San Jose, CA.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tod Bowman, a member of my staff, be granted floor privileges for the duration of today's session.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that James Walsh, a detailee on my staff, be given floor privilege for the remainder of the Senate session. I also ask unanimous consent that Carol Wolchak, an attorney on my staff, be given floor privileges for the remainder of this bill.

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

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. FRIST. Mr. President, I ask that the Chair lay before the Senate the House message to accompany S. 2349 to provide greater transparency in the legislative process.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2349

Resolved, That the bill from the Senate (S. 2349) entitled ''An Act to provide greater transparency in the legislative process'', do pass with amendments.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendments, request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 3 to 2.

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

The Chair appointed Mr. LOTT, Mr. STEVENS, Mr. MCCONNELL, Mr. DODD, and Mr. INOUYE conferees on the part of the Senate.

NATIONAL SAFETY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 450.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 450) to designate June 2006 as National Safety Month.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 450) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 450

Whereas the mission of the National Safety Council is to educate and influence citizens of the United States to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 93rd anniversary in 2006 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was chartered by Congress in 1953, and is celebrating its 53rd anniversary in 2006 as a congressionally-chartered organization;

Whereas even with advancements in safety that create a safer environment for the people of the United States, such as new legislation and improvements in technology, the unintentional-injury death toll is still unacceptable;

Whereas the National Safety Council has demonstrated leadership in educating citizens of the United States on how to prevent injuries and deaths to senior citizens as a result of falls;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public;

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution to such safety and health threats; and

Whereas the theme of ''National Safety Month'' for 2006 is ''Making Our World A Safer Place'': Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as ''National Safety Month''; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the citizens of the United States to observe the month with appropriate ceremonies and respect.

RELATIVE TO THE DEATH OF FORMER SENATOR LLOYD BENTSEN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 489, which was 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. 489) relative to the death of Lloyd Bentsen, distinguished member of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the distinguished elder statesman, Senator Lloyd Bentsen, passed away today in his family home in Houston at the age of 85. He leaves behind his wife Beryl Ann and his three children, Lloyd III, Lan and Tina, and seven beloved grandchildren. He also leaves behind almost four decades of dedicated public service on behalf of Texas and the American people.

Alternately described as elegant, courtly, smooth, and collegial, Lloyd Bentsen of Rio Grande Valley was the picture of a Senator. A shrewd legislator with finely honed negotiating skills, he was able to work with both sides of the aisle and gain the trust and cooperation of his colleagues.

Senator Bentsen began his life in public service in 1942 when, fresh out of the University of Texas Law School, he enlisted in the U.S. Army. The war was on, and he was eager to serve his country.

After a brief stint as a private in intelligence, the young Bentsen became a combat pilot. He began flying B–24 missions over an embattled Europe. By the time he was done, he had flown 50 missions and earned the Distinguished Flying Cross and the Air Medal with three oakleaf clusters. He retired a colonel in the Air Force Reserves.

Still a young man in his early twenties, he returned to his hometown, where he practiced law for a year. He then became a county judge at the age of 25, and in 1948 he ran for Congress, where he served for three consecutive terms. He took a 16-year hiatus from elected office to become a successful financier. Then, in 1970, Lloyd Bentsen ran for the Senate, where he rose to national prominence. In 1988, Democratic Presidential nominee Michael Dukakis selected the distinguished 67-year-old as his running mate, and in 1993, President Clinton nominated Senator Bentsen to serve the Department of Treasury. He led that Department and he retired in 1994, nearly 30 years in public office.

Over his long career, Senator Bentsen earned the respect of his colleagues and of the American people. He was an old-school gentleman who could don his partisan hat and share a respite from the day-to-day battles on the Senate floor. I came across a quotation of his, not as famous as another but one which I think sums up his lifetime in public service and one which is a valuable motto for us all:

It should be clear by now that serious problems cannot be solved by public relations; they can only be solved by public responsibility.

Lloyd Bentsen's words.

On behalf of the Senate and the American people, our hearts go out to the Bentsen family. We join them in mourning the passing of a noteworthy statesman. May God bless them, and may God bless America.

Mrs. HUTCHISON. Mr. President, today we mourn the loss of a great Texan and a true American hero. Lloyd Bentsen passed away this morning, and I rise to pay tribute to the life and legacy of a great statesman.

Senator Bentsen served this Nation in numerous capacities. Everyone in Texas knew who Lloyd Bentsen was during all of the time that I was in my early years of public service. Many in this body also served with him and knew him well. He put his stamp on Texas, and he put his stamp on our country.

Lloyd Bentsen was born in Mission, TX, in 1921, in the southernmost part of our State. He attended public schools and graduated from the University of Texas Law School in 1942. Upon graduation, he served in the U.S. Army Air Forces during World War II. He flew more than 200 bombing missions to liberate Europe from the Nazi grasp. For his heroic service, he was awarded the Air Medal with three oak leaf clusters, as well as the Distinguished Flying Cross for valor in combat. He retired with the rank of colonel from the Air Force Reserve.

After the war, Lloyd Bentsen returned home to his native Rio Grande Valley. There he began his career as a public servant. As everyone who worked with him will attest, Lloyd Bentsen was a natural. His first office was county judge of Hidalgo County. He was then elected to represent Texas in the U.S. House of Representatives in 1948, serving 6 years before leaving Congress to go into business. He moved to Houston and started a business that was very successful, and after some number of years in business, he decided he wanted to do what he liked doing best, and that was to have an office and serve the public. He was elected to the Senate in 1970.

I have to say that is when I really got to know Lloyd Bentsen a little bit because I was a cub news reporter at KPRC–TV in Houston, and I covered that race. It was the battle of the titans. This was a race between George H.W. Bush and Lloyd Bentsen for the U.S. Senate seat in 1970. I remember me and all the reporters saying at the time that this is what a Senate race should be. These are two high-quality individuals. They are the kind of people you would want in public service, and certainly the kind of people you would want elected to public office. Lloyd Bentsen won that race for the Senate. But George H.W. Bush also had an illustrious career to follow.

Lloyd Bentsen stayed in the Senate and became a leader. He was here for 22 years. Everyone in Texas knew him, but he was also a national figure. Lloyd Bentsen ran for President in 1976. He was the Democratic candidate for Vice President in 1988. His illustrious public career concluded with his service to our Nation as Secretary of the Treasury. He served under President Clinton from 1993 to 1994. It was then that I was able to run for and win the seat that he had held.

I have to say that when I was covering that Senate race in 1970, it would never have occurred to me that I would succeed the man who won that seat. I do remember that he came to my swearing in ceremony, which I thought was very gracious of him, and I thought it was so nice of him to wish me well. He wanted also to make sure I felt comfortable here, which, of course, I did. I have gotten to know Lloyd and B.A. Bentsen, his beautiful wife, who has been by his side all of these years—in the good days of public service when he was one of our country's great leaders, and during the time that he was so ill for so long. I saw B.A. at his side every time I saw Senator Bentsen, either in Houston or Austin or someplace in Texas.

He was awarded the Presidential Medal of Freedom on August 11, 1999. Later today, I will introduce a joint resolution with Senator CORNYN honoring the life and legacy of Lloyd Bentsen.

When people think of Lloyd Bentsen, if you talk to anybody on this floor who served with him, or if you talk to anybody in Texas who was one of his friends, or someone he knew, they always describe him as a gentleman, a person of the highest quality, exactly the kind of person you want in public service—someone with integrity, always there doing the right thing as he saw it, and always spending the time to do a great job for our country.

Our thoughts and prayers go out today to B.A. Bentsen and to Lloyd Bentsen III and Lan Bentsen, the two sons of this great American. We will introduce a resolution later today to pay tribute to him. I want his family to know that our thoughts and prayers in this Senate are with him and with them today.

Mr. CORNYN. Mr. President, I wish to join my voice with those of my colleagues in celebrating the life, and mourning the death, of one of the political giants of our time: Lloyd Bentsen fellow Texan, son, husband, father, friend, honored veteran, lawyer, county judge, Congressman, businessman, Senator, and at the peak of his career in public service, U.S. Secretary of the Treasury.

It is difficult to capture in one brief statement the weight and the impact of one man's life. But we can all be confident that the legacy left by Lloyd Bentsen is one of which his family, his State, and his country can be remarkably proud.

Perhaps one important way to capture the meaning of his influence is to listen to those who have known or served with him or those who have had the honor of calling him a friend. Today, the chorus of their voices reminds us.

Texas State Comptroller Carole Keeton Strayhorn said: ''Sen. Lloyd Bentsen was a true Texas icon and a friend. He put Texans above politics. He lifted all Texans.''

His former aide, and State Representative Richard Raymond said: ''He didn't pass the buck. That's one of the things that stuck with me.''

We should all be fortunate as to be remembered so fondly, and so well.

It is clear that Lloyd Bentsen lived a life of purpose; he certainly wasted no time making his mark on our country. Born in Mission, TX, on February 11, 1921, Bentsen received his law degree from University of Texas Law School at Austin.

He served as a pilot in the U.S. Army Air Forces from 1942 to 1945, and reportedly flew 35 B–24 missions during 18 months of heavy combat. He was put in charge of 600 men at the young age of 23, and was promoted to the rank of major. For his heroic service, Bentsen was awarded the Distinguished Flying Cross, and the Air Medal with three oak leaf clusters. By the end of his military service, he had reached the rank of colonel.

Bentsen returned from the war to serve as county judge in Hidalgo from 1946 to 1948; then was elected in 1948 to the U.S. House of Representatives, where he served three terms. He then went on to pursue a career in business, which he did for 16 years in Houston before being elected to the U.S. Senate in 1971.

His career, of course, also notably includes his party's nomination for Vice President in 1988 a remarkable achievement, to be sure, as was his tenure as the 69th U.S. Secretary of the Treasury, where he served with distinction from January 1993 to December 1994.

Mr. President, today our country both celebrates the life and mourns the death of this distinguished American, a great Texan, who dedicated his life to public service. He was a powerful voice for the people he served, and he will be deeply missed.

Mr. HATCH. Mr. President, I rise today to express my sadness in learning of the passing of our esteemed former colleague from Texas, Senator Lloyd Millard Bentsen, Jr. I am certain that I join all of our colleagues in grieving the loss of this great American, and especially those of us who had the honor to have served in this body with him.

Lloyd Bentsen was a good and a great man, and I had the opportunity to work with him closely many times over the 16 years we served here together. When I joined the Finance Committee in 1991, Senator Bentsen was the chairman. As a new member of the committee, I appreciated the way Chairman Bentsen ran Finance in a bipartisan and fair way that reflected positively on the long and distinguished history of that panel and the spirit of which continues until today.

Many of us knew Senator Bentsen as a man of his word, and as a superb communicator. He was not a man of many words, but when he spoke, people everywhere stopped to listen. He spoke slowly and with great meaning, and he connected with those who heard him, whether they were a group of schoolchildren from Texas, his colleagues from his long years of service in the House and the Senate, the financial markets that listened to his every word as chairman of the Finance Committee and as Secretary of the Treasury, or the world's financial leaders, with whom he consorted as the President's main economic spokesman.

Lloyd Bentsen was a hero, to his family, his constituents, his State, and to his country. As a young man, he served as a combat pilot in the European theater during World War II, and he flew 35 missions in B–24s. Lloyd was awarded the Air Medal with three Oak Leaf Clusters and the Distinguished Flying Cross. By the time he left military service, was promoted to a full colonel in the Air Force Reserve.

Lloyd Bentsen's natural leadership ability was evident early in life. As a young man he earned the rank of Eagle Scout, and he graduated from the University of Texas Law School by the time he was 21 years old. He then joined the Army Air Corps and rose from a private to the rank of major and was given command of a squadron of

600 men at the age of 23. Our friend and colleague was truly a remarkable man.

After serving our country so valiantly during the war, Lloyd returned to his native Rio Grand Valley in Texas where he became a county judge and then ran successfully for the House, where he served for three terms. In 1955, he decided to leave public service temporarily and began an impressive career in business and finance in Houston, which ended in 1970 when he decided to run for the Senate.

Mr. President, Lloyd Bentsen was one of the modern giants of the Senate. Of course, I did not always agree with him, or him me. However, I respected him. He was respected on both sides of the aisle, and by all who came to know him.

Many words come to my mind when I think of Senator Bentsen. He was bright. He was fair. He was serious. He was dedicated. He was dignified. The State of Texas and all America have lost a great son.

My heart goes out to Lloyd's wife, Beryl, and to their children, grandchildren and other family members. May they find peace and joy in their memories and in knowing of the great contribution Lloyd gave to his country.

Mr. AKAKA. I join my colleagues in tribute to my dear friend and tremendous public servant, Congressman, Senator, and Secretary Lloyd Bentsen, on his recent passing. His tenure in Federal service is notable and well documented three terms in the House of Representatives and four terms in the Senate representing the people of Texas and 2 years as Secretary of the Treasury under former President Bill Clinton.

I remember Lloyd as a giant in the Senate leadership when I first came to this body in 1990. He wielded the gavel at the Finance Committee and had already ascended to national recognition as a formidable Vice Presidential nominee in 1988. He was a Senator who worked hard every day to benefit the people of Texas and of this country.

As a distinguished World War II veteran, Lloyd was always supportive of our veterans and fulfilling their urgent needs. He fought to preserve and protect women's rights, including the Equal Rights Amendment. He understood the needs of America's entrepreneurs and business owners and carried his acumen in economic policy from the Senate into the Clinton administration.

Millie and I remember Lloyd and his wife B.A., from our years in the Senate together, with fondness. We join others in extending to his family our warmest wishes in this difficult time. We say farewell to a true statesman. This Nation is richer for his life and poorer for his loss.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The resolution (S. Res. 489) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 489

Whereas Lloyd Bentsen was born in Mission, Texas, on February 11, 1921, to the children of first generation citizens of the United States;

Whereas Lloyd Bentsen began his service to the United States as a pilot in the Army Air Forces during World War II;

Whereas, at the age of 23, Lloyd Bentsen was promoted to the rank of Major and given command of a squadron of 600 men;

Whereas, because of his heroic efforts during World War II, Lloyd Bentsen was awarded the Distinguished Flying Cross, the highest commendation of the Air Force for valor in combat, and the Air Medal with 3 Oak Clusters;

Whereas, after his service in the military, Lloyd Bentsen returned to Texas to serve as a judge for Hidalgo County and was then elected to 3 consecutive terms in the House of Representatives;

Whereas, after a successful business career, Lloyd Bentsen desired to return to public life;

Whereas, in 1970, Lloyd Bentsen was elected to serve as a Senator from Texas, and did so with distinction for 22 years;

Whereas the illustrious career of Lloyd Bentsen also included a Vice Presidential nomination in 1988;

Whereas Lloyd Bentsen retired from the Senate in 1993 to serve as the 69th Secretary of the Treasury;

Whereas Lloyd Bentsen was awarded the Presidential Medal of Freedom in 1999 for his meritorious contributions to the United States;

Whereas the record of Lloyd Bentsen demonstrates his outstanding leadership and his dedication to public service; and

Whereas Lloyd Bentsen will be remembered for his faithful service to Texas and the United States; Now, therefore, be it

Resolved, that the Senate honors the life and legacy of Lloyd Bentsen;

Resolved, that the Senate extends its warmest sympathies to the family members and friends of Lloyd Bentsen;

Resolved, that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Lloyd Bentsen.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 490 which was 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. 490) to authorize representation by the Senate Legal Counsel in the case of Lannak v. Biden, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a pro se civil action filed against all three members of the Delaware congressional delegation, Senator JOSEPH R. BIDEN, JR., Senator THOMAS R. CARPER, and Representative MICHAEL N. CASTLE. Plaintiff complains that the defendants violated his rights under the Age Discrimination Act, by not actively assisting him in his quest to have the National Institutes of Health analyze and prove his research regarding the cause of a spine condition he terms ''equilibrium scoliosis.'' Plaintiff seeks damages for this alleged failure to help him in his dealings with the National Institutes of Health.

This suit is subject to dismissal on various grounds, including failure to state a claim against the defendants under the Age Discrimination Act. This resolution authorizes the Senate Legal Counsel to represent the Senator defendants in this suit and to move for its dismissal.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The resolution (S. Res. 490) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 490

Whereas, in the case of Lannak v. Biden, et al., No. 06–CV–0180, pending in the United States District Court for the District of Delaware, the plaintiff has named as defendants Senators Joseph R. Biden, Jr. and Thomas R. Carper;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, that the Senate Legal Counsel is authorized to represent Senators Joseph R. Biden, Jr. and Thomas R. Carper in the case of Lannak v. Biden, et al.

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

Mr. FRIST. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the House Chamber for the joint meeting tomorrow.

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

ORDERS FOR WEDNESDAY, MAY 24, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m. on Wednesday, May 24, 2006. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be

reserved, and the Senate resume consideration of S. 2611 as under the previous order; provided further that second-degree amendments be filed no later than 10 a.m. under rule XXII.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning we will be debating Senator MCCONNELL's amendment related to ballots. That vote will occur at approximately 9:30 a.m., and that will be the first vote of the day. That will be followed by the cloture vote on the immigration bill. We have an agreement in place that will allow other amendments to be offered, and therefore everyone can expect another lengthy day of votes. I do thank everyone for allowing us to line up amendments as agreed to over the course of the day. I expect that cloture will be invoked tomorrow morning and that we will then finish this bill later on Wednesday or Thursday at the latest.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect for our former colleague, Senator Lloyd Bentsen, following the remarks of Senator SESSIONS.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, I am going to take some time tonight to inform my colleagues about some of the problems with the legislation before us. It is worse than you think, colleagues. The legislation has an incredible number of problems with it. Some, as I will point out tonight, can only be considered deliberate. Whereas on the one hand it has nice words with good sounding phrases in it to do good things, on the second hand it completely eviscerates that, oftentimes in a way that only the most careful reading by a good lawyer would discover. So I feel like I have to fulfill my duty. I was on the Judiciary Committee. We went into this. We tried to monitor it and study it and actually read this 614-page bill, and I have a responsibility and I am going to fulfill my responsibility.

I think the things I am saying tonight ought to disturb people. They ought to be unhappy about it. It ought to make them consider whether they want to vote for this piece of legislation that, in my opinion, should never, ever become law.

I would also just point out I will be offering tomorrow, or soon, an amendment to deal with the earned-income tax credit situation that is raised by this legislation, focusing on the amnesty in the bill and what will happen after amnesty is granted, before they become a full citizen. The Congressional Budget Office has concluded that the earned-income tax credit will pay out to those who came into our country illegally $29 billion over 10 years. The earned-income tax credit has been on the books for some time. It is a good bit larger than most people think. The average recipient of it receives $1,700. Lowerincome people get a larger amount. Over half the people who we expect will receive amnesty are without a high school degree. They are receiving lower wages. They will be the ones who will particularly qualify for this. This is a score that has been given to us by the group that is supposed to score it—$29 billion will be paid out.

If they go all the way and become a citizen they will be entitled to this like any other citizen, and they will be entitled to get it under my amendment. But I do not believe we should award people who have entered our country illegally, submitted a false Social Security number, worked illegally—I do not believe we should reward them with $29 billion of the taxpayers' money. That is a lot of money.

I will also be offering a budget point of order, I or one of my colleagues will, in the next day or so. We have been working on that. We asked for a report. The Congressional Budget Office has concluded that the budget point of order lies in the first 10 years of this bill. It also concludes that it lies under the long-term provisions of the budget points of order for expenditures in the outyears. They didn't give us those numbers, but they said, without much work—they didn't have to do much work—the numbers are going to be much worse in the outyears. It clearly would be a detriment to the Government and these figures would exceed the budget, and a budget point of order would lie.

