United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, MONDAY, APRIL 3, 2006 *No. 40*

Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

As we begin another Senate session, most gracious Father, remind us that we never drift out of Your love and care. Faces may change and conditions may alter, but You are always there, just when we need You most. Thank You for protecting us from seen and unseen dangers, for being our refuge and strength.

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

Help each of us to remember that it is more blessed to give than to receive.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

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

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

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

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

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

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

SECURING AMERICA'S BORDERS ACT

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

The assistant legislative clerk read as follows:

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

Pending:

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

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

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

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

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

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

The PRESIDENT pro tempore. Under the previous order, the time until 5:30

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

p.m. shall be equally divided between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am advised that consent has been worked out so that at 5:30 today, the Senate will proceed to a vote in relation to the Bingaman amendment No. 3210, to be followed by a vote in relation to the Alexander amendment No. 3193; provided further that no second degrees be in order to either amendment prior to those votes; and further that there be 2 minutes equally divided for debate prior to each vote.

The PRESIDENT pro tempore. Is that a unanimous consent request? That has not been agreed to.

Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I had yielded to the Democratic leader expecting to have an opportunity to comment before the quorum call was put in order which I was unable to terminate. Now that I have the floor, I would like to report to my colleagues that we had a very productive hearing this morning on issues relating to immigration judicial review. The original draft of the chairman's mark had provided for cases to be consolidated in the Federal circuit. Since there was considerable controversy about that, it was decided that we ought to have a hearing.

We had five judges in today: the chief judge of the Federal circuit, the chief judge of the Second Circuit, a judge from the Ninth Circuit, a former chief judge of the Second Circuit, and a fifth judge from the U.S. District Court for the District of Arizona.

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

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

We heard discussion about the chairman's mark on increasing the number of active judges on the Board of Immigration Appeal so that the full 23 would sit and the provision that they sit in panels so that they write opinions, not just a one-sentence decision, which is now the case and which puts a considerable burden on the courts of appeal. We also discussed the possibility of having greater independence of the immigration judges and the members of the Board of Immigration Appeal. In due course, we will be drafting a revised title and will be submitting that for consideration by the full body.

That is a very brief statement of the hearing that we held today. Again, I urge our colleagues who have amendments—Senator LEAHY joins me in that request—to come to the floor and debate them. We have a big job ahead of us to complete action on this bill before the end of the week.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 20 minutes from my colleague and friend, Senator LEAHY.

Mr. DORGAN. Will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. Yes.

Mr. DORGAN. Mr. President, I ask unanimous consent that I—and I know the time is being divided—be recognized as the next Democratic speaker following Senator KENNEDY's presentation, intermingled with Republican speakers as well.

The PRESIDENT pro tempore. The Senator wishes to follow Senator KENNEDY?

Mr. DORGAN. I wish to follow the next Republican speaker.

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

Mr. KENNEDY. Mr. President, immigration is the story of American history. From the earliest days of our Nation, generation upon generation of immigrants have come to be part of a land that offers freedom and opportunity to those willing to do their part. Immigrants built our great cities. They cultivated our rich farmlands. They built the railroads and highways that bind America from sea to shining sea. They erected houses of worship to practice their faiths. They fought under America's colors in our wars. In fact, 60,000 immigrants are fighting in the U.S. Armed Forces in Iraq and Afghanistan today. Immigrants worked hard so that their children could embrace the ever-widening possibilities in our land. And over the centuries, immigrants came to America from every part of the globe and made the American dream. They created a Nation that is the envy of the world.

That is our history. But it is also our present and our future.

We heard the moving immigration story anew here in the Senate just last week as Senator DOMENICI eloquently described his family's immigrant roots. He told how his parents came from Italy with nothing. His father earned his citizenship through his service in the U.S. Army in the First World War. His mother remained an undocumented immigrant until much later in life. In fact, she was arrested by the immigration authorities many years after coming to America, but she was able to gain legal status, remain in the country and later become a citizen. The Domenicis worked hard, learned English, built a successful grocery business, and their children went on to have successful professional careers. And, as we know, one became a distinguished and respected United States Senator.