At the Heritage Foundation, Mr. Robert Rector, who is the expert who dealt with welfare, studied this. He was the architect of welfare reform who has done so much to improve America's welfare system and improve incomes for low-income families. It really worked beautifully. He was the architect of it. He says this bill represents the greatest increase in welfare in 35 years. With the provisions and benefits that will be in it, he estimates that year 10 through year 20, the cost could be $50 to $60 billion a year to the taxpayers because it takes some time for the people who are adjusting and becoming citizens and/or legal permanent residents to really begin to make the claims.

CBO admits the numbers are going to surge in the outyears. He says it is $50 billion a year. If that is so—and he is not exaggerating the numbers, because that is based solely on the amnesty provisions, not the provisions that will allow 3 times to 4 times as many people to come into the country legally in the next 20 years as come in today, and many of them will go on welfare because that whole system is not based on identifying people with skills and educational levels that would indicate they would be more than low-wage workers—so it could really be more than that. But $50 billion a year over 10 years is $500 billion. That is a half a trillion dollars, and that is why Mr. Rector said this legislation is a fiscal catastrophe. This is a man whose opinions and ideas and research this Congress, and particularly the Republicans, utilized to hammer away, time and time again, year after year, to get welfare reform.

It finally happened. It worked just like he said. The predictions of disaster made against his recommendations proved to be false.

He is saying that about this. So this is not a technical point of order. It represents an attempt to save the fiscal soundness of the budget of the United States.

I want to take some moments here to deal with some problems with the legislation. The American people are suspicious of us. They were promised in 1986, after years of urging the Government, the President and the Congress, promised to fix our borders and end illegal immigration. In exchange for that they acquiesced and went along with amnesty in 1986. They said there were a million, 2 million here who would claim it. It turned out 3 million claimed amnesty after 1986. That ought to give us some pause about the projections that we would have. We have 11 million people here now and only 8 or so will seek amnesty under it. That ought to give us some pause there. It may well be above the number.

So the American people are suspicious and they are dubious and they are watching us carefully, and they should. Let me tell you some of the things that are in the legislation that indicate a lack of respect for the American people, really. Some of these are some of the reasons I said the other day the Senate should be ashamed of itself, the way we are moving this bill.

My staff, working up some of these comments, came up with a title—maybe at my suggestion—''Sneaky Lawyer Tricks'' that are in the bill. I will let you decide if that is a fair description of what is in it. I will go down through some of the matters that are important. There are others I could complain about for which we will not have time.

First, the legislation talks about title IV of the bill. That title IV of the

bill defines the new H2–C program as a temporary guest worker program. Those are in big print in the bill: Temporary guest workers.

That sounds like a temporary worker, doesn't it? It sounds like a guest, like somebody who stays in your bedroom for a weekend, a guest, temporary guest.

Interesting, section 408 sets out the temporary guest worker visa program task force. So a little further down it has what is called a temporary guest worker visa program task force. So you would think they are writing in this section, would you not, something about the task force. But this, down in that section, this task force establishes the number of H2C visas that may be issued annually and subsection (h) is where the writers of the bill hid the provision that actually transforms these so-called temporary workers into legal, permanent residents. OK? So all the big print, ''temporary guest workers,'' ''temporary guest worker task force,'' and then you read in that section down there that it effectively converts them from temporary workers to legal permanent residents, granting them a green card.

It is tucked away in a title that has nothing to do with substance of that matter. So I am pleased that my staff and others who have been reading the bill have discovered that. It wasn't discovered early on in the process.

Family members of H–2C visa holder need not be healthy. Under current law, aliens must prove that they are admissible and meet certain health standards. Many times, visa applicants must have a medical exam to show that they do not have a communicable disease. They have to be up-to-date on immunizations, and cannot have mental disorders. Spouses and children of H–2C visa holders, however, are not required to have a medical exam before receiving a visa. I have an amendment to fix this that I hope is accepted.

The work requirement for a blue card can be satisfied in a matter of hours. Under the AgJOBS component of the substitute, illegal alien agricultural workers who have worked 150 ''workdays'' in agriculture over the last 2 years will receive a ''blue card,'' allowing them to live and work permanently in the U.S. However, because current law defines an agricultural ''workday'' as 1 hour of work per day—the bill language restates that definition on page 397—an alien who has worked for as little as 150 hours—there are 168 hours in a week—in agriculture over the last 2 years will qualify for a blue card.

Blue card aliens can only be fired for just cause, unlike an American citizen worker who is likely under an employment at will agreement with the agricultural employer.

> No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

Because blue card aliens are not limited to working in agriculture, this employment requirement will follow the alien at their second and third jobs as well. The bill goes as far as setting up an arbitration process for blue card aliens who allege they have been terminated without just cause. Furthermore, the bill requires the Secretary of Homeland Security to pay the fee and expenses of the arbitrator. American citizens do not have a right to this arbitration process, why are we setting up an arbitration process for blue card aliens paid for by the American taxpayer.

Regarding free legal counsel, the AgJOBS amendment goes further than paying for arbitrators, it also provides free legal counsel to illegal aliens who want to receive this amnesty. The AgJOBS amendment specifically states that recipients of ''funds under the Legal Services Corporation Act'' shall not be prevented ''from providing legal assistance directly related to an application for adjustment of status under this section.'' Interestingly, page 414 of the bill requires the alien to have an attorney file the application for him. Not only will AgJOBS give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bills of those illegal aliens. This is unbelievable and unacceptable. We should not be rewarding illegal aliens who break our laws with free legal counsel and a direct path to citizenship.

Under this bill a temporary worker is eligible for a green card if they, in part, maintained their H–2C status. In order to maintain this status the ''temporary'' worker may not be unemployed for a period of 60 continuous days. This means that a temporary worker only has to work 1 day in every 59 days to maintain status. This employment requirement only requires that they work about 1 day every 2 months.

In this bill, an alien who has been here between 2 and 5 years is not eligible for asylum if they have persecuted others on account of race, religion, nationality, membership in a particular social group, or political opinion. However, an alien here more than 5 years who has persecuted others on account of race, religion, nationality, membership in a particular social group, or political opinion gets amnesty under this bill. There is no specific ineligibility for such conduct. Since it is included under the ''mandatory deferred departure'' section, a court will interpret this to mean we purposefully left it out of the ''earned amnesty.'' I cannot imagine why the drafters of this bill would allow persecutors to benefit from amnesty.

The bill's future flow ''guest worker'' program in title IV leaves no illegal alien behind—it is not limited to people outside the United States who want to come here to work in the future, but includes illegal aliens currently present in the United States that do not qualify for the amnesty programs in title VI, including aliens here for less than 2 years. Under the bill language, you can qualify for the new H–2C program to work as a low-skilled permanent immigrant, even if you are unlawfully present inside the United States today. The bill specifically says:

> In determining the alien's admissibility as an H–2C nonimmigrant . . . paragraphs (5), (6)(A), (7), (9)(B), and (9) (C) of section 212(a) may be waived for conduct that occurred before the effective date. . . .

By waving these grounds of inadmissibility, the new H–2C program is specifically intended to apply to illegal aliens who were already removed from the United States and illegally reentered.

The bill tells DHS to accept ''just and reasonable inferences'' from day labor centers and the alien's ''sworn declaration'' as evidence that the alien has met the amnesty's work requirement. Under the bill, the alien meets the ''burden of proving by a preponderance of the evidence that the alien has satisfied the [work] requirements'' if the alien can demonstrate employment ''as a matter of just and reasonable inference.'' An alien can present ''conclusive evidence'' of employment in the United States by presenting documents from social security, IRS, employer, or a ''union or day labor center.'' The bill then states that:

> It is the intent of Congress that the [work] requirement . . . be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

If these lax standards can't be met, the bill makes sure that the alien can get what they need by allowing them to submit ''sworn declarations for each period of employment.'' Putting these together the alien must prove it is more likely than not that there is a just and reasonable inference that the alien was employed. I don't know what this means other than DHS will have to accept just about anything as proof of employment.

Regarding in-State tuition for illegal aliens, current law provides that:

> [A]n alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

The DREAM Act would eliminate this provision and allow illegal alien college and university students to be eligible for in-state tuition without affording out-of-state citizen students the same opportunity. Thus, the University of Alabama could offer in-state tuition to illegal alien students while requiring citizens residing in Mississippi to pay the much higher out-of-state tuition rates.

Allowing all illegal aliens enrolled in college to receive in-state tuition rates means that while American citizens from 49 other states have to pay out-of-state tuition rates to send their kids to

UVA, people who have illegally immigrated to this country might not. Out-of-state tuition rates range from 2 to 3½ times the in-state resident tuition rate.

Regarding Federal financial aid for illegal aliens, while the Pell grants provision was removed from the bill, Stafford student loans and work study remains in.

Under title IV of the Higher Education Act of 1965, as amended, legal permanent residents and certain other eligible non-citizens are eligible to compete with American citizens for certain types of higher education assistance.

The DREAM Act makes illegal aliens eligible for several types of higher education assistance offered under the Higher Education Act—including Stafford student loans and work study programs.

There is another matter, another sleight of hand I suggest.

Amnesty both for legal aliens who have been here for more than 5 years, and those in the next category who are here from 2 to 5 years, don't really require that those aliens have to be continuously present in the United States. That is what it says in plain language.

It starts off that you have to be continuously present in the United States. But, once again, is that what it really means?

The bill allows these aliens to depart and to return after a brief departure. This allows illegal aliens who broke our laws by entering the United States and who have left and returned illegally perhaps multiple times—and each time violating our laws by entering the United States—to qualify for this amnesty.

I am not sure how these departures and illegal entries can be considered innocent since the illegal aliens broke U.S. laws by reentering. But it will absolve them from any of these multiple violations. That is a huge loophole.

This is even more important. An alien may not have had deep roots in our country. They may have spent a lot of their time away from our country. But they heard about this amnesty, and if they can get in the country, then they will say they have been here continuously, perhaps.

Somebody says: No. We found out you were back home.

He says: That was brief. I want my amnesty.

We object. I am going to take you to court, or you prove it, or I say I have been here. That is what I say. It is going to be very difficult to prove that.

There are provisions in the bill that deal with U.S. worker protections. The bill purports to protect U.S. workers from the flood of cheap labor that might occur by requiring employers to prove to the Department of Labor that good-faith efforts have been taken, first, to recruit U.S. workers for a job before they go out and hire someone from outside of our country. They ought to at least find out if there are American workers who want the job.

Then they are supposed to notify the Secretary of Labor and the Department of Homeland Security when one of these H–2C workers is ''separated from employment.''

I am quoting that—''separated from employment'' requires notice.

We heard defenders of the bill say: Well, if you are not continuously working, they will notify the Department of Labor and you have to leave the country.

Have you heard that? You have to be continuously working, you can't be not working, or else you are not entitled to the benefits of this H–2C provision. The separation from employment notification is supposed to help the Department of Labor and Homeland Security know which people have been out of work, and if they are out of work under the bill for more than 60 days, their visas are supposed to be revoked.

OK. That is supposed to be a provision that makes sure people who come here are really working. Sounds good. But under the provisions of the bill, the term ''separation from employment''—you can find that on page 236. As defined, the term means virtually zero.

As defined, ''separation from employment is anything other than discharged for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or expiration of a grant or contract.''

Furthermore, it does not include those situations where the worker is offered—even if they do not take it—another position by the same employer.

Is that what I just read to you? It is hard to believe—that you are supposed to notify them, except you don't need to notify them if they have left work, if they left work because they were discharged for inadequate performance, fired, or violation of workplace rules, or for just cause, or involuntary departure, involuntary retirement, or expiration of the contract. You don't have to notify them about those things.

What would you notify them for, pray tell? That is ''flabber'' written. I submit whoever wrote this bill—it was not the Senators, I can assure you of that—ought to be ashamed of themselves.

That was a deliberate evisceration of what on the surface sounds like a legitimate provision, totally unenforceable. There is no way under this provision DHS or the Department of Labor will be provided information about people who have been terminated from employment.

Protections for U.S. workers—that is one of the goals the bill says it reaches. Under the bill, employers must prove that hiring an H–2C worker will not adversely affect the wages and working conditions of workers in the United States, and that they did not and will not cause separation from employment of a U.S. worker employed by an employer within the 180-day period beginning 90 days before this H–2C petition is filed.

Employers must also prove that they made good-faith efforts to recruit U.S. workers before they can hire an H–2C worker. That sounds good but, once again, things are not what they seem.

As defined on page 263 of the bill, a U.S. worker includes not only citizens, it includes legal alien workers. And, amazingly, it also includes aliens who are ''otherwise authorized under this act to be employed in the United States.''

In other words, this provision provides protection for those who have been given legal status under amnesty, over and above, and provides them the same protection we provide to American citizens who are supposed to be given some protection against the flood of foreign labor.

You have heard the deal. You have heard it said that the people who come to get amnesty—this is almost humorous—have got to pay their taxes. That is part of some sort of punishment. They make it sound like, in some way, you earned the right to be forgiven of your crime by paying your taxes.

Everybody is supposed to pay their taxes. For heaven's sake, we are all supposed to pay taxes. This is nothing but doing what you would expect any American to do. But under the bill, things are, once again, not quite what their sponsors have said, or what the language might lead you to believe. You have to read it carefully.

Under the bill, an illegal alien who is getting amnesty only has to pay back taxes for the period of employment required in the INA, section 245(B)(A)(1)(d).

This is on page 347 of the bill, if people would like to look. These are actually just 3 of the 5 years between April 5, 2001, and April 5, 2002.

So the plain language of the bill doesn't require them to pay all their back taxes at all. They get an option to pick and choose which 3 years they want to pay their taxes. Presumably, they can forget and not pay the taxes for the high years. How silly is that?

This is really important. I think most Americans are pretty sophisticated. They know how the system works and the massive numbers we are talking about—the burden of proving payment of back taxes is on the Internal Revenue Service, pages 351 and 411. They have to prove it. How are they going to prove it? The IRS must prove that they owe the taxes. How will the IRS know if an illegal alien has worked off the books thereby avoiding paying any taxes?

This is really an utter joke. It is a promotion put forth by those in support of the bill that I have heard repeatedly—that somehow it is supposed to make us believe that people have earned their right to be forgiven for violating the law, and they only have to pay back 3 of the last 5 years in taxes.

What about American citizens? Do you think you can go down to Uncle

Sam, Mr. President, and have 5 years of income and then be able to pick and choose which years you pay and you only pay 3 out of your last 5 years? Why don't we let every American citizen have this benefit? Why do we only give it to people who entered the country illegally? You tell me.

What about background checks? The bill requires the Department of Homeland Security to do them on illegal aliens. That is going to be exceedingly difficult. They are required to do it within 90 days. They have to protect our homeland. They have to handle all these provisions. I don't think it can ever be done. That may sound like something important is going to happen, that all the people here illegally will have their backgrounds checked promptly, but the truth is that is not going to get done in that timeframe.

How about fines? Let me state who they want to fine. A Federal agent, trying to do his duty to enforce the law and investigate fraudulent information provided by an illegal alien in their amnesty application, for law enforcement purposes, what happens to them if they take the amnesty application and actually examine it and find out it is fraudulent? What do they do? The agent would be fined $10,000. That fine, I note, is five times the amount the alien is able to post, $2,000, to get his amnesty from his illegal acts.

There is no reason in the world Federal law enforcement officers should be barred from investigating and utilizing amnesty applications to prosecute criminal activities in America. There is no reason this ought to be protected other than it looks to me that some clever lawyer has realized if they can get this in the bill people can file false amnesty applications all day and no one will ever be able to investigate. Isn't that horrible? That is what it looks like to me. Is that a sneaky lawyer trick? I ask you to make that judgment. It does not sound good to me.

Page 363 of the bill. Look it up.

How about the employers? They get tax amnesty. Employers of aliens applying for adjustment of status—amnesty—''shall not be subject to civil and criminal tax liability relating directly to the employment of such an alien.'' That means a business that hired illegal workers does not have to pay the taxes they should have paid. Why? This encourages employers to violate our tax laws and not pay what they owe the Federal Government. They are excusing these employers and giving them amnesty from not withholding taxes. That is a very bad thing. Every American business knows they have to pay their withholding taxes.

What about two small businesses, one hiring illegal aliens not paying Social Security, not paying withholding to the Government, and paying some low wage, and another one across the street doing all the right things, hiring American citizens, perhaps paying higher wages and withholding money and sending his Social Security money to the Federal Government, what message does that send to the good guy, to give complete amnesty to the guy who has manipulated the system and gotten away perhaps with tens of thousands of dollars in benefits that his competitor did not get?

You cannot play games with the law like this. You cannot pick and choose people and allow them unilaterally to not have to pay their taxes.

What about illegal alien protection? The alien and their families who file applications for amnesty ''shall not be detained, determined inadmissible, deported, or removed until their applications are finally adjudicated, unless they commit a future act that renders them ineligible with amnesty.'' With tens of millions of applications, this amnesty, this provision essentially guarantees an illegal alien years of protection in the United States, even if they do not qualify for the amnesty.

We hear they have to pay the fine, the $2,000 fine, but it is not due right away. For those in the amnesty program, illegal aliens are supposed to pay a fine of $2,000. However, the way the bill is written, many illegal aliens may not have to pay the fine for 8 years. The bill says that the $2,000 fine has to be paid ''prior to adjudication.'' It is not required at the first. If it is left the way it is, the illegal alien can live, work and play in our country and not pay a cent of his fine for years. Perhaps they may even decide they do not want to pay it at all. This puts a financial burden on local taxpayers for the health, education, and the infrastructure costs that are not reimbursed for about 5 or 10 years.

There are a number of other items. However, it is late; I will make these remarks part of the RECORD and will not belabor these points.

It is clear the people who drafted this legislation had an agenda and the agenda was not to meet the expectations of the American people. The agenda was to create a facade and appearance of enforcement, an appearance of toughness in some instances. When you get into the meat of the provisions and get into the bill and study it, tucked away here and there are laws that eviscerate and eliminate the real effectiveness of those provisions. It was carefully done and deliberately done. This is a bill that should not become law. It is a bill that will come back to be an embarrassment to our Members who have supported it. I wish it were not so. I know how these things happen. You do not always have time to do everything you want to do. You try to do something you think is right, but ultimately in a bill as important as this one that has tremendous impact on the future of our country and our legal system and our commitment to the rule of law, we ought to get it right. We ought not to let this one slide by. It is not acceptable to say, let's just pass something and we will send it to the House and maybe the House of Representatives will stand up and stop it and fix it. That is not acceptable for the great Senate of the United States.

I strongly believe we are not ready to pass the bill. We are not ready to give it final consideration. I strongly believe it is a horrendous violation of the Committee on the Budget and that it is, as Mr. Rector said, a fiscal catastrophe if passed, and as such we ought not to waive the Budget Act but pull the bill from the floor and fix it.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 8:30 a.m., Wednesday, May 24, 2006.

Thereupon, the Senate, at 8:28 p.m., adjourned until Wednesday, May 24, 2006, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2006:

DEPARTMENT OF STATE

RICHARD E. HOAGLAND, 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 ARMENIA.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be commander

MAX A. CARUSO, 0000

To be lieutenant

JOSH L. BAUER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant (junior grade)

MARK MOLAVI, 0000
ANDREW G. SCHANNO, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL ANTONIOU, 0000
PETER J. VARJEEN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD J. HAYES, JR., 0000
KENNETH L. HEGTVEDT, 0000
MICHAEL N. SELBY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DAVID W. ACUFF, 0000
TIMOTHY H. ATKINSON, 0000
TIMOTHY K. BEDSOLE, SR., 0000
CARLETON W. BIRCH, 0000
RANDY L. BRANDT, 0000
PETER M. BRZEZINSKI, 0000
JASON E. DUCKWORTH, 0000
GRANT E. JOHNSON, 0000
ROBERT F. LAND, 0000
MITCHELL I. LEWIS, 0000
ARLEY C. LONGWORTH, JR., 0000
TERRY L. MCBRIDE, 0000
WILLIAM C. MCCOY, 0000
THOMAS G. MCFARLAND, 0000

JOHN C. MOLINA, 0000
RICKEY L. MOORE, 0000
JOHN F. OGRADY, 0000
DOUGLAS J. PETERSON, 0000
MARSHALL H. PETERSON, 0000
MARK E. ROEDER, 0000
ROBERT E. ROETZEL, 0000
JOHN W. SHEDD, 0000
DAVID K. SHURTLEFF, 0000
LANCE A. SNEATH, 0000
DARRELL E. THOMSEN, JR., 0000
DAVID A. VANDERJAGT, 0000
JEFFREY D. WATTERS, 0000
ROBERT H. WHITLOCK, 0000
MACKBERTH E. WILLIAMS, 0000
MICHAEL E. YARMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

*MANUEL CASTILLO, 0000
*MICHAEL E. DINOS, 0000
*VESNA ELE, 0000
*ANA L. GARDNER, 0000
*MICHAEL K. GREGORY, 0000
*RAJDEEP S. GURAYA, 0000
*ERIC A. HALL, 0000
*JAE I. HWANG, 0000
*SIMUEL L. JAMISON, 0000
*HEKYUNG L. JUNG, 0000
*ANTHONY MAIORANA, 0000
*ANDREW D. PALALAY, 0000
*DAVID E. PALO, 0000
*DONG S. PARK, 0000
*KIMBERLEY L. PERKINS, 0000
*THOMAS K. SCHREIBER, 0000
*JON D. STINEMAN, 0000
*RICARDO J. VENDRELL, 0000
*JOSE R. VILLANUEVA, 0000
*ANDREW J. WARGO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

*TODD S. ALBRIGHT, 0000
CLETUS A. ARCIERO, 0000
*AMY J. ASATO, 0000
KAREN C. BAKER, 0000
VINCENT J. BARNHART, 0000
JOHN P. BARRETT, 0000
*TIMOTHY P. BARRON, 0000
JAMES D. BARRY, 0000
*WILLIAM K. BAXTER, 0000
ANTHONY A. BEARDMORE, 0000
*DOUGLAS B. BEECH, 0000
*PHILIP J. BELMONT, 0000
*PAUL D. BENNE, 0000
*MARK E. BOSELEY, 0000
*BARBARA L. BOWSHER, 0000
*STEVEN M. BRADY, 0000
*STEPHEN J. BROWN, 0000
*RICHARD F. BURROUGHS, 0000
*THOMAS E. BYRNE, 0000
*TIMOTHY J. CAFFREY, 0000
JEFFREY S. CAIN, 0000
*ARTHUR B. CAJIGAL, 0000
*SEAN T. CARROLL, 0000
*VICTORIA W. CARTWRIGHT, 0000
*KAO B. CHOU, 0000
*DAVID S. COBB, 0000
JOHN J. COMBS, 0000
*AMY B. CONNORS, 0000
*ELLIS O. COOPER III, 0000
*GEORGE L. COPPIT III, 0000
*DONALD M. CRAWFORD, 0000
SCOTT M. CROLL, 0000
*GEORGE H. CUMMINGS, JR., 0000
*TIMOTHY M. CUPERO, 0000
*SHELTON A. DAVIS, 0000
*TROY M. DENUNZIO, 0000
*PETER G. DEVEAUX, 0000
JOHN S. EARWOOD, 0000
MARY E. EARWOOD, 0000
*MARSHALL E. EIDENBERG, 0000
*JAY C. ERICKSON, 0000
*ANDRE FALLOT, 0000
JOHN W. FAUGHT, 0000
*TOMAS M. FERGUSON, 0000
ROGER K. FINCHER, 0000
*LOUIS N. FINELLI, 0000
*CHARLES J. FOX, 0000
DOMINIC R. GALLO, 0000
*KEVIN J. GANCARCZYK, 0000
*ROGER L. GELPERIN, 0000
*BARNETT T. GIBBS, 0000
JOHN F. GILLMAN, 0000
*BENJAMIN S. GONZALEZ, 0000
*CHARLES M. GOODEN, 0000
*CHRISTOPHER G. GORING, 0000
*ANDREW C. GORSKE, 0000
JAMES D. GRADY, 0000
*JOHN GREEN III, 0000
*MARK E. GREEN, 0000
SCOTT D. GREENWALD, 0000
*KATHLEEN R. GROOM, 0000
MELANIE L. GUERRERO, 0000
*THOMAS S. GUY, 0000
*MARK I. HAINER, 0000
*MICHAEL C. HARNISCH, 0000
*STEPHEN A. HARRISON, 0000
JOHN P. HARVEY, 0000
MICHAEL A. HELWIG, 0000
*MICHAEL D. HENRY, 0000
*DEMETRICE L. HILL, 0000
*JOHN V. HIRSCH, 0000
KURTIS R. HOLT, 0000
MICHAEL D. HUBER, 0000
*CHRISTY W. JONES, 0000
*JENNIFER S. JURGENS, 0000
SHAWN F. KANE, 0000
SEAN KEENAN, 0000
*LLOYD H. KETCHUM, 0000
GINA J. KIMAHN, 0000
*ELIZABETH R. KINZIE, 0000
CHRISTOPHER KLEM, 0000
*ROBERT P. KNETSCHE, 0000
STACEY G. KOFF, 0000
*MARY V. KRUEGER, 0000
*MARKIAN G. KUNASZ, 0000
*GEORGE M. KYLE, 0000
*JACK E. LEWI, 0000
*KRISTEN M. LINDELL, 0000
ANTHONY C. LITTRELL, 0000
*KRISTIE J. LOWRY, 0000
*MIGDALIA MACHADO, 0000
*CARLINA MADELAIRE, 0000
JAMIL A. MALIK, 0000
*MARYANN MASONE, 0000
*PHILLIP L. MASSENGILL, 0000
*PARNELL C. MATTISON, 0000
*TAMARIN L. MCCARTIN, 0000
*EDWARD L. MCDANIEL, 0000
*MYRON B. MCDANIELS, 0000
*MARK K. MCPHERSON, 0000
MICHAEL S. MEYER, 0000
*JEANNE P. MITCHELL, 0000
*TIMOTHY P. MONAHAN, 0000
*JAIME L. MONTILLASOLER, 0000
KEVIN E. MOORE, 0000
KIMBERLY A. MORAN, 0000
DAN S. MOSELY, 0000
JOSEPH A. MUNARETTO, 0000
*NHAT NGUYENMINH, 0000
*ALEXANDER S. NIVEN, 0000
*RICARDO C. ONG, 0000
*JOSEPH R. ORCHOWSKI, 0000
*JOHN M. PAGE, 0000
NEIL E. PAGE, 0000
*DOUGLAS W. PAHL, 0000
*JAMES L. PERSSON, 0000
*ANDREW C. PETERSON, 0000
*CECILY K. PETERSON, 0000
SHEAN E. PHELPS, 0000
*CHRISTOPHER R. POWERS, 0000
MAXIMILIAN PSOLKA, 0000
*MITCHELL J. RAMSEY, 0000
JOHN C. RAYFIELD, 0000
MARK T. REED, 0000
*SCOTT T. REHRIG, 0000
*MIN S. RO, 0000
*DONALD W. ROBINSON, 0000
*JORGE L. ROMEU, 0000
*SCOTTIE B. ROOFE, 0000
*RICHARD C. ROONEY, 0000
*MICHAEL K. ROSNER, 0000
*RONALD D. ROSS, 0000
*MICHAEL C. ROYER, 0000
*ROBERTO J. SARTORI, 0000
SAMUAL W. SAUER, 0000
*BRETT J. SCHNEIDER, 0000
STEPHEN R. SEARS, 0000
JAMES A. SEBESTA, 0000
ELIZABETH C. SHANLEY, 0000
*SCOTT B. SHAWEN, 0000
*CLAYTON D. SIMON, 0000
DARRELL E. SINGER, 0000
*JOHN F. SLOBODA, 0000
*MICHAEL E. SMITH, 0000
*BRIAN J. SONKA, 0000
*PHILIP C. SPINELLA, 0000
*JAMES J. STEIN, 0000
*CHARLES A. STILLMAN, 0000
*BRAD STRUMWASSER, 0000
*PREM S. SUBRAMANIAN, 0000
*RYUNG SUH, 0000
*JAN S. SUNDE, 0000
*STEVEN J. SVOBODA, 0000
STEVEN J. TANKSLEY, 0000
*DAVID E. THOMAS, 0000
*ALVIN Y. TIU, 0000
STEVEN K. TOBLER, 0000
RAYMOND F. TOPP, 0000
*ERNESTO TORRES, 0000
ROLANDO TORRES, 0000
LADD A. TREMAINE, 0000
DAWN C. UITHOL, 0000
DAVID M. WALLACE, 0000
MICHAEL J. WALTS, 0000
*CHARLES W. WEBB, 0000
*ALDEN L. WEG, 0000
ROBERT B. WENZEL, 0000
*ROBERT R. WESTERMEYER II, 0000
BRADFORD P. WHITCOMB, 0000
JASON S. WIEMAN, 0000
RONALD N. WOOL, 0000
*EYAKO K. WURAPA, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION:

To be lieutenant colonel

BRENT A. HARRISON, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL H. JOHNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL A. HOFFMANN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD M. BURKE, JR., 0000
FREDERICK L. CANBY, 0000
CHARLES R. FAHNCKE, 0000
PETER M. MURPHY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

FREDERICK C. DAVIS, 0000
ENRIQUE FLORES, JR., 0000
LEON W. HERRING, 0000
ANITA M. KOBUSZEWSKI, 0000
STEVEN R. MEDINA, 0000
HIRAM M. PATTERSON, 0000
ELEANOR J. SMITH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CLAUDE R. SUGGS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MATTHEW C. HELLMAN, 0000
DEREK A. TAKARA, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ANGELA J. BAKER, 0000
HAROLD S. ZALD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LOUIS V. CARIELLO, 0000
ROBERT O. FETTER, 0000
WILLIAM E. FINN, 0000
JOHN V. HECKMANN, JR., 0000
MARK W. JACKSON, 0000
JOHN W. KORKA, 0000
PETER S. LYNCH, 0000
BEN D. PINA, 0000
JORGE P. RIOS, 0000
ALLAN M. STRATMAN, 0000
PAUL F. WEBB, 0000
JAMES M. WINK, 0000
GREGORY J. ZIELINSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GEORGE E. ADAMS, 0000
RONDALL BROWN, 0000
DOYLE W. DUNN, 0000
IRVING A. ELSON, 0000
MARGARET G. KIBBEN, 0000
DEBRA E. MCGUIRE, 0000
DIANA L. MEEHAN, 0000
CONRAD A. TARGONSKI, 0000
GARY P. WEEDEN, 0000
ROBERT T. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANTHONY P. BRAZAS, 0000
GRISELL F. COLLAZO, 0000
ARTHUR L. COTTON III, 0000
DWIN C. CROW, 0000
JOSEPH F. DUNN, 0000
MICHAEL L. FULTON, 0000
STUART S. JONES, 0000
MARY A. KASPRZAK, 0000
ROBERT J. KILPATRICK, JR., 0000
BRIAN H. MALLADY, 0000
JOHN G. MEIER III, 0000
DAVID C. MEYERS, 0000
ANDREW S. MORGART, 0000
RANDAL J. ONDERS, 0000

JAMES K. PATTON, 0000
DAVID R. PIMPO, 0000
CHARLES T. RACE, 0000
JAMES M. REICH, 0000
ELLEN E. ROBERTS, 0000
DONALD L. SINGLETON, 0000
JAMES W. SMART, 0000
BARRY R. SMITH, 0000
GLEN T. STAFFORD, 0000
BRETT A. STURKEN, 0000
WILLIAM J. TERRY, 0000
ROBERT F. TUCKER, 0000
SCOTT R. VANDERMAR, 0000
PAUL J. VERRASTRO, 0000
FRANCIS K. VREDENBURGH, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

COLLETTE J. B. ARMBRUSTER, 0000
THOMAS C. ARMEL, 0000
ANNETTE BEADLE, 0000
HOLLY S. BENNETT, 0000
ANDREW R. BIEGNER, 0000
KAREN K. BIGGS, 0000
JODY K. BLONIEN, 0000
SHIRLEY M. BOWENS, 0000
BONNIE A. BULACH, 0000
ALICE A. CAGNINA, 0000
DAWN M. CAVALLARIO, 0000
TINA A. DAVIDSON, 0000
BRENDA DAVIS, 0000
ANNE M. DIGGS, 0000
PATRICIA W. DORN, 0000
DAWNE C. GABRIELSON, 0000
THERESA S. GEE, 0000
WILLIAM L. GOODMAN, 0000
KIMBERLY M. HARLOW, 0000
PATRICIA A. W. KELLEY, 0000
MARK S. LARSEN, 0000
DEBORAH S. MCCAIN, 0000
PATRICIA MCDONALD, 0000
KATHLEEN A. MICHEL, 0000
TINA L. ORTIZ, 0000
ROCHELLE A. OWENS, 0000
DEBRA A. PENNINGTON, 0000
MAGGIE L. RICHARD, 0000
DENISE L. SMITH, 0000
TERESA E. SNOW, 0000
ANN M. UETZ, 0000
MARY K. VANN, 0000
JENNIFER L. VEDRALBARON, 0000
SUSAN W. WOOLSEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GREGORY P. BELANGER, 0000
STUART W. BELT, 0000
THOMAS L. COPENHAVER, 0000
PATRICK M. MCCARTHY, 0000
MICHAEL T. PALMER, 0000
CHRISTIAN L. REISMEIER, 0000
ROBERT P. TAISHOFF, 0000
TAMMY P. TIDESWELL, 0000
BRENDAN F. WARD, 0000
BRIAN S. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DALE P. BARRETTE, 0000
TED F. CARRELL, 0000
DAVE E. GIBSON, 0000
GARY L. HOOK, 0000
STEVEN L. KEENER, 0000
JAMES J. KING, 0000
KENNETH A. LAUBE, 0000
SUSAN E. LICHTENSTEIN, 0000
MICHAEL J. MACINSKI, 0000
PAULA H. MCCLURE, 0000
JAMES J. PELLACK, 0000
THOMAS J. PETRILAK, 0000
CAREY M. SILL, 0000
STEPHANIE M. SIMON, 0000
MICHAEL A. SOKOLOWSKI, 0000
GINA M. SPLEEN, 0000
GARY D. WERTZ, 0000
SILVA P. D. WESTERBECK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES A. BLUSTEIN, 0000
JOHN P. BROWNING, 0000
TED J. CAMAISA, 0000
JAMES T. CASTLE, 0000
JOSEPH I. GLIKSMAN, 0000
JONATHAN L. HAUN, 0000
CORNELIOUS T. LYNCH, 0000
STUART O. MILLER, 0000
LINDA P. NIEMEYER, 0000
JEFFERY S. NORDIN, 0000
NASREEN S. QADER, 0000
ROBERT D. RUPPRECHT, 0000
KYLE J. SCHMIDT, 0000
PATRICK J. STEINER, 0000
RICHARD W. STEVENS, 0000
JOSEPH C. K. YANG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT A. ALONSO, 0000
JAMES K. AMSBERRY, 0000
CLAUDE D. ANDERSON, 0000
BEN J. BALOUGH, 0000
JEFFREY P. BLICE, 0000
CRAIG L. BONNEMA, 0000
ERIC A. BOWER, 0000
JAMES L. CARUSO, 0000
STEWART W. COMER, 0000
MICHAEL A. FERGUSON, 0000
PRESTON S. GABLE, 0000
RICHARD GREEN, 0000
KRISTINA E. HART, 0000
DANIEL E. HUHN, 0000
THOMAS M. JOHNSON, 0000
KENNETH J. KELLY, 0000
TREYCE S. KNEE, 0000
DAVID LEONARD, 0000
RONALD L. LINFESTY, 0000
CRAIG T. MALLAK, 0000
PETER A. MARCO, 0000
ANDREW A. NELSON, 0000
JOSEPH PASTERNAK, 0000
MICHAEL M. QUIGLEY, 0000
JOSEPH F. RAPPOLD, 0000
JOEL A. ROOS, 0000
JOHN B. SHAPIRA, 0000
TIMOTHY C. SORRELLS, 0000
BRUCE A. STINNETT, 0000
MICHAEL R. WAGNER, 0000
LAWRENCE E. WALTER, 0000
MYRON YENCHA, 0000
KENNETH S. YEW, 0000
KRISTEN C. ZELLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

VIRGINIA T. BRANTLEY, 0000
MICHAEL G. CASEY, 0000
PETERSEN N. DECKER, 0000
THOMAS M. ELAM, 0000
WILLIAM D. GRAF, 0000
DEAN W. HILF, 0000
VIRGINIA R. KURTZ, 0000
JAMES R. MCNEAL, 0000
ERIC C. NIEMANN, 0000
DUANE R. PITCHER, 0000
DAVID W. POLLOCK, 0000
MARK J. SPARLING, 0000
ROBERT S. STRAUS, 0000
PETER A. VANLOON, 0000
SCOTT A. VERMILYEA, 0000
MARON D. WYLIE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DOUGLAS E. ALEXANDER, 0000
BRET C. GEAN, 0000
DEAN A. GOULD, 0000
ROBERT P. HARRIS, 0000
LEWIS G. HARRISON, JR., 0000
MARK R. JENKINS, 0000
MICHAEL A. MORELLI, 0000
DANNY L. MOTLEY, 0000
KATHLEEN ONEILL, 0000
MICHAEL S. REDMAN, 0000
JAMES H. SCHROEDER, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PAUL I. BURMEISTER, 0000
KENNETH C. CIENIK, 0000
BARRY N. CRANE, 0000
MICHAEL J. DOYLE, 0000
CHARLES N. GOLDSBOROUGH, 0000
GREGORY C. HORN, 0000
RONALD E. HOWARD, 0000
GERALD F. HUTCHINSON, 0000
WILLIAM N. MOQUIN, JR., 0000
VAN T. NGUYEN, 0000
CLYDE C. REYNOLDS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PHILIP P. ALFORD, 0000
DONALD E. BITTNER, 0000
MARTHA W. CARTER, 0000
WILLIAM B. CARTER, 0000
JOSEPH P. COSTABILE, 0000
DONALD A. DREW, 0000
CHAD ELSNER, 0000
THOMAS B. FAULKNER, 0000
JAMES F. FLAHERTY, 0000
JOSEPH A. GREENLEE III, 0000
TIMOTHY J. HANNON, 0000
MARK G. HOFFMAN, 0000
GREGG A. KASTING, 0000
TERESITA P. MENDOZA, 0000
CAROL A. MOORE, 0000
MARILYN S. NORTON, 0000
CHARLES B. PASQUE, 0000
SAMUEL J. PIERCE, 0000
ROBERT J. ROOKSTOOL, 0000
TIMOTHY A. SCHNEIDAU, 0000
LISA A. SWANN, 0000
JAMES F. THORNTON, 0000
JEFFREY J. TOMLIN, 0000
LOUIS C. TRIPOLI, 0000
EDWIN D. TURNER, 0000
ROBERT L. YARRISH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL S. ARNOLD, 0000
TODD A. BAHL, 0000
MARY K. BONILLA, 0000
ANN M. CAMPBELL, 0000
ANN M. CARLIN, 0000
ANN M. DALTER, 0000
ANNETTE M. DAVIS, 0000
PAMELA R. DENNIS, 0000
JAMES W. FLOOD, 0000
LILLY E. FOTIADIS, 0000
GAIL L. FRIEDT, 0000
JOANNE M. GREENE, 0000
CLEM E. GRITSAVAGE, 0000
BONNIE J. HALDERSON, 0000
BONNIE L. HAND, 0000
MARY K. JACOBSEN, 0000
SUSAN C. LABHARD, 0000
GEORGIA G. LEAVER, 0000
MARTIN A. LISZEWSKI, 0000
GINA S. LONG, 0000
MARY K. LOVE, 0000
MYRNA E. MAMARIL, 0000
SCHALLMOSER L. D. MARTINEZ, 0000
MARGARET O. MCKAVITT, 0000
SUSAN R. MCKINLEY, 0000
JULIE L. MILLER, 0000
MARY P. MILLER, 0000
HILARY S. MORGAN, 0000
GAYLE E. MYERS, 0000
ANNA M. OSHEASMITH, 0000
JOAN T. REISDORFER, 0000
DOROTHY S. ROBERTSON, 0000
ANDREA J. RUSSELL, 0000
BELEN M. SARWACINSKI, 0000
DOROTHY J. SHVEIMA, 0000
DEBORAH A. VACEK, 0000
IRENE K. WEAVER, 0000
EVELYN M. WEBB, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GREGORY BRIDGES, 0000
TODD M. CABELKA, 0000
DAVID M. CARON, 0000
RICHARD B. COWAN, 0000
EUGENE B. DAVIS, JR., 0000
BRENT G. FILBERT, 0000
DAMIAN J. HANSEN, 0000
BRIAN L. HOWELL, 0000
MARY R. MCCORMICK, 0000
WILLIAM J. MORRISON III, 0000
WILLIAM T. PURDUE, 0000
NEIL A. SHEEHAN, 0000
WILLIAM R. SPRANCE, 0000
WILLIAM M. WHEELER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