Last week, we also heard from Senator MARTINEZ of Florida of his family's flight from Cuba to begin new lives in America. Young MEL MARTINEZ was 15 years old when his family escaped from Cuba to seek a new life of freedom. Like millions before him, his family worked hard, learned English, and earned their success in Florida. And today, MEL MARTINEZ not only was a Cabinet Secretary in the administration but was elected by the people of Florida to serve as their United States Senator.

There are some in the Senate who seem to believe that immigrants are just criminals. In fact, the Frist bill that's before the Senate declares that all undocumented immigrants are criminals. The Frist bill would have declared Senator DOMENICI's mother to be a criminal and the Kyl amendment would disqualify her from earning American citizenship.

The facts tell a different story. Immigrants—including undocumented immigrants—continue to strengthen the fabric of America in thousands of different ways. As David Brooks observed in his column last week in the New York Times, Hispanic Americans and Hispanic immigrants in particular are less likely to divorce. Husbands and wives stay together and raise their children. Even though they may have less money than other Americans, they spend almost twice as much on music for their children, they spend more on gifts and family get-togethers, and they are more likely to support their elderly parents.

The path of progress that we witnessed with the Martinez and Domenici families is familiar even today. By the second generation, most immigrant families have reached the middle class and they pay more than enough taxes to make up for the costs of their parents' generation. By the third generation, 90 percent of the grandchildren of Hispanic immigrants speak English fluently, and 50 percent of them marry non-Hispanics. These patterns of assimilation are identical to those that characterized the children and grandchildren of Southern and Eastern European immigrants who came to the United States 100 years ago, and to the assimilation of German and Irish immigrants who came here 50 years before that.

In many ways, our economy is more dependent on immigration than ever before. The arrival of new and young immigrant workers helps explain why America's economy grows faster than most of the aging European nations. According to the Aspen Institute, immigration will be the only source of growth in the prime age labor force in

America in the next two decades. So America's choice really is between immigration and economic stagnation.

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

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

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

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

That's why Senator MCCAIN and I have proposed a comprehensive, common sense plan to make a real difference.

An effective immigration strategy must have three parts.

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

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

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

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

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

It is clear that we are not going to send them back. Many have American citizen children and even grandchildren, and deporting them would rip families apart. The massive roundup of 11 million people would create havoc in our communities and cost $240 billion. It would require 200,000 buses in a convoy that would stretch from Alaska to San Diego.

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

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

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

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

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

Earned legalization should not be available to criminal aliens and others who would undermine U.S. security, but we must not be fooled by the amendment offered last week by Senators KYL and CORNYN. Our bill already excludes from earned legalization criminal aliens and any immigrant representing a security risk to the United States. The Kyl-Cornyn amendment would also exclude literally millions of undocumented immigrants already living and working in this country because they previously failed to depart following an order to do so. Our analysis of DHS and INS statistics suggests that fully 95 percent of immigrants affected by the Kyl-Cornyn amendment would not be criminal aliens, but rather exactly the hardworking immigrants and families this program is designed to bring out of the shadows.

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

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

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

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

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

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

Taking this realistic step would free up our enforcement efforts to focus not on those who yearn to breathe free—they should be welcomed as guest workers who contribute to America. We should concentrate our enforcement resources on those who would

truly harm us—the criminals, the drug smugglers, and especially the terrorists. That should be the priority for our time, and that is the priority of the McCain-Kennedy legislation.

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

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I believe we are going back and forth, but since there is no one on the other side of the aisle seeking to claim time, let me claim time on our side. I ask unanimous consent to speak for up to 25 minutes against our time.

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

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

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

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

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

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

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

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

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

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

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

Why would you like to do that, I asked?

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

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

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

Well, I am sorry, but if people come here illegally, it is illegal immigration. We have 11 million people here illegally.

In addition, 1.1 million people tried to come across our southern border last year, but were stopped—1.1 million were stopped at our southern border trying to come into this country. In addition to that, somewhere between 400,000 and 700,000 people we estimate came into this country across the southern border illegally last year. Finally, above that number, 175,000 immigrated from Mexico last year legally. That is in addition to the other quotas from the other countries. So the fact is, we have a very significant number who come into this country, and many of them come in illegally.

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

I was here when the previous immigration bill was passed. The presumption was that if you make it illegal for employers to hire illegal aliens then, in that circumstance, they will have to pay a significant fine—the employer will—and they won't be hiring them. If the job is not the magnet to come here, it will shut down immigration at the border. That was all nonsense. It didn't work. I think last year three immigration cases were brought by this administration against employers who hired illegal immigrants. There has been no enforcement at all. So we are going to have discussions and amendments about that portion of the legislation.