HONORATO AGUILA, 0000
KERMIT R. BOOHER, 0000
LEWIS E. BROWN, 0000
JOSE C. DELAPENA, 0000
ROBERT L. DENNISON, JR., 0000
WILLIAM D. DEVINE, 0000
JAMES J. DIBELKA, JR., 0000
RICHARD M. DIBELLA, 0000
HARRY D. ELSHIRE III, 0000
KARL K. FUNG, 0000
DARRELL R. GALLOWAY, 0000
RICHARD L. HAMILTON, 0000
STEPHEN J. HENSKE, 0000
TERENCE C. HILGER, 0000
ELWOOD W. HOPKINS, 0000
CHARLES HOUSE, 0000
ROBERT E. HOYT, 0000
PHILLIP D. HUNT, 0000
JEFFEREY R. JERNIGAN, 0000
ELLEN M. JEWETT, 0000
KENNETH S. KELLEHER, 0000
GERALD N. KERR, 0000
DAVID LEIVERS, 0000
EVERETT F. MAGANN, 0000
LLOYD W. MARLAND, 0000
STEPHEN F. MCCARTNEY, 0000
JESSE MONESTERSKY, 0000
MARK F. MORRIS, 0000
JACKIE D. NANNY, 0000
BENJAMIN G. NEWMAN, 0000
JESUS A. M. OLCESE, 0000
FRANK A. PUGLIESE, 0000
ALAN L. RIDNOUR, 0000
WILLIAM J. STARSIAK, JR., 0000
DANA STOMBAUGH, 0000
FELIX R. TORMES, 0000

JEFFREY B. WHITING, 0000
GERALD L. WILKS, 0000
THOMAS M. WILLIAMS, 0000
JOSEPH H. WILLOUGHBY, 0000

To be commander

ANGELA ALEXANDER, 0000
STEPHEN G. ALFANO, 0000
JEFFREY M. ALVES, 0000
WILLIAM M. ANDERSON, 0000
JOSEPH C. AQUILINA, 0000
JOHN B. BACCUS III, 0000
RICHARD D. BARROW II, 0000
JOHN L. BASTIEN, 0000
ANTHONY G. BATTAGLIA, 0000
MARY F. BAVARO, 0000
MARY BECKETT, 0000
BRYAN L. BELL, 0000
STEPHANIE A. BERNARD, 0000
STEVEN J. BLIVIN, 0000
BENEDICT J. BROWN, 0000
TROY H. BRUNHART, 0000
BRYAN S. BUCHANAN, 0000
KEVIN D. BUCKLEY, 0000
LLOYD G. BURGESS, 0000
WAYNE A. CAROLEO, 0000
PETER R. CATALANO, JR., 0000
MILDRED R. CHERNOFSKY, 0000
JOSE L. CISNEROS, 0000
BRIAN D. CLEMENT, 0000
ROYCE E. CLIFFORD, 0000
EUGENIO G. CONCEPCION II, 0000
KENNETH D. COUNTS, 0000
CARL R. COWEN, 0000
ROBERT J. COYLE, 0000
STEPHEN W. CRAWFORD, 0000
LESLIE D. CUNNINGHAM, 0000
MARIO H. DIAZ, 0000
MARK L. DICK, 0000
RICHARD R. DOBHAN, 0000
JOHN C. ELKAS, 0000
JUDITH E. EPSTEIN, 0000
SEAN R. FINDLAY, 0000
ALLAN M. FINLEY, 0000
CHARLES A. FROSOLONE, 0000
MICHELE L. GASPER, 0000
THOMAS G. GAYLORD, 0000
TIMOTHY S. GORMLEY, 0000
MARK M. GOTO, 0000
DANIEL L. GRAMINS, 0000
TIMOTHY W. HALENKAMP, 0000
THOMAS P. HALL, 0000
SCOTT E. HALUSKA, 0000
CARY E. HARRISON, 0000
JEANETTE L. HEBEL, 0000
J P. HEDGES, JR., 0000
RICHARD C. HESS, 0000
ROBERT P. HINKS, 0000
NICHOLAS M. HOLMES, 0000
DARRYL K. ITOW, 0000
JENNIFER M. JAGOE, 0000
SCOTT L. JOHNSTON, 0000
MAURICE S. KAPROW, 0000
CHAND B. KATHURIA, 0000
FRANCES G. KELLER, 0000
MICHAEL T. KELLEY, 0000
DENNIS F. KELLY, 0000
BRIAN S. KING, 0000
BARBARA E. KNOLLMANNRITSCHEL, 0000
CHRISTOPHER A. KURTZ, 0000
TRI H. LAC, 0000
BENJAMIN K. LEE, 0000
CHARLES L. LEVY, 0000
ROBERT J. LIPSITZ, 0000
ARTHUR H. LOGAN, 0000
ROBERT R. LOWE, JR., 0000
JOHN W. LYLE, 0000
ROBERT O. MARTSCHINSKE, 0000
PAUL D. MCADAMS, 0000
JONIE L. MCBEE, 0000
LISA M. MCGOWAN, 0000
MICHAEL L. MEADOWS, 0000
MELANIE J. MERRICK, 0000
ERIC A. MILLER, 0000
DAVID A. MUDD, 0000
JANET N. MYERS, 0000
DIPAK D. NADKARNI, 0000
LORRAINE S. NADKARNI, 0000
MEENAKSHI A. NANDEDKAR, 0000
AMY L. OBOYLE, 0000
ROBERT E. OBRECHT, 0000
PHILIP M. OCONNELL, 0000
ANTHONY J. OPILKA, 0000
SCOTT T. OZAKI, 0000
DAVID PALMER, 0000
MICHAEL G. PENNY, 0000
TONY L. PETERSON, 0000
LEE A. PIETRANGELO, 0000
VISWANADHAM POTHULA, 0000
ANDREW POTTS, 0000
ANTHONY V. POTTS, 0000
RODNEY C. PRAY, 0000
RICHARD R. REED, 0000
JOHN J. RICHARD, 0000
MATTHEW C. RINGS, 0000
THOMAS D. ROBINSON, 0000
ANTHONIO RODRIGUEZ, 0000
JUAN A. ROSARIOCOLLAZO, 0000
MICHAEL J. RYAN, 0000
HERMAN M. SACKS, 0000
ASHLEY A. SCHROEDER, 0000
ERIC L. SCHWARTZMAN, 0000
JOSEPH A. SCORDO, 0000
CHRISTINE L. G. SEARS, 0000
DAVID M. SERBER, 0000
SOHAIL A. SIDDIQUE, 0000
AMANDA J. SIMSIMAN, 0000
JONATHAN T. SKARDA, 0000
LLOYD W. SLOAN, 0000
STUART D. SMITH, 0000
IFEOLUMIPO O. SOFOLA, 0000
CHRISTOPHER T. SOSA, 0000
MARC T. STEINER, 0000
JONATHAN F. STINSON, 0000
JAMES A. STOREY, 0000
ROGER L. SUR, 0000
MICHAEL H. TAI, 0000
BRUCE J. TAYLOR, JR., 0000
JAMES D. THOMPSON, 0000
JAMES E. TOLEDANO, 0000
ELVIRA TOMESCU, 0000
RONALD D. TOMLIN, 0000
JIM T. TRAN, 0000
ANTHONY M. TRAPANI, 0000
ANDREW F. VAUGHN, 0000
TERESE M. WARNER, 0000
EDWARD T. WATERS, 0000
KIMBERLY S. WYATT, 0000
JAMES C. YOUNG, 0000
CRAIG M. ZELIG, 0000

To be lieutenant commander

CHARLES D. ADAMS, 0000
MICHAEL L. ADAMS, 0000
TIM K. ADAMS, 0000
SUE A. ADAMSON, 0000
EROL AGI, 0000
MIGUEL A. AGUILERA, JR., 0000
JOEL A. AHLGRIM, 0000
IK J. AHN, 0000
PETER S. AIREL, 0000
BRIAN M. AKER, 0000
ROGER S. AKINS, 0000
OLADAPO A. AKINTONDE, 0000
MARIA C. ALBERTO, 0000
DENNIS J. ALBINO, 0000
ERIC J. ALDERMAN, 0000
HORACE D. ALEXANDER, 0000
KRISTINE E. ALEXANDER, 0000
BELINA R. ALFONSO, 0000
ADDIE ALKHAS, 0000
GWENDOLYN A. ALLANSON, 0000
JAY E. ALLARD, 0000
ANDRE K. ALLEN, 0000
CALLIOPE E. ALLEN, 0000
DAVID E. ALLEN, 0000
TERESA M. ALLEN, 0000
JENNIFER M. ALMY, 0000
ADNAN A. ALSEIDI, 0000
MANUEL F. ALSINA, 0000
LUIS A. ALVAREZ, 0000
ERSKINE L. ALVIS, 0000
PAUL B. ALVORD, 0000
ERIC C. AMESBURY, 0000
MICHAEL R. ANCONA, 0000
CHRISTOPHER D. ANDERSON, 0000
ERIC L. ANDERSON, 0000
PAUL S. ANDERSON, 0000
PAUL A. ANDRE, 0000
JOSEPH E. ANDREWS, 0000
JEFFREY G. ANT, 0000
JARED L. ANTEVIL, 0000
ARTHUR C. ANTHONY, 0000
JEFFREY M. APPLE, 0000
ANDREW M. ARCHILA, 0000
MONICA J. ARELLANO, 0000
JUAN C. ARGUELLO, 0000
ANTHONY A. ARITA, 0000
STEPHEN P. ARLES, 0000
GLEN M. ARLUK, 0000
RODNEY A. ARMAND, 0000
ADAM W. ARMSTRONG, 0000
DAVID ARNOLD, 0000
MATTHEW J. ARNOLD, 0000
SARAH J. ARNOLD, 0000
ERICK A. ARROYO, 0000
ANTHONY R. ARTINO, JR., 0000
SCOTT ASHBY, 0000
WILLIAM C. ASHBY, 0000
DAVID C. ASSEFF, 0000
DEREK J. ATKINSON, 0000
DAVID A. AUSTIN, 0000
KENNETH R. AUSTIN, 0000
ANDREW J. AVILLO, 0000
CHAD M. BAASEN, 0000
JOSEPH W. BABB, 0000
DAVID J. BACHAND, 0000
RODERICK A. BACHO, 0000
REBECCA L. BACZUK, 0000
PHILIP D. BAILEY, JR., 0000
RAY A. BAILEY, 0000
ALBERT J. BAINGER, 0000
LEE G. BAIRD, 0000
ALFREDO E. BAKER, 0000
JONATHAN G. BAKER, 0000
MARK E. BAKER, 0000
ROCKNE T. BAKER, 0000
RANDY L. BALDWIN, 0000
ANTHONY G. BALDWINVOEKS, 0000
ROBIN M. BALL, 0000
ERIN K. BALOG, 0000
LUKE H. BALSAMO, 0000
SEAN P. BARBABELLA, 0000
ROBERT C. BARBEE, 0000
WILLIAM J. BARD, 0000
MICHAEL J. BARKER, 0000
JOHN J. BARNETT, 0000
MATTHEW R. BARR, 0000
JOSEPH P. BARRION, 0000
GLEN W. BARRISFORD, 0000
STEVEN R. BARSTOW, 0000
TIMOTHY S. BARTLETT, 0000
JOEL D. BASHORE, 0000
JOHN T. BASSETT, 0000
MAXWELL C. BASSETT, 0000
RAYMOND R. BATZ, 0000
THOMAS C. BAUGH, 0000
SALVATORE K. BAVUSO, 0000
MICHAEL R. BAYDARIAN, 0000
JEFFREY A. BAYLESS, 0000
DAVID S. BAYLEY, 0000
JOEL R. BEALER, 0000
ESTHER R. BEALLANDIS, 0000
JENNIFER F. BEATTY, 0000
BRIAN L. BECK, 0000
CHARMAGNE G. BECKETT, 0000
WILLIAM A. BECKMAN, 0000
ANTHONY V. BEER, 0000
MATTHEW J. BEHIL, 0000
ROBERT E. BELK, 0000
STEVEN M. BELKNAP, 0000
DEDRA A. BELL, 0000
STEPHEN J. BELL, 0000
LAURA J. BENDER, 0000
SANDRA M. BENDER, 0000
CARL D. BENDIXEN, 0000
GERARD M. BENECKI, 0000
RODD J. BENFIELD, 0000
JOHN R. BENJAMIN, 0000
JASON H. BENNETT, 0000
JOHN O. BENNETT, 0000
DAVID B. BENSON, 0000
ANTHONY A. BENTLEY, 0000
MARK D. BENTON, 0000
RICHARD C. BENTS, 0000
ANTONY BERCHMANZ, 0000
TOR L. BERG, 0000
ERIK W. BERGMAN, 0000
LYNN A. BERGMAN, 0000
JERRY L. BERMAN, 0000
KAREN BERRIOS, 0000
MICHAEL S. BERRY, 0000
DANIEL C. BERTEAU, 0000
WILLIAM R. BERTUCCI, 0000
ANTHONY BESSONE, 0000
ROBERT J. BETTENDORF, 0000
DONALD E. BEYERS, 0000
MICHAEL M. BEZOUSKA, 0000
BERNARD A. BEZY, 0000
ANTHONY C. BIASCAN, 0000
MICHAEL A. BIDUS, 0000
JOHN C. BIERY, 0000
ROBIN BIGBY, 0000
RICHARD L. BIGGS, 0000
ROGER L. BILLINGS, 0000
TRACY R. BILSKI, 0000
JONATHAN L. BINGHAM, 0000
JOHN K. BINI, 0000
LYNN R. BINKLEY, 0000
MICHAEL C. BIONDI, 0000
ARTHUR P. BIRCHUM, 0000
RON A. BIRNBAUM, 0000
AMY L. BIRTELSMITH, 0000
JOHN F. BISCHOF, 0000
DARREL T. BISHOP, 0000
JAMES A. BISHOP, 0000
JULLIAN C. BISHOP, 0000
JOHN E. BISSELL, 0000
LARRY D. BLACK, 0000
JOHN R. BLACKBURN, 0000
STEVEN M. BLACKWELL, 0000
GERARD F. BLAKE, 0000
PENELOPE M. BLALACK, 0000
MICHAEL L. BLANSCET, 0000
FLINT M. BLASER, 0000
PAUL L. BLASKOWSKI, 0000
BENJAMIN G. BLAZADO, 0000
DAVID L. BLAZES, 0000
NISKA A. BLEVINS, 0000
PETER M. BLEYER, 0000
DAVID C. BLOOM, 0000
TAMMY L. K. BLOOM, 0000
CARLEN P. BLUME, 0000
BRYAN L. BLYTHE, 0000
LYNELLE M. BOAMAH, 0000
MAJOR K. BOATENG, 0000
WILLIAM V. BOBO, 0000
ANTHONY C. BOGANEY, 0000
MARCIA C. BOGLE, 0000
IAN H. BOHNE, 0000
MATTHEW E. BOLAND, 0000
ERIC G. BONENBERGER, 0000
MARK R. BOONE, 0000
MICHAEL S. BOOTH, 0000
RACHEL BOOTH, 0000
PRODROMOS G. BORBOROGLU, 0000
BARBARA J. BOROWY, 0000
ROBERT L. BOSWORTH, 0000
WAYNE C. BOUCHER, 0000
RONDA D. BOUWENS, 0000
TONI A. BOWDEN, 0000
PAUL D. BOWDICH, 0000
MATTHEW J. BOWEN, 0000
DANIEL L. BOWER, 0000
RONALD J. BOYD, 0000
DENNIS P. BOYLE, 0000
RODNEY D. BOYUM, 0000
ELEANOR M. BRACKEN, 0000
CHARLES S. BRACKNEY, 0000
CHAD BRADFORD, 0000
DOUGLAS A. BRADLEY, 0000
KEVIN R. BRADSHAW, 0000
MATTHEW F. BRADY, 0000
SCOTT J. BRADY, 0000
MARY A. BRAFFORD, 0000
TRUPTI N. BRAHMBHATT, 0000
CHRISTOPHER J. BRAINARD, 0000
BRIAN M. BRAITHWAITE, 0000
RUSTY C. BRAND, 0000