Let me talk about the other piece, if I might, and that other piece is a guest worker program attached to this, saying, In addition to all of the other things that will be done in this legislation, including making legal 11 million people who came here illegally or giving them legal status, we have an addition called a guest worker program. The guest worker program is the proposition that 400,000 additional workers will be allowed in. These are people who are now living outside of our country. They will be allowed into our country with a 20-percent escalator per year and, by the way, at the end of 6 the escalator works and they let these folks come in years, if, we will have 4.6 million additional guest workers who have come into this program in the 6-year period—4.6 million.

Why are people saying this is necessary? They are saying it is necessary because Americans won't take these jobs. We can't find Americans who will take these jobs. Well, why do you suppose that might be the case, if it is the case? I dispute that, but let's assume it is the case. One of the reasons is those jobs don't pay enough. Since the big businesses don't want to raise salaries at the bottom, they say the solution to not having to raise salaries is to bring in immigrant workers who will work for less. Let's not worry about the Americans. If we can't find Americans to take the jobs at the minimum wage and, by the way, this Congress has decided for 8 years it will not increase the minimum wage—those folks, the working poor and others who work at the bottom of the economic ladder, have not had an increase in the minimum wage in 8 years. So the U.S. Chamber of Commerce, big business, and others say, What we need to do is to have a separate and additional guest worker program. In addition to the 11 million people, we need to have a guest worker program that could reach 4.6 million people in the next 6 years.

Let me respond to this question of jobs that Americans won't do. This is what the research says. Construction jobs: 86 percent of the workers are American workers and other legal workers. Food preparation: 12 percent are illegal immigrants; 88 percent of the food preparation workers are American workers and other legal workers. Manufacturing: 91 percent American workers. Transport: 93 percent. These are the jobs that corporations and others say Americans won't take and, therefore, they have to bring in immigrant labor, new guest workers, 4.6 million additional people.

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

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

I have spoken at length about the issue of outsourcing of jobs, and I won't do that today, but whether it is Huffy bicycles or Little Red Wagon Radio Flyer, Fig Newton cookies, Fruit of the Loom, or Levis or Tony Lama boots—I could go on forever—these are jobs Americans used to have, good jobs that paid well, almost always jobs with benefits—gone, gone to China for somebody who will earn 33 cents an hour, probably working in Shenzhen, China, 12 to 14 hours a day, 7 days a week, to produce the product and ship it back to Wal-Mart, Kmart, and Sears to be sold to the American public, and then have the same companies run their income through the Cayman Islands to avoid paying taxes. That is interesting but not very good for this country, and exactly the wrong strategy for the long-term economic health of America.

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

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

We are told that the corporate strategy here is that they can't find additional American workers without paying higher wages and they don't want to pay higher wages because they want to keep costs down, so they are going to import additional workers. They are now called guest workers. By the way, these are nonagricultural, these guest workers. This is in addition to H–2A and H–2B workers, agricultural and nonagricultural, who will still exist

under law. I haven't even described the people coming in under those two provisions. Yet we have people saying we must have this additional guest worker program.

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

Let me put up a chart that shows the average wages—perhaps I should show you the New York Times story of March 17, a couple of weeks ago, about a businesswoman in New York. Sister Ping is her nickname. She was sentenced to 35 years for running one of New York City's most lucrative immigrant smuggling rings and for financing the infamous Voyage of Golden Venture, the rusty freighter that ran aground with 300 starving immigrants in its hold. Sister Ping said she would be happier in prison in the United States than free in her rural village in China.

Let me describe what persuades Sister Ping and others to attempt to bring low-wage income earners to this country. A typical unskilled labor wage in Russia is 51 cents an hour. In Nicaragua, 37 cents an hour. In China, 33 cents an hour; in Bangladesh, 33 cents an hour; in India, 11 cents an hour; and in Haiti, 30 cents an hour. We are suggesting that we are short of workers here. We want another 400,000 plus 20 percent every year for 6 years, or 4.7 million additional workers because we don't have enough workers in this country.

What we don't have is enough courage and enough common sense to, first, increase the minimum wage and second, to tell those who are trying to employ immigrant labor at below standard wages, which they have done for years now, that you have to pay a decent wage at the bottom to get people to work, and that includes Americans. That includes our country's workers. If this Congress has some common sense, we don't need guest workers. That is the other side of this immigration debate, the extra guest workers. We don't need them. What we need employers to do is to pay a decent wage. What we need the Congress to do is to increase the minimum wage.

We need to understand that American workers have worth. They want jobs. What is happening to them is good jobs are being exported overseas for these kinds of wages overseas, and then low-income jobs in this country are now going to be filled and have been filled by immigrant labor. So we are importing low-wage workers for jobs here and exporting high-wage, good jobs for jobs there. I am telling you I think that is a strategy to injure this country's economy. It is a strategy to hurt low-income American workers. It has been going on for some while now. But this memorializes it in an immigration bill.

I don't understand at all why this is being seriously proposed. In fact, the President's proposal would have no limit. I talked about the 400,000 plus a 20-percent escalator per year for so-called guest workers who now live outside of our country who will be told to come on in legally. The Congress has a 400,000-person plus a 20-percent escalator which, as I indicated, would relate to about 4.7 million workers over 6 years. But the fact is, the President's proposal has no limit at all; the sky is the limit. I am telling you, this is a U.S. Chamber-big business strategy. It is probably good for them. It allows them to import cheap labor. It probably keeps their costs low. But I will tell you what else it does: It pulls the rug out from American workers in a way that is very unfair.

Having said all of that, it is not my intention to suggest that we don't have to deal with immigration issues. We do. I understand that. It is not my intention to suggest that anybody can round up or should even seriously consider rounding up 11 million people and deporting them. That is not going to happen. I was in the Congress when the Simpson-Mazzoli bill was passed dealing with immigration. It was going to fix immigration. Immigration problems have become much worse.

This proposal, the Simpson-Mazzoli proposal, was described as a proposal that would say that the attraction—the magnet—for immigrants coming into this country is a job. Take away the job, you take away the attraction or the magnet. How do you take away the job? You tell employers in this country, if you hire people who are here illegally, you are going to pay a real price for it. You are going to be slapped with a big fine. You are going to have a big problem.

Guess what—they didn't even get hit with a feather duster. Not a thing. As I said, last year there were three enforcement cases against American businesses that hired illegal labor. I just heard of one the other day in our part of the country. An employer from one of the big cities up near our area hired some illegal immigrants to come in and do a construction project. They were caught. The question was, for the local State's attorney, the question for the attorney general's office and others, is anything going to happen? No, nothing is going to happen. No action is going to be taken. It has been that way for years. The result is that the so-called Simpson-Mazzoli bill meant nothing.

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

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

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

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

The journalist asked him: Did you know President Roosevelt?

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

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

AMENDMENT NO. 3223 TO AMENDMENT NO. 3192

Mr. DORGAN. I am also today going to offer an amendment numbered 3223, which I believe is at the desk. I ask unanimous consent that the pending amendment be set aside.

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

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

(Purpose: To allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20)

At the appropriate place, insert the following:

SEC. ___. TRAVEL TO CANADA.

(a) SHORT TITLE.—This section may be cited as the ''Common Sense Cross-Border Travel and Security Act of 2006''.

(b) TRAVEL TO CANADA WITHOUT PASSPORT.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—

(1) in paragraph (1)—

(A) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary'';

(B) by striking ''This plan'' and inserting the following:

''(B) DAY PASSES.—The plan developed under this paragraph shall include a system that would enable United States citizens to travel to Canada for a 24-hour period without a passport by completing an application for a 'day pass' at any port of entry along the land border between the United States and Canada, and certifying that there was not sufficient time to apply for a passport before the excursion. The traveler shall not be charged a fee to acquire or use the day pass.

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

(2) by adding at the end the following:

''(3) MINORS.—United States citizens who are less than 18 years of age, when accompanied by a parent or guardian, shall not be required to present a passport when returning to the United States from Canada at any port of entry along the land border.''.