FREDERICK R. BRANDON, 0000
ALFRED H. BRANSDORFER, 0000
AMY H. BRANSTETTER, 0000
MICHAEL D. BRASSEUR, 0000
THOMAS M. BRAXTON, JR., 0000
KELVIN R. BRAY, 0000
BRECK C. BREGEL, 0000
CELESTEANN T. BREMER, 0000
ANTHONY R. BREYER, 0000
GARY T. BRICE, 0000
GEORGE D. BRICKHOUSE III, 0000
ROBERT S. BRIDGES, JR., 0000
MATTHEW T. BRIGGER, 0000
LAWRENCE J. BRIGGS, 0000
PRESTON C. BRIGGS, 0000
BRADEN O. BRILLER, 0000
JON D. BRISAR, 0000
JORGE L. BRITO, 0000
TIMOTHY E. BRODERICK, 0000
MARK F. BRODIE, 0000
CHRISTOPHER D. BROGA, 0000
CASEY C. BRONAUGH, 0000
DANIEL M. BROOKES, 0000
JARED L. BROOKS, 0000
JOHN E. BROTEMARKLE, 0000
ABE J. BROWN, JR., 0000
DANIEL A. BROWN, 0000
DAVID R. BROWN, 0000
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EDWARD C. BROWN III, 0000
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SHAUN S. BROWN, 0000
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ROBERT M. BRUCE, 0000
ERIC P. BRUMWELL, 0000
PIERRE A. BRUNEAU, 0000
GARY W. BRUNETTE, 0000
DAVID J. BRUNKHORST, 0000
EDWIN F. BRUSH III, 0000
CYNTHIA M. BRYANT, 0000
JAMES T. BUEHLER, 0000
ANN M. BUFF, 0000
KIRK L. BUKER, 0000
BRADLEY L. BUNTEN, 0000
JAMES T. BURATTO, 0000
THERESE J. BURATYNSKI, 0000
RONALD B. BURBANK, 0000
CASEY J. BURG, 0000
TIMOTHY H. BURGESS, 0000
REX D. BURKETT, 0000
JAMES K. BURNHAM, 0000
CAROL A. BURROUGHS, 0000
LARRY C. BURTON, 0000
JEANNE M. BUSCH, 0000
WILLIAM S. BUSHNELL, 0000
JEFFREY D. BUSS, 0000
ALEXANDER I. BUSTAMANTE, 0000
RALPH E. BUTLER, 0000
ERIC M. BUUS, 0000
MATTHEW C. BYARS, 0000
ANGELA L. BYRDGLOSTER, 0000
MICHAEL C. CABASSA, 0000
RAMON A. CABUNGCAL, 0000
MICHAEL CACKOVIC, 0000
TODD W. CAHOON, 0000
JAMIE A. CALABRESE, 0000
DANIEL W. CALDWELL, 0000
JAMES E. CALLAN, 0000
CURTIS S. CALLOWAY, 0000
JAMES R. CAMPBELL III, 0000
RAYMOND D. CAMPBELL, 0000
ERIC S. CAMPENOT, 0000
RICHARD C. CAMPIN, 0000
MATTHEW R. CAMUSO, 0000
JOHN K. CAPOS, 0000
THOMAS A. CAPOZZA, 0000
MICHAEL E. CARDENAS, 0000
NICHOLAS M. CARDINALE, 0000
WAYNE A. CARDONI, 0000
KEVIN L. CAREY, 0000
REBECCA S. CARLIN, 0000
HERBERT W. CARLOCK III, 0000
ERIC B. CARLSON, 0000
NICOLE L. CARLSON, 0000
SCOTT J. CARLSON, 0000
ADAM T. CARLSTROM, 0000
RICHARD W. CARNICKY, 0000
GREGORY R. CARON, 0000
GENE A. CARPENTER, 0000
LEWIS T. CARPENTER, 0000
ROBERT J. CARPENTER III, 0000
CHRISTOPHER CARR, 0000
MICHAEL R. CARR, 0000
RUSSELL B. CARR, 0000
WALTER S. CARR, 0000
KENICHI CARRIGAN, 0000
EDWIN M. CARROLL, 0000
WILLIAM D. CARROLL, 0000
KATHERINE R. CARSON, 0000
MICHAEL M. CARSON, 0000
KERI L. CARSTAIRS, 0000
JOHN W. CARTER, 0000
LUTHER I. CARTER, 0000
MEREDITH L. CARTER, 0000
HENRY F. CASEY III, 0000
RICHARD CASEY, 0000
GREGORY R. CASKEY, 0000
GARY B. CASON, 0000
JOHN B. CASON, 0000
JEFFREY A. CASSIDY, 0000
DERRICK B. CASTRO, 0000
ROGER C. CASTRO, 0000
STEVEN CASTRO, 0000
ROBERT A. CATANIA, 0000
GREGORY C. CATHCART, 0000
MICHAEL R. CATHEY, 0000
KYLE A. CAUDLE, 0000
ROBERT M. CAVAGNOL, 0000
JEFFREY J. CAVENDISH, 0000
RAMON F. CESTERO, 0000
JEFFERY F. CHANDLER, 0000
ALEXANDER B. CHAO, 0000
WILLIE S. CHAO, 0000
IAN J. CHAPEL, 0000
WILLIAM J. CHARAMUT II, 0000
WAYNE X. CHARDON, 0000
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JEANNE M. CHATELAIN, 0000
CHUN W. CHEN, 0000
KATRINA A. CHENEVERT, 0000
JACKY P. CHENG, 0000
KEVIN E. CHESHURE, 0000
CLAYTON CHEUNG, 0000
BRIAN J. CHEYKA, 0000
NORAK P. CHHIENG, 0000
GENOLA C. CHILDS, 0000
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WILLIAM K. CHIN, 0000
CYNTHIA CHINH, 0000
CHRISTOPHER B. CHISHOLM, 0000
ARRON A. CHO, 0000
HYUNMIN W. CHO, 0000
BOEU M. CHON, 0000
REBECCA L. CHRISTENSEN, 0000
JAMES W. CHRISTOPHER, 0000
HELEN M. CHUN, 0000
BRETT M. CHUNG, 0000
THOMAS S. CHUNG, 0000
NANCY CHUROSH, 0000
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BELINDA T. CLANOR, 0000
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PERRIN C. CLARK, 0000
SUSAN C. CLARK, 0000
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DEBRA A. CLARKE, 0000
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MICHAEL J. CLARY, 0000
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DOYNE D. CLEM, 0000
PAUL D. CLIFFORD, 0000
DAVID L. CLINE, 0000
RICHARD W. CLINE, 0000
PATRICK W. CLYDE, 0000
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MICHAEL L. COE, 0000
JOSEPH L. COFFEY, 0000
LOUIS T. COHEN, 0000
EMILY E. COLE, 0000
STEPHANIE M. COLE, 0000
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JOELLE M. COLETTA, 0000
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CHRISTINA J. COLLURABURKE, 0000
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JORGE L. CONTRERAS, 0000
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WILLIAM W. COOK, 0000
JOHN A. COOLEY, 0000
RONALD A. COOLEY, 0000
THOMAS COONEY, 0000
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ANDREW M. CUMISKEY, 0000
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JEFFREY CYR, 0000
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WALTER W. DALITSCH, 0000
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MICHAEL S. DANFORTH, 0000
STACIE R. DANIELS, 0000
DAVID C. DANISH, 0000
JUAN C. DAPENA, 0000
MARCELO C. DARABOS, 0000
ANDREW R. DARNELL, 0000
SURJYA P. DAS, 0000
JOHN W. DATKA, 0000
JEREMY B. DAVIDSON, 0000
PORNCHAI DAVIDSON, 0000
JOHN M. DAVIS, 0000
KIMBERLY D. DAVIS, 0000
KONRAD L. DAVIS, 0000
LISA A. DAVIS, 0000
LLOYD V. DAVIS, 0000
ROGER D. DAVIS, JR., 0000
STEPHEN C. DAVIS, 0000
WILLIAM M. DAVIS, 0000
GRAY N. DAWSON, 0000
AMADO A. DAYLO, 0000
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VINCENT L. DECICCO, 0000
SCOTT M. DEEDS, 0000
KEVIN J. DEELEY, 0000
GARY T. DEEN, 0000
STEVEN M. DEFREITAS, 0000
JOHN B. DEGRAFTJOHNSON, 0000
JOSEPH N. DEHOOGH, 0000
LOUIS H. DELAGARZA, 0000
BRIAN E. DELANEY, 0000
MICHAEL W. DELANEY, 0000
NANCY R. DELANEY, 0000
ARNEL I. DELAPENA, 0000
ERNESTO DELATORRE, 0000
LUIS J. DELGADO, 0000
MARIA L. DELIMA, 0000
DONALD C. DELISI, 0000
GERALD T. DELONG, 0000
LARRY D. DELONG, JR., 0000
RUBEN DELPILAR, 0000
GERARD DEMERS, 0000
PAUL J. DEMIERI, 0000
ANDREW P. DEMONTE, 0000
WILLIAM M. DENISTON, 0000
WILLIAM R. DENNIS, 0000
BRENDA M. DEPAOLA, 0000
DWAYNE R. DEPRY, 0000
MICHAEL R. DERESPINIS, 0000
WILLIAM R. DERMOTT, 0000
ALTA J. DEROO, 0000
JEFFREY J. DERR, 0000
AMY E. DERRICKFROST, 0000
CHARLES F. DETWILER, 0000
JAMES T. DEUEL, 0000
MICHAEL L. DEVAN, 0000
PAUL A. DEVEREUX, 0000
BROOK DEWALT, 0000
ALTHEA C. DEWAR, 0000
CHRISTOPHER B. DEWING, 0000
MICHAEL D. DIALWARD, 0000
MARC G. DICONTI, 0000
FLORENCIO A. DICTADO, 0000
MARIE E. DIERKS, 0000
SHANE C. DIETRICH, 0000
FREDERICK M. DILLARD, 0000
TROY A. DINKEL, 0000
SCHULTZ A. P. DION, 0000
RANDOLF D. DIPP, 0000
BRUNO DISCALA, 0000
ANDREW R. DITTMER, 0000
KATHLEEN E. DITTO, 0000
RICHARD J. DIXON, JR., 0000
VINH D. DOAN, 0000
BRIAN K. DODSON, 0000
EDWIN C. DOE, 0000
JOSEF F. DOENGES, 0000
MICHAEL J. DOHERTY, 0000
CHRISTOPHER K. DOLAN, 0000
SHAWN C. DOMINGUEZ, 0000
ILLY DOMINITZ, 0000
EVA S. DOMOTORFFY, 0000
KIM M. DONAHUE, 0000
TIMOTHY F. DONAHUE, 0000
ANTHONY H. DONALDSON, 0000
ANDREA B. DONALTY, 0000
GERALD F. DONOVAN, 0000
SEAN P. DONOVAN, 0000
HARLAN F. DOREY, 0000
COLLEEN A. DORRANCE, 0000
JOHN W. DORUNDA, 0000
FRANK M. DOSSANTOS, 0000
TROY L. DOTSON, 0000
RICHARD K. DOUGHERTY, 0000
TRENT D. DOUGLAS, 0000
BRADLEY S. DOWLING, 0000
DORMAN C. DOWLING, 0000
JOYCE M. DOYLE, 0000
BRENDON G. DREW, 0000
RITA W. DRIGGERS, 0000
RUTH H. DUDA, 0000
JASON S. DUELGE, 0000
JEFFREY R. DUFAULT, 0000
JOSEPH E. DUFOUR, 0000
DOUGLAS H. DUMAS, 0000
RAYMOND N. DUMONT, 0000
THERESA M. DUNBARREID, 0000
DOUGLAS D. DUNCAN, 0000
JAMES E. DUNCAN, 0000
MARK R. DUNCAN, 0000
STEVEN L. DUNDAS, 0000
STEVEN M. DUPONT, 0000
BRYAN S. DUPREE, 0000
PAUL B. DURAND, 0000

DAVID W. DURKOVICH, 0000
WILLIAM D. DUTTON, 0000
TIMOTHY W. DWYER, 0000
ANGELA S. EARLEY, 0000
SEAN P. EASLEY, 0000
MARK E. EATON, 0000
JENNIFER K. EAVES, 0000
MICHAEL B. EBERHARDT, 0000
GREGORY D. EBERHART, 0000
DEBRA S. EDSON, 0000
DARNELL S. EDWARDS, 0000
JAMES M. EDWARDS, 0000
MARK R. EHLERMANN, 0000
PETER J. EHLERS, 0000
KAREN F. ELGIN, 0000
KENNETH F. ELKERN, JR., 0000
CHRISTOPHER I. ELLINGSON, 0000
KATHRYN ELLIOTT, 0000
JOHN B. ELLIS, 0000
DON C. ELLZEY, 0000
JAMES A. ELLZY, 0000
ERIC A. ELSTER, 0000
TERESITA S. Y. ELSTER, 0000
CHRISTIAN C. ENTENZA, 0000
MICHAEL E. EPPERLY, 0000
DAVID K. EPSTEIN, 0000
DAVID W. ERIKSEN, 0000
REYNALDO F. ESPINO, 0000
VICTOR ESPINOZA, 0000
JACQUELINE M. ETHERIDGE, 0000
ROBERT J. ETHERIDGE, 0000
JACQUELINE EUBANY, 0000
MICHAEL S. EUWEMA, 0000
ERIC S. EVANS, 0000
GUY H. EVANS, 0000
MICHAEL R. EVANS, 0000
RICHARD A. EVANS, 0000
WILLIS E. EVERETT, 0000
PAUL H. EVERS, 0000
DANIEL M. EVES, 0000
REGINALD S. EWING III, 0000
MARTHA E. FAGAN, 0000
DANIEL S. FAHEY, 0000
SCOTT D. FAIRBANK, 0000
PATRICK N. FAIRLEY, 0000
DENNIS J. FAIX, 0000
CARL H. FARMER, 0000
JAMES M. FARMER, 0000
SUSAN C. FARRAR, 0000
MAUREEN E. FARRELL, 0000
MICHAEL A. FAVATA, 0000
JAMES R. FEELEY, 0000
MARTHA FEENAGHTY, 0000
MARK R. FEGLEY, 0000
ERIK A. FEIDER, 0000
MICHAEL P. FEIGHTNER, 0000
CLARE E. FEIGL, 0000
JOSHUA D. FELDMAN, 0000
ERIN A. FELGER, 0000
MICHAEL E. FENTON, 0000
BRETT A. FEREDAY, 0000
BRIDGET M. FERGUSON, 0000
CYNTHIA T. FERGUSON, 0000
JUAN G. FERNANDEZ II, 0000
LUIS FERNANDEZ, 0000
CHRISTOPHER L. FIELD, 0000
JACQUELINE M. FIGNAR, 0000
RAYNESE S. FIKES, 0000
JOHN FILOSTRAT, 0000
LISA M. FINLAYSON, 0000
JOSEPH C. FINLEY, 0000
BENJAMIN P. FISCHER, 0000
STEPHEN L. FISCHER, 0000
MICHELLE A. FISCHERKEANE, 0000
ASHLEY W. FISH, 0000
CAMERON H. FISH, 0000
TIMOTHY J. FISHER, 0000
BRIAN T. FITZGERALD, 0000
JOHN FITZWILLIAM, 0000
MARK E. FLEMING, 0000
DOUGLAS W. FLETCHER, 0000
EUGENE H. FLETCHER, 0000
MARIA C. FLYNN, 0000
EVANDER F. FOGLE, 0000
FRANCIS P. FOLEY, 0000
RICHARD V. FOLGA, 0000
GRETCHEN S. FOLK, 0000
ROBERT B. FOLK, 0000
JERRY R. FOLTZ, 0000
ROSS A. FONTANA, 0000
KAREN J. FOOTE, 0000
CLIFFORD A. FORD, 0000
PATRICK J. FORD, 0000
STEPHEN L. FOSTER, 0000
TIMOTHY A. FOSTER, 0000
WILLIAM L. FOSTER, 0000
GEOFFREY W. FOURNIER, 0000
MARK J. FOWLER, 0000
CHRISTEN P. FRAGALA, 0000
BRODY L. FRAILEY, 0000
GREGORY M. FRANCISCO, 0000
MIGUEL A. FRANCO, 0000
MALCOLM B. FRANKLIN, 0000
EARL A. FRANTZ, 0000
BENJAMIN J. FRAVEL, 0000
KEVIN M. FRENCH, 0000
TIMOTHY M. FRENCH, 0000
EDWARD J. FRICK, 0000
KELLY K. FRIEDMAN, 0000
TODD M. FRIEDMAN, 0000
THOMAS G. FRIEDRICH, 0000
TRACY A. FRITZ, 0000
RICHARD G. FRODERMAN, 0000
JOHN J. FROIO, 0000
JOHN M. FRYZLEWICZ, 0000
ROBERT A. FUEHRER, 0000
DANIEL B. FUGAZZI, 0000
JONATHAN B. FUGITT, 0000
TAMARA N. FULLEREDDINS, 0000
DAVID M. FURLONG, 0000
CURTIS W. GABALL, 0000
DANIEL W. GABIER, 0000
DANA E. GAFFNEY, 0000
ROBERT J. GAINES, JR., 0000
KENNETH J. GALECKAS, 0000
MARK T. GALIANO, 0000
ROGER M. GALINDO, 0000
MICHAEL S. GALITZ, 0000
JAMES R. GALYEAN IV, 0000
MEREDITH I. GAMBLIN, 0000
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THOMAS J. GARCIA, 0000
A.B. GARDNER, 0000
GLENN J. GARGANO, 0000
AMY Y. GARRETT, 0000
MICHAEL P. GARVEY, 0000
KIRK P. GASPER, 0000
GAVIN M. GASSEN, 0000
JOHN P. GAZE, 0000
TADEUSZ J. GEGOTEK, 0000
SCOTT T. GEHRING, 0000
KURT M. GEISEN, 0000
JAY GEISTKEMPER, 0000
GREGG W. GELLMAN, 0000
RICHARD T. GENGLER, 0000
CHRISTOPHER E. GENTCHOS, 0000
BARRY C. GENTRY, 0000
ADRIAN R. GERVACIO, 0000
SAMAN GHARAI, 0000
SAMAN R. GHARIB, 0000
SANJIV J. GHOGALE, 0000
DEAN T. GIACOBBE, 0000
DONALD A. GIBB, 0000
LAWRENCE M. GIBBONS, 0000
MICHAEL S. GIBSON, 0000
WILLIAM M. GILL, 0000
YOLANDA L. A. GILLEN, 0000
DIANE M. GILLILAND, 0000
RONALD W. GIMBEL, 0000
GEORGE A. GINER, 0000
JULIE A. GINOZA, 0000
PAUL J. GIRARD, 0000
ALBERT M. GIRIMONTE, 0000
SHANE M. GJESDAL, 0000
TODD D. GLEESON, 0000
ALFRED J. GLORIA, 0000
DENNIS E. GLOVER, 0000
HEATHER L. GNAU, 0000
CARLOS D. GODINEZ, 0000
FERMIN S. GODINEZ, 0000
ADAM N. GOETZ, 0000
BENNET B. GOFF, 0000
JON P. GOGGIN, 0000
ELIZABETH B. GOHL, 0000
MAURICE L. GOINS, 0000
RUTH E. GOLDBERG, 0000
YEVSEY M. GOLDBERG, 0000
ALEXANDER GONZALEZ, 0000
HERMANN F. GONZALEZ, 0000
JASON E. GOODALL, 0000
JAMES A. GOODBOW, 0000
MARK E. GOODEN, 0000
FRED L. GOODMAN, 0000
GEORGE J. GOODREAU II, 0000
DEBORAH L. GOODWIN, 0000
ROBERT H. GOODWIN, 0000
MARY E. GOOLSBY, 0000
SEAN E. GORETZKE, 0000
GREGORY H. GORMAN, 0000
TADD H. GORMAN, 0000
MONIQUE C. GOURDINE, 0000
COLETTE M. GRABILL, 0000
MARY G. GRACIA, 0000
RUSSELL P. GRAEF, 0000
ERINNE A. GRAHAM, 0000
ADOLFO J. GRANADOS, 0000
SCOTT F. GRANGER, 0000
FRANK T. GRASSI, 0000
WILLIAM E. GRAVES, JR., 0000
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BRUCE G. GREEN, 0000
DONALD J. GREEN, 0000
MICHAEL A. GREEN, 0000
CURTIS J. GREGORY, 0000
ERIK W. GREVE, 0000
HERBERT L. GRIFFIN, JR., 0000
SAMANTHA GRILLO, 0000
JAMES R. GRIMES, 0000
MATTHEW E. GRIMES, 0000
JAMES M. GRIMSON, 0000
MARILEE C. GRISWOLD, 0000
WILLIAM GROFF, 0000
MATTHEW E. GROHOWSKI, 0000
DANIEL E. GROSSMAN, 0000
JAY R. GROVE, 0000
PATRICK N. GROVER, 0000
LAURA K. GRUBB, 0000
JAMES M. GRUESKIN, 0000
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SHERRY A. GUARDIANO, 0000
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JACK T. GULBRANSON, 0000
JAMES B. GUNDY, 0000
TODD A. GUTH, 0000
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CATHERINE E. HAGAN, 0000
RODNEY S. HAGERMAN, 0000
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JOHN M. HAKANSON, 0000
PETER C. HAKEWESSELL, 0000
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THOMAS J. HALL, JR., 0000
TUANH C. HALQUIST, 0000
SANDRA M. HALTERMAN, 0000
HATIM A. HAMAD, 0000
HARRY W. HAMILTON, 0000
JADA L. HAMILTON, 0000
RICHARD S. HAMILTON, 0000
KELLY R. HAMON, 0000
JEFFREY T. HAN, 0000
JOHN T. HANNIGAN, 0000
MATTHEW P. HANNON, 0000
GREGORY W. HANSON, 0000
GREGORY P. HARBACH, 0000
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ELIZABETH HARBISON, 0000
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MITCHELL A. HARDENBROOK, 0000
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DALE R. HARMAN, 0000
JAMES V. HARMON, JR., 0000
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RANDOLPH S. HARRILL, 0000
JAMES F. HARRIS, 0000
GLENDA J. HARRISON, 0000
DIRK J. HART, 0000
RONDA L. HARTZEL, 0000
PAMELA C. HARVEY, 0000
SUSAN D. HARVEY, 0000
THOMAS W. HASH, 0000
PAUL F. HASTIE, 0000
TIMOTHY R. HASTINGS, 0000
BRIAN C. HATCH, 0000
PAUL G. HAUERSTEIN, 0000
KEVIN G. HAUG, 0000
WILLIAM A. HAUG, 0000
LEILA HAVADTOY, 0000
JON J. HAVENSTRITE, 0000
JERALD B. HAWK, 0000
JEREMY J. HAWKER, 0000
DANIEL B. HAWLEY, 0000
DAVID W. HAYNES, 0000
RUSSELL B. HAYS, JR., 0000
MICHAEL K. HAYTAIAN, JR., 0000
STEPHEN E. HAZZARD, 0000
ANTHONY B. HEADRICK, 0000
JEFFREY L. HEAMES, 0000
SHEILA C. HECHT, 0000
JUSTIN W. HEIL, 0000
MARK E. HEIM, 0000
NEAL A. HEIMER, 0000
DAVID D. HEIN, 0000
ERICH R. HEINZ, 0000
CHRISTOPHER J. HEJMANOWSKI, 0000
LEE W. HELLWIG, 0000
ROBERT S. HEMPERLY, 0000
DAVID A. HEMPFLING, 0000
JOSE HENAO, 0000
BEULAH I. HENDERSON, 0000
BRYN J. HENDERSON, JR., 0000
MARK R. HENDRICKSON, 0000
PATRICK J. HENNESSEY, 0000
CHRISTOPHER M. HENRY, 0000
LEONARD R. HENRY, 0000
DAVID A. HENSLEY, 0000
ROSEMARY HENSON, 0000
MICHAEL E. HERMAN, 0000
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JOSE A. HERNANDEZ, 0000
MARK D. HERNANDEZ, 0000
STEVEN P. HERNANDEZ, 0000
JOE D. HERRE, 0000
MARK E. HERRERA, 0000
MARC D. HERWITZ, 0000
JOHN D. HEWITT, 0000
MATTHEW J. HICKEY, 0000
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TURHAN I. HIDALGO, 0000
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TAMMY N. HILL, 0000
TRACI J. HINDMAN, 0000
SCOTT W. HINES, 0000
THOMAS B. HINES, JR., 0000
RICHARD R. HIRASUNA, 0000
DIANE K. HITE, 0000
SUSAN HLAD, 0000
TUAN N. HOANG, 0000
DAVID A. HOCK, 0000
ANDREW B. HOCKLEY, 0000
CHARLES E. HODGES, 0000
DEAN L. HOELZ, 0000
ELISE R. HOFF, 0000
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EILEEN M. HOKE, 0000
WARREN L. HOLBERT, JR., 0000
WILLIAM J. HOLIMAN, JR., 0000
JASON W. HOLLENSBE, 0000
KEITH G. HOLLEY, 0000
JASON C. HOLLIER, 0000
EWELL M. HOLLIS, 0000
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JARROD P. HOLMES, 0000

KELLY J. HOLMES, 0000
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DANNY J. HOLTZCLAW, 0000
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JOHN O. HONEMANN, 0000
ERIC R. HOOG, 0000
CARINA C. HOPEN, 0000
ROY S. HORNBACK, 0000
TODD N. HORTON, 0000
KAY A. HOSKEY, 0000
THOMAS J. HOUGHTON, 0000
JOHN W. HOUSE, 0000
CHRISTOPHER E. HOWSE, 0000
GARY B. HOYT, 0000
AMY S. HUBERT, 0000
MICHELE C. HUDDLESTON, 0000
CHADLEY R. HUEBNER, 0000
BARBARA L. HUFF, 0000
JANEEN M. HUGHES, 0000
CHRISTOPHER M. HULTS, 0000
BYRON J. HUMBLE, 0000
JENNIFER J. HUMPHREY, 0000
ANDREW R. HUNT, 0000
DARNELL W. HUNT, 0000
DAN C. HUNTER, 0000
ANDREW S. HUTTULA, 0000
CHRIS B. HYUN, 0000
ROMEO C. IGNACIO, 0000
SCOTT L. ITZKOWITZ, 0000
BRIAN T. IVEY, 0000
CHRISTOPHER M. JACK, 0000
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MOLLY A. JENKINS, 0000
PAUL J. JENNINGS, 0000
ELAN JEREMITSKY, 0000
JEANNE C. JIMENEZ, 0000
NISHITH K. JOBANPUTRA, 0000
JOEL A. JOCO, 0000
JOHN T. JOHNS, 0000
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DENNIS W. JOHNSON, 0000
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PAUL D. JOHNSTONE, 0000
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SAMUEL W. JONES, 0000
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THOMAS B. JORDAN, 0000
JEFF B. JORDEN, 0000
HERBERT L. JOSEY, 0000
JOSEPH C. JOYCE, 0000
MICHAEL L. JULIANO, 0000
DAVID M. JUNKER, 0000
STACEY E. JUSTESEN, 0000
STEPHEN S. KACZYNSKI, 0000
MARK S. KAHLER, 0000
KEVIN M. KAHN, 0000
STEVEN B. KAILES, 0000
JOHN A. KALANTZIS, 0000
MAILE E. KALINOWSKI, 0000
JINU P. KAMDAR, 0000
MOHAMMAD KAMIL, 0000
CHRISTOPHER S. KAMMER, 0000
HENRY S. KANE, 0000
SONG K. KANG, 0000
PHILLIP A. KANICKI, 0000
CHRISTOPHER S. KAPLAFKA, 0000
ERIC E. KAROLI, 0000
BRADLEY J. KAROVIC, 0000
MICHAEL KASELIS, 0000
JULIAN P. KASSNER, 0000
KEVIN A. KASYCH, 0000
KATY L. KAZEL, 0000
MICHAEL D. KAZEL, 0000
JANET R. KEAIS, 0000
KRISTIAN P. KEARTON, 0000
DAVID A. KEATING, 0000
JULIANNA P. L. KECK, 0000
JOHN J. KEELING, 0000
MARIA KELCHNER, 0000
DARREN B. KELLER, 0000
KEVIN F. KELLEY, 0000
STEVEN D. KELLEY, 0000
LISA A. KELTY, 0000
DORAN T. KELVINGTON, 0000
DANIEL J. KEMPER, 0000
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JAY K. KENNARD, 0000
CARRIE H. KENNEDY, 0000
DOUGLAS E. KENNEDY, 0000
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BRIAN P. KEOGH, 0000
LISA M. KERNEN, 0000
GRACE L. KEY, 0000
JEFFREY J. KEYTE, 0000
MATHIAS J. KILL, 0000
BRADLEY J. KILLENBECK, 0000
DERMOT N. KILLIAN, 0000
JEONG H. KIM, 0000
JOHN C. KIM, 0000
JOHN J. KIM, 0000
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MIN K. KIM, 0000
MYUNG B. KIM, 0000
SANDRA L. KIMMER, 0000
TYPHANIE A. KINDER, 0000
AARON A. KING, 0000
BRIAN S. KING, 0000
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DANIEL E. KIRKWOOD, 0000
KARL A. KISH, 0000
ZACHARY J. KITCHEN, 0000
PAUL E. KLIMKOWSKI, 0000
ARNETT KLUGH, 0000
STEVEN T. KNAUER, 0000
KENNETH R. KNECHT, 0000
EILEEN M. KNOBLE, 0000
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TARAS J. KONRAD, 0000
JOSEPH V. KOSHIOL, 0000
SHAWN D. KOSNIK, 0000
MARK KOSTIC, 0000
ERNEST P. KOTSOS, 0000
BUDDY G. KOZEN, 0000
MADELYN P. KOZUB, 0000
PAMELA L. KRAHL, 0000
ANA C. KRAKUSIN, 0000
TIMOTHY P. KRAY, 0000
SHYAM KRISHNAN, 0000
SEAN J. KRISPIN, 0000
STEVEN M. KRISS, 0000
JOHN S. KROENER, 0000
KORTNEY A. KROPP, 0000
JULIE A. KRUMREICH, 0000
ZOE S. KUGEARES, 0000
LAURENCE J. KUHN, 0000
JOHN R. KULAS, 0000
ANAND R. KUMAR, 0000
TIMOTHY A. KUNKEL, 0000
JAYDE E. KURLAND, 0000
LEONARD J. KUSKOWSKI, 0000
ALLEN R. KUSS, 0000
ANGELINE A. KUZNIA, 0000
CHRISTOPHER T. KUZNIEWSKI, 0000
LARRY L. LABOSSIERE, 0000
DAVID W. LABRIE, 0000
JULIA K. LACUNZA, 0000
BRETT T. LAGGAN, 0000
NEIL J. LAHURD, JR., 0000
RICHARD A. LAING, 0000
DUANE E. LAMBERT, 0000
EDWARD W. LAMBERT III, 0000
MARK E. LAMBERT, 0000
JULIE K. LANDECKER, 0000
JEFFREY T. LANDERS, 0000
JAMES D. LANDREAU, 0000
CLAYTON J. LANG, 0000
BRET J. LANGENBERG, 0000
ROBERT J. LANGENFELD, 0000
JANE E. LANHAM, 0000
MICHAEL D. LAPPI, 0000
GILBERT E. LARA, 0000
TODD R. LAROCK, 0000
ROBB N. LARSEN, 0000
CURTIS G. LARSON, 0000
JOHN E. LARSON, JR., 0000
MARK A. LARUSSO, 0000
DAVID J. LASH, 0000
KERRY C. LATCH, 0000
KELLY M. LATIMER, 0000
GARY W. LAUCK, 0000
MARY K. LAUNDON, 0000
RENE LAVERDE, 0000
ERIC A. LAVERY, 0000
BRIAN D. LAWENDA, 0000
JAMES V. LAWLER, 0000
DUANE M. LAWRENCE, 0000
GARY A. LAWSON, 0000
KEVIN D. LAYE, 0000
WILLIAM T. LAYTON, 0000
COREY P. LAZARE, 0000
KHANG T. LE, 0000
MANUEL D. LEAL, 0000
MICHAEL D. LEBU, 0000
WILLIAM G. LECHUGA, 0000
EDITH R. LEDERMAN, 0000
ANABELA S. LEE, 0000
CHAD A. LEE, 0000
DONG H. LEE, 0000
GABRIEL LEE, 0000
JEFFERY S. LEE, 0000
KWANGMYUNG S. LEE, 0000
REES L. LEE, 0000
STEPHEN M. LEE, 0000
TERRENCE H. C. LEE, 0000
MICHAEL B. LEHMAN, 0000
CLINT A. LEMAIRE, 0000
GREGORY J. LENNOX, 0000
ALAN W. LENZ, 0000
PETER R. LEO, 0000
WILLIAM D. LEONARD, 0000
ALEXANDER W. LESKO, 0000
JAMES O. LESPERANCE, 0000
JENNIFER D. LETTERMAN, 0000
RAYMOND C. LEUNG, 0000
CHRISTOPHER T. LEWIS, 0000
KRISTEN M. LEWIS, 0000
KRISTIAN E. LEWIS, 0000
ROBIN M. LEWIS, 0000
ALISON M. LEX, 0000
JANIE C. LIAO, 0000
FREDERICK R. LICKFOLD, 0000
CHRISTOPHER J. LIEDQUIST, 0000
BENJAMIN H. LIEN, 0000
JONATHAN M. LIESKE, 0000
MARK D. LIGNELL, 0000
MATTHEW L. LIM, 0000
PAUL I. LIM, 0000
VICTOR S. LIN, 0000
RACHEL J. V. LIND, 0000
KARL A. M. LINDBLAD, 0000
JAMES R. LINDERMAN, 0000
JAMIE M. LINDLY, 0000
CURTIS S. LINDSAY, 0000
FRED W. LINDSAY, 0000
ROBIN W. LINDSAY, 0000
DANIEL E. LINK, 0000
ALLEN G. LINN, 0000
GEORGE P. LINVILLE, 0000
MICHAEL D. LIPKE, 0000
SCOTT W. LISSON, 0000
MICHAEL E. LITTLE, 0000
LANNY F. LITTLEJOHN, 0000
JEFFREY D. LITZINGER, 0000
MARK Y. LIU, 0000
JEFFREY LOGAN, 0000
ROYAL A. LOMBLOT, 0000
BRIAN D. LONG, 0000
RICHARD A. LOPES, 0000
ARLENE G. LOPEZ, 0000
DAVID C. LOPRESTI, 0000
JOHN A. LOVIER, JR., 0000
MICHAEL A. LOWE, 0000
CHRISTOPHER C. LUCAS, 0000
REBECCA M. LUCAS, 0000
RODERICK L. LUCAS, 0000
BRUCE B. LUDWIG, JR., 0000
EUGENIO LUJAN, 0000
WILFRED A. LUMBANG, 0000
GUY L. LUND, 0000
BRYAN C. LUNDGREN, 0000
ERIK J. LUNDQUIST, 0000
JOHN R. LUNDSTROM, 0000
WILLIAM B. LUTES, 0000
TODD J. LUYBER, 0000
SCOTT A. LUZI, 0000
CHRISTOPHER G. LYNCH, 0000
JAMES LYNCH, 0000
RICHARD O. LYNCH, 0000
JOHN A. LYNOTT, 0000
COREY J. LYON, 0000
JAMES J. LYONS, 0000
WILLIAM M. LYTKOWSKI, 0000
RICHARD P. MACCABE, 0000
BRYAN D. MACK, 0000
THOMAS J. MACK, 0000
JOSEPH R. MACKAY, 0000
STEVEN M. MACKAY, 0000
DRU A. MACPHERSON, 0000
PAUL A. MADDOX, 0000
CHARLES E. MADER, 0000
NAPOLEON B. MAGPANTAY III, 0000
LLOYD B. MAGRUDER IV, 0000
KIMBERLY L. MAINO, 0000
JONI M. MAKAR, 0000
JUDY T. MALANA, 0000
HEINZ E. MALON, 0000
CHRISTOPHER S. MALONE, 0000
ROSEMARY C. MALONE, 0000
SCOTT M. MALONEY, 0000
KENNETH MANGANO, 0000
WILLIAM MANN, 0000
MICAH D. MANNINGHAM, 0000
WILLIAM T. MANSKE, 0000
TASHA E. MANTERNACH, 0000
ANTOINETTE M. MARENGO, 0000
CHARLES G. MARGUET, 0000
ROBERT G. MARIETTA, 0000
DAVID S. MARKELL, 0000
NATHANIEL R. MARLER, 0000
LUIS E. MARQUEZ, 0000
TIMOTHY E. MARRA, 0000
ERIC J. MARSH, 0000
JAMES C. MARSH, 0000
JAMES J. MARSH, 0000
ERIK R. MARSHBURN, 0000
AMY H. MARTIN, 0000
CAROLYN J. MARTIN, 0000
JOSEPH J. MARTIN, 0000
KRISTEN O. MARTIN, 0000
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GILBERT MARTINEZ, 0000
RANDY L. MARTINEZ, 0000
TODD R. MARZANO, 0000
KEVIN J. MASON, 0000
BENJAMIN B. MASSIGLIA, 0000
GERALD A. MASTAW, JR., 0000
RYAN P. MATHERNE, 0000
JAMES MATHES, 0000
STEVEN A. MATIS, 0000
DEAN C. MATOUSEK, 0000
THOMAS C. MATT, JR., 0000
MICHAEL J. MATTEUCCI, 0000
KAREN L. MATTHEWS, 0000
KARLWIN J. MATTHEWS, 0000
TIMOTHY E. MATTISON, 0000
THOMAS L. MATTOX, 0000

GREGORY N. MATWIYOFF, 0000
DAVID R. MATZAT, 0000
CARTER J. MAURER, 0000
RYAN C. MAVES, 0000
TODD J. MAY, 0000
CHARLES D. MAYFIELD, 0000
THOMAS A. MAYS, 0000
JAMES B. MAZOCK, 0000
MARY C. MCALLISTER, 0000
DAVID L. MCBETH, 0000
MOLLY MCCABE, 0000
CHRISTOPHER M. MCCALLUM, 0000
MARY H. MCCARTHY, 0000
RAYMOND W. MCCLARY III, 0000
SCOTT D. MCCLELLAN, 0000
SCOTT C. MCCLELLAND, 0000
WILLIAM D. MCCORMICK II, 0000
BRIAN P. MCCOY, 0000
KELLY L. MCCOY, 0000
HENRY V. MCCRACKING, 0000
JEFFREY MCCREARY, 0000
WILLIAM P. MCCULLOUGH, 0000
FRITZI J. MCDONALD, 0000
SHANNON M. MCDONNELL, 0000
MARC A. MCDOWELL, 0000
MICHAEL P. MCDOWELL, 0000
JOEL T. MCFARLAND, 0000
JEFFRY D. MCGRATH, 0000
EDWIN T. MCGROARTY, 0000
PATRICK E. MCGROARTY, 0000
VICTOR E. MCINNIS, 0000
DANIEL J. MCINTYRE, 0000
NICOLE K. MCINTYRE, 0000
DANIEL E. MCKAY, 0000
JAMES M. MCKEE, 0000
JOHN B. MCKELVY, 0000
REBECCA A. MCKNIGHT, 0000
JOHN D. MCLAUGHLIN, 0000
PATRICK J. MCLAUGHLIN, 0000
ROBERT N. MCLAY, 0000
DAVID B. MCLEAN, 0000
FRANCIS V. MCLEAN, 0000
MATTHEW D. MCLEAN, 0000
MICHAEL P. MCNALLY, 0000
DAVID A. MCNUTT, 0000
JOSEPH R. MCPHEE IV, 0000
CECIL L. MCQUAIN, 0000
DANIEL S. MCSEVENEY, 0000
HUGH K. MCSWAIN IV, 0000
VALERIE H. MEADE, 0000
BRIAN W. MECKLENBURG, 0000
BRYANT A. MEDEIROS, 0000
ERIC T. MEIER, 0000
MICHAEL J. MEIER, 0000
KYLE A. MENZEL, 0000
CHRISTOPHER MERRIS, 0000
ASHLEY G. MERRITT, 0000
DAVID H. MESMER, 0000
DREW C. MESSER, 0000
SCOTT J. MESSMER, 0000
MICHAEL J. METZ, 0000
BARRY A. METZGER, 0000
CHRISTOPHER T. MEYER, 0000
ROBERT J. MEYER, 0000
TODD A. MEYER, 0000
FAYE P. MEYERS, 0000
SAMIRA MEYMAND, 0000
THOMAS J. MEZZANOTTE, 0000
PHILIP A. MICELI, 0000
TRACY L. MICHAUD, 0000
ADAM S. MICHELS, 0000
GEORGE W. MIDDLETON, 0000
MARK A. MIDDLETON, 0000
WILLIAM E. MIDDLETON, 0000
STEPHEN J. MILBACK, 0000
EDMUND A. MILDER, 0000
CHERYL E. MILLER, 0000
DOUGLAS C. MILLER, 0000
IVO A. MILLER, 0000
MARK W. MILLER, 0000
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STEVEN R. MILLER, 0000
VINSON W. MILLER, 0000
CATHLEEN S. MILLS, 0000
TAVONYA S. MINER, 0000
CHRISTOPHER E. MINETTE, 0000
JOHN M. MINNICH, 0000
PHILIP T. MINSHEW, 0000
AMIR MIODOVNIK, 0000
DANIEL K. MISHLER, 0000
ERIC S. MITCHELL, 0000
LAURA N. MODZELEWSKI, 0000
ROBIN K. MOELLER, 0000
ARASH MOHTASHAMIAN, 0000
JOHN J. MOLL, JR., 0000
DANIEL P. MOLONEY, 0000
STACEY M. MONACO, 0000
ANN B. MONASKY, 0000
STEPHEN E. MONGOLD, 0000
MICHAEL J. MONSOUR, 0000
JUNG H. MOON, 0000
FREDERICK D. MOORE, 0000
JENNIFER L. MOORE, 0000
JOHN E. MOORE, 0000
SLADE C. MOORE, 0000
THOMAS W. MOORE, 0000
TODD M. MOORE, 0000
ENRIQUE M. MORALES, 0000
ELIZABETH A. MORAN, 0000
PETER A. MORAWIECKI, 0000
KENNETH F. MORE, 0000
MICHAEL P. MORENO, 0000
JAMES M. MORGAN, 0000
ROBERT A. MORGAN, 0000
CRAIG A. MORGENSTERN, 0000
THOMAS G. MORIARITY, 0000
KRISTINA V. MOROCCO, 0000
JOHN W. MORONEY, 0000
DEVIN J. MORRISON, 0000
MICHELE P. MORRISON, 0000
PAMELA L. MORRISON, 0000
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KEVIN D. MORSE, 0000
JOEL S. MORTON, 0000
MARK M. MORTON, 0000
ZACHARY V. MOSEDALE, 0000
SHEILA J. MOSELEY, 0000
NORMAN K. MOSER, 0000
KENNETT J. MOSES, 0000
STEVEN R. MOSES, 0000
THOMAS A. MOSKO, 0000
CARLSON D. MOSS, 0000
DONALD R. MOSS, 0000
THOMAS P. MOSSEY, 0000
ERIC C. MOSTOLLER, 0000
TIMOTHY F. MOTT, 0000
EMILE G. MOURED, 0000
CHRISTOPHER G. MOURSUND, 0000
MEDGAR M. MOYA, 0000
AMY L. MRUGALA, 0000
KURT H. MUELLER, 0000
WILLIAM J. MUHM, 0000
FRANK E. MULLENS, 0000
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ANDREW D. MULLINS, 0000
SCOTT T. MULVEHILL, 0000
DANIEL D. MUNN, 0000
ENCHANTA L. MURPHY, 0000
MANUEL A. MURPHY, 0000
SEAN J. MURPHY, 0000
MICHELE L. MURRAY, 0000
RACHEL MYAINGMISFELDT, 0000
JOHN C. MYERS, 0000
RICHARD A. MYERS, 0000
CHRISTIAN W. MYRAH, 0000
DEREK F. NALEWAJKO, 0000
BENFORD O. NANCE, 0000
GEORGE P. NANOS III, 0000
SANDEEP K. NARANG, 0000
ISRAEL NARVAEZ, 0000
MICHAEL D. NASH, 0000
TRAVIS D. NASH, 0000
CHRISTOPHER S. NASIN, 0000
MICHAEL L. NASON, 0000
JOEL NATIONS, 0000
PRASHANTH S. NAVARAN, 0000
GUILLERMO A. NAVARRO, 0000
GAUTAM S. NAYAK, 0000
KESHAV R. NAYAK, 0000
SONJA F. NAZARETH, 0000
WILLIAM P. NEIS, 0000
BRENDA L. NELSON, 0000
THOMAS J. NELSON, 0000
TIFFANY S. NELSON, 0000
ELIZABETH A. NEPTUNE, 0000
STEVEN W. NEWELL, 0000
KELLEY A. NEWMAN, 0000
MATTHEW W. NEWMAN, 0000
MICHAEL T. NEWMAN, 0000
TIMOTHY B. NEWSOM, 0000
GEORGE A. NEWTON, 0000
KEITH B. NEWTON, 0000
KRISTY L. NEWTON, 0000
DAVID K. NG, 0000
BENJAMIN V. NGUYEN, 0000
KHANH K. NGUYEN, 0000
MARK M. NGUYEN, 0000
MINH Q. NGUYEN, 0000
BRICE R. NICHOLSON, 0000
MICHAEL W. NIELSEN, 0000
JANIS L. NOBLE, 0000
MUHIYYALDIN M. M. NOEL, JR., 0000
KRIST D. NORLANDER, 0000
CRAIG D. NORRIS, 0000
JENNIFER E. NUSSBAUM, 0000
SHAWN P. OBANNON, 0000
JAMES P. OBERMAN, 0000
MARGARET P. OBERMAN, 0000
ROBERT J. OBRIAN, 0000
COLIN OBRIEN, 0000
COLIN J. OBRIEN, 0000
DAVID D. OBRIEN, 0000
JOSEPH G. OBRIEN, 0000
SEAN P. OBRIEN, 0000
ANTONIO J. OCHOA, 0000
ELOY OCHOA, 0000
TODD J. OCHSNER, 0000
KEVIN M. OCONNOR, 0000
MARTIN OCONNOR, 0000
MITCHELL K. OCONNOR, 0000
DAVID M. ODEN, 0000
TIMOTHY R. OELTMANN, 0000
CHRISTOPHER P. OGRADY, 0000
BRIAN C. OHAIR II, 0000
SHEILA F. OLEARY, 0000
DAVID M. OLIVER, 0000
ODETTE OLIVERAS, 0000
KENDAL R. OLVEY, 0000
WILLIAM P. OMEARA, 0000
BRIAN A. ONEAL, 0000
ROBERT E. ONEIL III, 0000
JOSEPH S. OPP, 0000
JAMES B. OROS, 0000
LANCE M. ORR, 0000
STEVEN T. ORREN, 0000
CHRISTOPHER A. ORSELLO, 0000
REBECCA M. ORTENZIO, 0000
KENNETH J. ORTIZ, 0000
TIMOTHY J. OSWALD, 0000
DAVID M. OVERCASH, 0000
JOHN B. OWEN, 0000
JASON H. OWENS, 0000
CHRISTOPHER G. PACE, 0000
BOYD F. PADFIELD, 0000
CECILIA C. PAIRO, 0000
EDWARD S. PAK, 0000
HENRY F. PALLATRONI, 0000
ADAM D. PALMER, 0000
VIVIANNA F. PALOMO, 0000
THOMAS R. PALUSKA, 0000
STEPHEN J. PANCHYSHYN, 0000
CHARLES G. PAQUIN, 0000
CHAN W. PARK, 0000
JAMES Y. PARK, 0000
PETER J. PARK, 0000
DORIAN R. PARKER, 0000
JACK S. PARKER, 0000
MATTHEW M. PARKER, 0000
ROBIN J. PARKER, 0000
SUZANNE N. PARKER, 0000
TODD A. PARKER, 0000
TRUDI PARKER, 0000
ERIC C. PARLETTE, 0000
JORGE H. PARRABETANCOURT, 0000
ORBITO I. PATANGAN, 0000
RICHARD A. PATE, 0000
SAYJAL J. PATEL, 0000
SUGAT K. PATEL, 0000
MATTHEW B. PATTERSON, 0000
JACQUELYN M. PAYKEL, 0000
CRAIG M. PAYNE, 0000
MARK D. PAYSON, 0000
JONATHAN P. PEARL, 0000
THOMAS W. PEATMAN, 0000
GEOFFREY A. PECHINSKY, 0000
MATTHEW S. PEDERSON, 0000
JOSE G. PEDROZA, 0000
TERRY S. PEERY, 0000
WILLIAM D. PEFFLEY, 0000
ANDREW J. PELCZAR, 0000
PHILIP J. PELIKAN, 0000
RICHARD F. PELL IV, 0000
PIERRE A. PELLETIER, 0000
JAY J. PELOQUIN, 0000
CHARLES O. PELTON, 0000
ARTHUR S. PEMBERTON, 0000
LEON PENDERGRAPH, 0000
YAOHSIEN PENG, 0000
TAMMY J. PENHOLLOW, 0000
STEVEN A. PENLEY, 0000
SCOTT D. PENNINGTON, 0000
SONJA A. PENSON, 0000
JOSEPH F. PENTA, 0000
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MARLOW PEREZ, 0000
RAFAEL C. PEREZ, 0000
SHELLEY K. PERKINS, 0000
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JOHVIN PERRY, 0000
CHARLES D. PETERS, JR., 0000
CARL E. PETERSEN, 0000
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KYLE PETERSEN, 0000
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BRUCE E. PETERSON, 0000
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LYNN E. PETERSON, 0000
ROBERT J. PETERSON, 0000
SHAUN N. PETERSON, 0000
ANTON PETRICH, 0000
CAROL G. PETRIE, 0000
TODD O. PETTIBON, 0000
TRAVIS M. PETZOLDT, 0000
DONALD M. PHILLIPS, JR., 0000
TIMOTHY J. PHILLIPS, 0000
MICHAEL E. PICIO, 0000
DAVID J. PICKEN, 0000
CLINTON A. PICKETT III, 0000
SHERI D. PIEL, 0000
FLETCHER N. PIERCE, 0000
JAMES C. PIERCE, 0000
JENNIFER L. PIERCE, 0000
GUILLERMO PIMENTEL, 0000
ANGELA E. PINKERTON, 0000
JOHN T. PITTA, 0000
JAMES H. PITTMAN, 0000
JOSE D. PLANAS, 0000
SCOTT A. PLAYFORD, 0000
SPRING L. PLIHCIK, 0000
JONI M. PLOURD, 0000
PAUL A. PLOWCHA II, 0000
ROBERT D. POERSCHMANN, 0000
MATTHEW M. POGGI, 0000
PHILIP D. POLEN, 0000
WINNIE M. J. POLEN, 0000
KEVIN J. POLICKY, 0000
NICHOLAS D. POLLARD, 0000
JOHN P. PORTER, 0000
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LAWRENCE H. POTTER, 0000
ERIC G. POTTERAT, 0000
BLAINE M. POWELL, 0000
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TIMOTHY J. POWER, 0000
CASEY J. POWERS, 0000
SUSAN C. POWERS, 0000
THEODORE C. PRATT, 0000
GREGORY PRICE, 0000
MARK A. PRICER, 0000
DAVID E. PROCTOR, 0000
MATTHEW T. PROVENCHER, 0000
NICOLE B. PRUITT, 0000
TODD T. PUCKETT, 0000
CHARLES M. PUMPHREY, 0000
RONALD T. PURCELL, 0000
DANNY B. PURVIS, 0000
SCOTT J. PUSATERI, 0000
TERRANCE L. PYLES, 0000

DANIEL E. QUANCE, 0000
CARLOS E. QUEZADA, 0000
ALISSA G. QUIN, 0000
CYRUS N. RAD, 0000
ROBERT T. RADEL, 0000
SCOTT B. RADER, 0000
SCOTT L. RADETSKI, 0000
ANN E. RADFORD, 0000
MATTHEW C. RADIMER, 0000
SHARON A. RAGHUBAR, 0000
ANDREA T. RAHN, 0000
SEPEHR RAJAEI, 0000
DANIEL A. RAKOWSKI, 0000
ALFREDO R. RAMIREZ, 0000
MARIA B. RAMOS, 0000
KATHLEEN A. RAMSEY, 0000
CRAIG J. RANDALL, 0000
DANIEL J. RANDALL, 0000
WILLIAM M. RANNEY, 0000
TARIQ M. RASHID, 0000
LESLIE H. RASSNER, 0000
CAMERON P. RATKOVIC, 0000
TRAVIS M. RAUCH, 0000
JOHN M. RAY, 0000
QUENTIN P. RAY, 0000
MARK J. RAYBECK, 0000
SHAY S. RAZMI, 0000
MARGARET M. READ, 0000
PRASHANT M. REDDY, 0000
AMY L. REDMER, 0000
BITHIAH R. REED, 0000
MICHAEL A. REED, 0000
PAUL L. REED, 0000
SHARON B. REED, 0000
AMY M. REESE, 0000
JAMES J. REEVES, 0000
CHRISTOPHER O. REGISTER, 0000
EDITH M. REICHERT, 0000
GEORGE G. REICHERT, 0000
LLOYD R. REINHOLD, 0000
DANIEL W. REMINGTON, 0000
CHARLES W. RENINGER III, 0000
MARK C. RESCHKE, 0000
DELORES Y. RHODES, 0000
BRANDT E. RICE, 0000
CAROLYN C. RICE, 0000
DARIAN C. RICE, 0000
GEORGE M. RICE, 0000
GLENN R. RICHARD, 0000
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SCOTT A. RICHARDS, 0000
MARK S. RIDDLE, 0000
RICARDO L. RIEGODEDIOS, 0000
JASON L. RIGGS, 0000
JAY K. RIGSBEE, 0000
BRIAN A. RILEY, 0000
PATRICK RILEY, 0000
SUZANNE D. RIMMER, 0000
WADE W. RINDY, 0000
TODD D. RING, 0000
GRETCHEN B. RISS, 0000
ALLISON E. RITSCHER, 0000
ARNALDO L. RIVERA, 0000
BRIAN D. RIVERA, 0000
ERNESTO A. RIVERA, 0000
LOUIS RIVERA, 0000
DENNIS J. RIVET, 0000
DEMETRIUS P. RIZOS, 0000
PAUL B. ROACH, 0000
LYMON N. ROAN, 0000
CARRI A. ROBBINS, 0000
JILL D. ROBBINS, 0000
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DAVID L. RODDY, 0000
TINA RODRIGUE, 0000
CARLOS J. RODRIGUEZ, 0000
JAIME E. RODRIGUEZ, 0000
JUAN J. RODRIGUEZ, 0000
NANETTE L. ROLLENE, 0000
MARK D. ROLLINS, 0000
KIMBERLY W. ROMAN, 0000
CHRISTINE ROMASCAN, 0000
STEVEN C. ROMERO, 0000
LOREN P. ROMEUS, 0000
TIMOTHY B. ROONEY, 0000
JEANETTE D. ROSEBERRY, 0000
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DAVID C. ROSKA, 0000
JAMES B. ROSS, 0000
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MICHAEL T. ROTHERMICH, 0000
JOHN R. ROTRUCK, 0000
MATHEW J. ROYAL, 0000
RICHARD C. RUCK, 0000
MICHAEL E. RUDISILE, 0000
MATTHEW S. RUDOLPH, 0000
JOHN P. H. RUE, 0000
STEVEN RUIZ, 0000
KRIS E. RUNAAS, 0000
SEAN X. RUSH, 0000
ANDREW A. RUSNAK, 0000
ANTHONY J. RUSSO, 0000
MICHAEL B. RUSSO, 0000
DONALD H. RUTH II, 0000
NATHANIEL J. RUTTIG, 0000
JIMMY L. RYALS, 0000
DANIEL K. RYAN, JR., 0000
THOMAS J. RYDER, 0000
FARZANEH SABI, 0000
SHAWN D. SAFFORD, 0000
SHERMA R. SAIF, 0000
ABUHENA M. SAIFULISLAM, 0000
KOICHI SAITO, 0000
VINCENT A. SALAMONI, 0000
RICHARD SAMS, 0000
JOAQUIN A. SANCHEZ, 0000
JOSEPH M. SANCHEZ, 0000
MARLENE L. SANCHEZ, 0000
DEREK O. SANDERS, 0000
ALICIA R. SANDERSON, 0000
THOMAS M. SANDOVAL, 0000
FREDERICK M. SANT, 0000
CELESTE C. SANTANA, 0000
PATCHO N. SANTIAGO, 0000
RAOUL H. SANTOS, 0000
ADAM K. SAPERSTEIN, 0000
AARON P. SARATHY, 0000
CHADWICK M. SARGENT, 0000
JAMEY A. SARVIS, 0000
FREDERICK J. SATKOWIAK, 0000
BETH A. SAULS, 0000
KENNETH P. SAUSEN, 0000
BETTINA M. SAUTER, 0000
MCHUGH L. A. SAVOIA, 0000
ELIZABETH K. SAYRE, 0000
PRISCILLA SCANLON, 0000
JAMES W. SCHAFFER, 0000
CORY D. SCHEMM, 0000
ANTHONY J. SCHERSCHEL, 0000
ANDREW W. SCHIEMEL, 0000
MARK A. SCHIFFNER, 0000
DAVID D. SCHILLING, 0000
MARK A. SCHMIDHEISER, 0000
NANCY E. SCHMIDT, 0000
GERALD N. SCHMUKER, 0000
WILLIAM B. SCHNEIDER, 0000
BRIAN R. SCHNELL, 0000
JAMES S. SCHOEB, 0000
ERIC F. SCHOENEBECK, 0000
DAVID L. SCHOO, 0000
DAVID T. SCHRODER, 0000
ARTHUR M. SCHUELER III, 0000
TRENT A. SCHUENEMAN, 0000
JASON R. SCHUH, 0000
CARY T. SCHULTZ, 0000
ERIK J. SCHWEITZER, 0000
CHRISTOPHER D. SCIBELLI, 0000
MARTIN N. SCOTT, 0000
RODNEY V. SCOTT, 0000
MARTHA S. SCOTTY, 0000
WILLIAM T. SCOUTEN, 0000
RUTH E. SCRANO, 0000
VERNON F. SECHRIEST, 0000
GILBERT SEDA, 0000
JAMES A. SEELYE, 0000
JOSHUA E. SEGAL, 0000
SCOTT D. SEGAL, 0000
JON A. SELBYG, 0000
CRAIG S. SELF, 0000
KATHRYN C. SELF, 0000
ARVO SEPP, 0000
JOSEPH M. SEWARDS, 0000
ANDREW J. SEXTON, 0000
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ROBERT P. SHAFER, 0000
NIKHIL K. SHAH, 0000
DAVID SHAPIRO, 0000
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PAUL J. SHAUGHNESSY, 0000
TODD A. SHEER, 0000
INGRID V. SHELDON, 0000
ALAN G. SHELHAMER, 0000
MARK E. SHELLY, 0000
AARON D. SHELTON, 0000
BOBBY L. SHELTON II, 0000
FOREST R. SHEPPARD, 0000
LAMAL D. SHEPPARD, 0000
CRAIG D. SHEPPS, 0000
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WILLIAM H. SHIH, 0000
WILLIAM T. SHIMEALL, 0000
JEANETTE F. SHIMKUS, 0000
JOHN M. SHIMOTSU, 0000
DAVID A. SHIRK, 0000
ANDREW P. SHOLTES, 0000
JAMES A. SHOMOCK, 0000
MARSHALL S. SHOOK, 0000
DEVIN M. SHOQUIST, 0000
BRIAN P. SHORTAL, 0000
KEITH J. SHULEY, 0000
PETER R. SHUMAKER, 0000
MICHAEL P. SHUSKO, 0000
KATERINA R. SHVARTSMAN, 0000
ALFRED F. SHWAYHAT, 0000
LARRY A. SIDBURY, 0000
BRETT H. SIEGFRIED, 0000
ELISABETH SIEGLER, 0000
ANTHONY N. SILVETTI, 0000
STEPHEN E. SIMMS, 0000
DANA F. SIMON, 0000
LESLIE V. SIMON, 0000
JOHN C. SIMS, 0000
BRIAN A. SINGLETON, 0000
STEVEN A. SIRINEK, 0000
EILEEN M. SIROIS, 0000
JOHN W. SISSON, 0000
SEAN C. SKELTON, 0000
SHANNON D. SKIDMORE, 0000
RICHARD W. SKINNER, 0000
TRACY T. SKIPTON, 0000
BERET A. SKROCH, 0000
ASHLEY L. SLAPPY, 0000
CHRISTOPHER T. SLAYMAN, 0000
MARGUERITE I. SLINGLUFF, 0000
CHARLES R. SMALLING, JR., 0000
RANDY M. SMARGIASSI, 0000
DANIEL J. SMELIK, 0000
CLAYTON M. SMILEY, 0000
KURT D. SMILEY, 0000
BRADFORD L. SMITH, 0000
BRADLEY J. SMITH, 0000
BRYAN D. SMITH, 0000
CLIFFORD L. SMITH, 0000
DAVID J. SMITH, 0000
DET R. SMITH, 0000
JACK D. SMITH, 0000
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STEVEN C. SMITH, 0000
TARA N. SMITH, 0000
BRIAN A. SMOLEY, 0000
MICHAEL W. SNEATH, 0000
ANDREA N. SNITCHLER, 0000
JOHN H. SNYDER, JR., 0000
KURT M. SNYDER, 0000
JEREMY B. SOKOLOVE, 0000
CAROL SOLOMON, 0000
DANIEL J. SOLOMON, 0000
KENNETH Y. SON, 0000
SUNG W. SONG, 0000
MICHAEL J. SORNA, 0000
BRETT V. SORTOR, 0000
STEVEN L. SOUDERS, 0000
CATHERINE E. SOUTH, 0000
BEVERLY A. SOUTHERLAND, 0000
MATTHEW W. SOUTHWICK, 0000
JOSEPH M. SPAHN, 0000
BRYAN M. SPALDING, 0000
J W. SPARKS, 0000
WILLIAM H. SPEAKS, 0000
GEORGE A. SPENCER, 0000
GLYNN S. SPENCER, JR., 0000
LINDA K. SPENCER, 0000
JANET W. SPIRA, 0000
MARY M. SPOLYAR, 0000
MICHAEL T. SPOONER, 0000
DONNA M. SPORRER, 0000
JOSEPH J. SPOSATO, 0000
STUART E. SQUIRE, 0000
COURTNEY L. STAADECKER, 0000
KIMBERLY M. STACK, 0000
CHRISTOPHER M. STAFFORD, 0000
PAULINE M. STAJNER, 0000
RONALD P. STAKE, 0000
STEVE L. STALLINGS, 0000
JOHN B. STAPLETON, 0000
HARRY F. STATIA, 0000
ERIC T. STEDJELARSEN, 0000
GEORGE STEFFIAN, 0000
HEATHER L. STEIN, 0000
ORVILLE J. STEIN, JR., 0000
FREDERICK M. STELL, 0000
JAMES E. STEPENOSKY, 0000
BERNHARD STEPKE, 0000
Q R. STERLING, 0000
STEPHEN J. STERLITZ, 0000
NICOLE L. STERNITZKY, 0000
KRISTIN R. STEUERLE, 0000
DAVID M. STEVENS, 0000
MATTHEW T. STEVENS, 0000
SONJA L. STEVENSON, 0000
DAVID J. STEWART, 0000
THOMAS R. STEWART, 0000
ELEANOR P. STEWARTGARBRECHT, 0000
GLENN A. STOCKMAN, 0000
RICHARD A. STOEBNER, 0000
STEVEN M. STOKES, 0000
JEFFERY A. STONE, 0000
KIMBERLY J. STONE, 0000
MICHELLE R. STONEKING, 0000
ERIK J. STORLIE, 0000
BUFFY STORM, 0000
VALERIE S. STRANG, 0000
ROBERT A. STRANGE, 0000
ROBERT G. STRANGE, JR., 0000
JENNIFER R. STRATTON, 0000
JOSEPH E. STRAUSS, 0000
GARRICK L. STRIDE, 0000
STEVEN R. STROBERGER, 0000
DAVID A. STROUD, 0000
BRIAN P. STRUYK, 0000
BRIAN J. STUART, 0000
SCOTT W. STUART, 0000
ROBERT A. STUDEBAKER, 0000
WILLIAM H. STURGILL III, 0000
MATTHEW J. SULLENS, 0000
BRIAN M. SULLIVAN, 0000
CHRISTOPHER D. SULLIVAN, 0000
DAVID C. SULLIVAN, JR., 0000
DOUGLAS R. SULLIVAN, 0000
EDWARD J. SULLIVAN, 0000
SEAN D. SULLIVAN, 0000
JEFFREY J. SURRAN, 0000
CHRISTOPHER M. SUTTER, 0000
JOANNE M. SUTTON, 0000
MARGARET A. SWANK, 0000
MICHAEL G. SWANSON, 0000
KEVIN J. SWEENEY, 0000
JASON D. SWEET, 0000
SEAN A. SWIATKOWSKI, 0000
MATTHEW J. SWIERGOSZ, 0000
DANIEL M. SWISSHELM, 0000
TINA F. SYLVE, 0000
DANIEL E. SZUMLAS, 0000

DENNIS C. SZURKUS, 0000
FRANCISCO B. TACLIAD, 0000
LUKE R. TAJIMA, 0000
ROBERT K. TAKESUYE, 0000
CYNTHIA L. TALBOT, 0000
ROGER L. TALBOT, SR., 0000
MARCUS G. TALERICO, 0000
HARLAN C. TALIAFERRO, 0000
KENNETH S. TALLARICO, 0000
JANOS TALLER, 0000
BRIAN D. TALLERICO, 0000
ROGER A. TALOB, JR., 0000
ROBERT M. TAMURIAN, 0000
MANUEL I. TANGUMA, 0000
SAMUEL J. TANNER, 0000
HATTIE M. TAPPS, 0000
NICKI S. TARANT, 0000
CHRISTOPHER J. TARSA, 0000
SHARON L. TATE, 0000
JEFF J. TAVASSOLI, 0000
JINNY O. TAVEE, 0000
AARON M. TAYLOR, 0000
ANDREW P. TAYLOR, 0000
ATTICUS T. TAYLOR, 0000
BRADLEY M. TAYLOR, 0000
BRIAN M. TAYLOR, 0000
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JOSEPH L. TAYLOR, 0000
KIMBERLY A. TAYLOR, 0000
MICHAEL C. TAYLOR, 0000
ROBERT W. TAYLOR, 0000
DANIELLE A. TAYSOM, 0000
RICHARD W. TEMPLE, 0000
NIMFA C. TENEZAMORA, 0000
DAVID C. TERRY, 0000
JEFFREY A. TERRY, 0000
RONALD B. TESORIERO, 0000
HASSAN A. TETTEH, 0000
MARK W. TEWS, 0000
ANDREW S. THAELER, 0000
WILLIAM B. THAMES, 0000
BRIAN C. THOMAS, 0000
DENNIS A. THOMAS, 0000
ERIC L. THOMAS, 0000
JOSEPH C. THOMAS, 0000
KARIN E. THOMAS, 0000
LASHAWNE M. THOMAS, 0000
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RODNEY A. THOMAS, 0000
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STEVEN W. THOMAS, 0000
ANTHONY S. THOMPSON, 0000
HERBERT R. THOMPSON, 0000
JENNIFER A. THOMPSON, 0000
KEITH E. THOMPSON, 0000
JOHN M. THOMSON, 0000
LOFTEN C. THORNTON, 0000
DAVID C. THUT, 0000
MARK P. TILFORD, 0000
JOHN J. TILL, 0000
MICHAEL M. TILLER, 0000
JEFFREY A. TJADEN, 0000
KYLE A. TOKARZ, 0000
VALERIE A. TOKARZ, 0000
BRIAN K. TONER, 0000
JENNIFER E. TONGEMARTIN, 0000
KIMBERLY P. TOONE, 0000
RAMBERTO A. TORRUELLA, 0000
NICHOLAS J. TOSCANO, 0000
JOHN P. TRAFELI, 0000
RONNIE D. TRAHAN, JR., 0000
TIMOTHY J. TRAINOR, 0000
HENRY D. TRAVIS, 0000
MARK D. TRAVIS, 0000
WADE R. TRAVIS, 0000
PAUL D. TREADWAY, 0000
THEODORE M. TREVINO, 0000
BRENDAN T. TRIBBLE, 0000
HIEN T. TRINH, 0000
KERRY N. TRIPP, 0000
ARVIN W. TRIPPENSEE, 0000
GERALD W. TRKULA, 0000
JOSE F. TROCHE, 0000
CARL E. TROST, 0000
CHARLES S. TROTTER, 0000
APRIL A. TRUETT, 0000
CATHERINE TSAI, 0000
JACK W. L. TSAO, 0000
BRENDAN W. TULLY, 0000
DENNIS J. TURNER, 0000
JOHN E. TURNER, 0000
PATRICIA F. TURNER, 0000
EUGENE G. TUTKO, 0000
NATHAN S. UEBELHOER, 0000
STEPHEN M. UGOLINI, 0000
MELVIN H. UNDERWOOD, 0000
MICHAEL S. VALADE, 0000
FRANCISCO O. VALDEZ, 0000
CHRISTOPHER J. VALDIVIA, 0000
LEE W. VANCE, 0000
TEDMAN L. VANCE, 0000
JOSEPH W. VANDELAC, 0000
STEVEN J. VANDENBOOGARD, 0000
ROBERT J. VANDERBROOK, 0000
JONATHAN K. VANDERVELDE, 0000
ALAN J. VANDERWEELE, JR., 0000
ROBERT T. VANHOOK, 0000
JONATHAN S. VANLARE, 0000
LORI L. VANSCOY, 0000
JOHN VANSLYKE, 0000
TRICIA E. VANWAGNER, 0000
GABRIEL A. VARELA, 0000
KEITH K. VAUX, 0000
DEBRA M. VAZQUEZ, 0000
PETER A. VELLIS, 0000
MICHAEL B. VENER, 0000
ALVIN S. VENTURA, 0000
FRANCISCO X. VERAY, 0000
MICHAEL H. VERDOLIN, 0000
JOSE G. VERGARA, 0000
BRAD W. VETTING, 0000
RICHARD J. VIDRINE, 0000
MARY N. VIETEN, 0000
MAURICIO A. VILES, 0000
ALCHRISTIAN C. VILLARUZ, 0000
EDWARD S. VOKOUN, 0000
BRADFORD S. VOLK, 0000
STACY L. VOLKERT, 0000
KARINA VOLODKA, 0000
JOHN T. VOLPE, 0000
ANNETTE M. VONTHUN, 0000
TODD R. VORENKAMP, 0000
DOUGLAS J. VRIELAND, 0000
DALE R. WAGGONER, 0000
THAO N. WAGNER, 0000
BRIAN K. WAITE, 0000
TAMEKIA L. WAKEFIELD, 0000
THOMAS J. WALCOTT, 0000
JASON M. WALDRON, 0000
COREY W. WALKER, 0000
ERRIKA M. WALKER, 0000
DEREK B. WALL, 0000
JENNIFER K. WALLACE, 0000
MICHAEL E. WALLACE, 0000
RHONDA A. WALLACE, 0000
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THOMAS C. WALTER, 0000
ALFRED D. WALTERS II, 0000
JOHN R. WALTERS, 0000
WILLIAM L. WALTERS, 0000
CHRISTOPHER S. WALTHOUR, 0000
SAM O. WANKO, 0000
JENNIFER R. WARD, 0000
RICKY W. WARD, 0000
JOHNATHAN E. WARE, 0000
WILLIAM B. WARNER, 0000
ANDREW WASIELEWSKI, 0000
ROSS T. WATERFIELD, 0000
SONYA N. WATERS, 0000
MATTHEW J. WAUSON, 0000
CHRISTOPHER H. WAY, 0000
DAVID K. WEBER, 0000
MATTHEW I. WEBER, 0000
CHAD E. WEBSTER, 0000
DAVID E. WEBSTER, 0000
ERICH F. WEDAM, 0000
LAURA L.V. WEGEMANN, 0000
JEFFREY P. WEIGLE, 0000
STEVEN E. WEINSTEIN, 0000
TAMMY L. WEINZATL, 0000
DAVID A. WEIS, 0000
BRIAN P. WELLS, 0000
BRITTON C. WELLS, 0000
KENNETH WELLS, 0000
NATALIE Y. WELLS, 0000
DARRELL J. WESLEY, 0000
BRENT WEST, 0000
GARY D. WEST, 0000
JAMES C. WEST, 0000
JAMES E. WEST, 0000
SAM J. WESTOCK, 0000
JAMES A. WESTRA, 0000
DOUGLAS A. WHEATON, 0000
DAVID R. WHIDDON, 0000
ANDREW A. WHITE, 0000
ERIK L. WHITE, 0000
MICHAEL H. WHITE, 0000
YOLANDA M. WHITFIELD, 0000
TIMOTHY J. WHITMAN, 0000
EDNA C. WHITMORE, 0000
DAVID R. WHITTAKER, 0000
KENNETH J. WHITWELL, 0000
LISA M. WIEDEL, 0000
FRED R. WILHELM III, 0000
JENNIFER B. WILKES, 0000
FRED C. WILKINS, 0000
TIMOTHY M. WILKS, 0000
RICHARD M. WILLEY, 0000
CARLOS D. WILLIAMS, 0000
CARLOS R. WILLIAMS, 0000
CHRISTOPHER M. WILLIAMS, 0000
ELWYN C. WILLIAMS, JR., 0000
FRANCIS T. WILLIAMS, 0000
JEFFREY S. WILLIAMS, 0000
KELLY S. WILLIAMS, 0000
LEILA S. WILLIAMS, 0000
MARK D. WILLIAMS, JR., 0000
MELITA J. WILLIAMS, 0000
MICHAEL B. WILLIAMS, 0000
MICHAEL D. WILLIAMS, 0000
NECIA L. WILLIAMS, 0000
PATRICK J. WILLIAMS, 0000
RANDY E. WILLIAMS, 0000
RONALD M. WILLIAMS, 0000
ULRIC A. WILLIAMS, 0000
WALTER H. WILLIAMS, 0000
WILLIAM M. WILLIAMS, 0000
EVAN R. WILLIAMSON, 0000
ROLAND O. WILLOCK, 0000
RONALD J. WILLY, 0000
ANDRE R. WILSON, 0000
CHARLES E. WILSON, 0000
JEFFREY S. WILSON, 0000
JOHN H. WILSON, 0000
SHAWN C. WILSON, 0000
STEPHEN M. WILSON, 0000
WILLIAM O. WILSON, JR., 0000
PAUL H. WILT, 0000
TIMOTHY M. WIMMER, 0000
MICHELLE D. WINEGARDNER, 0000
REID J. WINKLER, 0000
DOUGLAS A. WINSTANLEY, 0000
JEFFREY W. WINTERS, 0000
GARY WINTON, 0000
MARK S. WINWARD, 0000
GORDON G. WISBACH, 0000
JAMES B. WITKOWSKI, 0000
PAUL W. WITT, 0000
MICHAEL D. WITTENBERGER, 0000
WALTER R. WITTKE, 0000
DONALD WOLFE, 0000
DAVID P. WOLYNSKI, 0000
CRAIG M. WOMELDORPH, 0000
DARYL S. WONG, 0000
NORMAN B. WOODCOCK, 0000
ANTHONY M. WOOLF, 0000
BYRON E. WRIGHT, 0000
DONALD A. WRIGHT, 0000
GEOFFREY A. WRIGHT, 0000
DAVID A. WYCKOFF, 0000
BELINDA M. WYCOFF, 0000
JOHN WYLAND, 0000
MICHAEL J. YABLONSKY, 0000
STEVEN T. YADEN, 0000
JOHN M. YAKUBISIN, 0000
SCOTT Y. YAMAMOTO, 0000
SEUNG C. YANG, 0000
LAGENA K.G. YARBROUGH, 0000
CATHERINE M. YATES, 0000
MEREDITH L. YEAGER, 0000
LAWRENCE J. YENNI, 0000
FREDERICK E. YEO, 0000
DOUGLAS YIM, 0000
MICHAEL R. YOCHELSON, 0000
JI H. YOO, 0000
BARRY K. YOUNG, 0000
MARC T. YOUNG, 0000
PATRICK E. YOUNG, 0000
SCOT A. YOUNGBLOOD, 0000
DAVID A. YOUTT, 0000
HOLLY A. YUDISKY, 0000
DAVID N. YUE, 0000
KATHLEEN L. YUHAS, 0000
STEPHEN S. YUNE, 0000
ROBERT A. ZALEWSKI, 0000
CHRISTOPHER R. ZEGLEY, 0000
CHAD T. ZEHMS, 0000
JEFFREY G. ZELLER, 0000
BRACKEN M.A. ZEPEDA, 0000
TARA J. ZIEBER, 0000
AARON J. ZIELINSKI, 0000
RICHARD L. ZIMMERMANN, 0000
BENJAMIN D. ZITTERE, 0000
GORDON J. ZUBROD, 0000
KIMBERLY A. ZUZELSKI, 0000

QA LIST OF NOMINATIONS RECEIVED

DEPARTMENT OF STATE

PN1596 RICHARD E. HOAGLAND

DEPARTMENT OF STATE

PN1597 CLIFFORD M. SOBEL

IN THE COAST GUARD

PN1598 MAX A. CARUSO, 0000 THROUGH JOSH L. BAUER, 0000
PN1599 MARK MOLAVI, 0000 THROUGH ANDREW G. SCHANNO, 0000

IN THE ARMY

PN1600 PAUL ANTONIOU, 0000 THROUGH PETER J. VARJEEN, 0000
PN1601 RICHARD J. HAYES, JR., 0000 THROUGH MICHAEL N. SELBY, 0000
PN1602 DAVID W. ACUFF, 0000 THROUGH MICHAEL E. YARMAN, 0000
PN1603 MANUEL CASTILLO, 0000 THROUGH ANDREW J. WARGO, 0000
PN1604 TODD S. ALBRIGHT, 0000 THROUGH EYAKO K. WURAPA, 0000

IN THE MARINE CORPS

PN1605 BRENT A. HARRISON, 0000

IN THE NAVY

PN1606 MICHAEL H. JOHNSON, 0000
PN1607 MICHAEL A. HOFFMAN, 0000
PN1608 RICHARD M. BURKE, JR., 0000 THROUGH PETER M. MURPHY, 0000
PN1609 FREDERICK C. DAVIS, 0000 THROUGH ELEANOR J. SMITH, 0000
PN1610 CLAUDE R. SUGGS, 0000
PN1611 MATTHEW C. HELLMAN, 0000 THROUGH DEREK A. TAKARA, 0000
PN1612 ANGELA J. BAKER, 0000 THROUGH HAROLD S. ZALD, 0000
PN1613 LOUIS V. CARIELLO, 0000 THROUGH GREGORY J. ZIELINSKI, 0000
PN1614 GEORGE E. ADAMS, 0000 THROUGH ROBERT T. WILLIAMS, 0000
PN1615 ANTHONY P. BRAZAS, 0000 THROUGH FRANCIS K. VREDENBURGH, JR., 0000
PN1616 COLLETTE J.B. ARMBRUSTER, 0000 THROUGH SUSAN W. WOOLSEY, 0000
PN1617 GREGORY P. BELANGER, 0000 THROUGH BRIAN S. WILSON, 0000
PN1618 DALE P. BARRETTE, 0000 THROUGH SILVA P.D. WESTERBECK, 0000
PN1619 JAMES A. BLUSTEIN, 0000 THROUGH JOSEPH C.K. YANG, 0000
PN1620 ROBERT A. ALONSO, 0000 THROUGH KRISTEN C. ZELLER, 0000

PN1621 VIRGINIA T. BRANTLEY, 0000 THROUGH MARON D. WYLIE, 0000

PN1622 DOUGLAS E. ALEXANDER, 0000 THROUGH JAMES H. SCHROEDER, JR., 0000

PN1623 PAUL I. BURMEISTER, 0000 THROUGH CLYDE C. REYNOLDS, 0000

PN1624 PHILIP P. ALFORD, 0000 THROUGH ROBERT L. YARRISH, 0000

PN1625 MICHAEL S. ARNOLD, 0000 THROUGH EVELYN M. WEBB, 0000

PN1626 GREGORY BRIDGES, 0000 THROUGH WILLIAM M. WHEELER, 0000

PN1627 HONORATO AGUILA, 0000 THROUGH KIMBERLY A. ZUZELSKI, 0000