(c) LIMIT ON FEES FOR TRAVEL DOCUMENTS.—Notwithstanding any other provision of law or cost recovery requirement established by the Office of Management and Budget, the Secretary and the Secretary of State may not charge a fee in an amount greater than $20 for any passport card or similar document other than a passport that is created to satisfy the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

(d) ACCEPTANCE OF PASSPORT CARDS AND DAY PASSES BY CANADA.—The Secretary of State, in consultation with the Secretary, shall negotiate with the Government of Canada to ensure that passport cards and day passes issued by the Government of the United States for travel to Canada are accepted for such purpose by the Government of Canada.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

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

I would like to take a moment to speak on the amnesties that exist in the immigration bill passed by the Judiciary Committee that is now under discussion on the floor. Some in the Senate like to call it something else—earned adjustment or earned citizenship—to try to distinguish it from what Congress has done in the past. However, I believe that the legislation adopted by the Judiciary Committee is so similar to the 1986 Immigration Reform and Control Act passed by Congress, which everyone agrees is amnesty, that in fairness, what the Senate is being asked to consider today should likewise be called amnesty.

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

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

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

The 1986 SAW Program required that illegal aliens work a certain number of hours in agriculture in order to obtain a temporary legal status. Then 1 to 2 years after obtaining a temporary legal status, those agricultural workers were given permanent residency status. Now, every Senator I have seen come to the floor has called this 1986 SAW program an amnesty, yet many maintain that the current Judiciary Committee proposal is not an amnesty.

However, the current agricultural program in the Judiciary Committee bill is constructed in much the same way: Illegal aliens who worked 150 hours in agriculture in the 2-year period ending on December 31, 2005, can obtain a temporary legal status, here called a blue card. Then by working 100 hours per year in agriculture for 5 years or by working 150 hours per year in agriculture for 3 years, that illegal alien will be given permanent resident status. So the only difference between a program that is unanimously agreed upon to be amnesty and one that is argued not to be is the requirement that

the illegal aliens work in agriculture for 100 to 150 hours per year. The waiting time instead of 1 to 2 years is now 3 or 5, but that is it. The rest is the same.

These illegal aliens are not required to work in any other industry or for any greater amount of time than 100 hours per year or 150 hours per year. Not only that but they do not have to wait in line behind everyone outside the country trying to legally enter the U.S. in order to get their permanent resident status. Not only is this unfair, but it is a repeat of the 1986 approach, which is widely recognized as seriously flawed.

We should not repeat the mistakes we made before. I am not the only one who feels this way. I recently attended a naturalization ceremony in Atlanta, GA, and was moved to see a room full of people from all over the world raise their right hand and take an oath of allegiance to the U.S. It was clearly a proud day for these people and their loved ones. They had gone through the legal process and truly earned their citizenship. I was surprised at the number of new citizens who came up to me after the ceremony and asked me to reject the amnesty the Senate is now being asked to consider. These folks told me they felt it demeans the efforts they made to obey the law and wait in line to become a U.S. citizen. They realize what a valuable accomplishment they made.

The people I saw at that naturalization ceremony truly earned their citizenship. It does not seem fair to me to call the process those newly naturalized citizens followed ''earned citizenship'' and also to call what the Judiciary Committee is asking the Senate to consider ''earned citizenship.'' There is a fundamental difference between the two and that should be recognized in the rhetoric of the Senate.

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

The illegal immigrants had to present evidence that they did at least 90 days of farm work, such as pay stubs or a letter from an employer or even fellow workers. Because it was assumed that many unauthorized farm workers were employed by labor contractors who did not keep accurate records, after a farm worker presented evidence that he had done qualifying farm work, the burden of proof shifted to the Government to disprove the claimed work.

The Government was not prepared for the flood of SAW applicants and had little expertise on typical harvesting seasons. Therefore an applicant who told a story like ''I climbed a ladder to pick strawberries'' had that application denied while those who said ''I picked tomatoes for 92 days'' in an area with a picking season of only 70 days, was able to adjust.

Careful analysis of a sample of SAW applications in California, where most applications were filed, suggests that most applicants had not done the qualifying farmwork, but over 90 percent were nonetheless approved.

The propensity for fraud is not remedied in the Judiciary Committee's bill and compounds bad policy with the ability for unscrupulous actors to take advantage of it.

I think the most important lesson to learn from the 1986 SAW program is that providing illegal immigrants who work on the farms in this country does not benefit the agricultural workforce for long. History shows that the vast majority of illegal workers who gain a legal status leave agriculture within a 5-year period. This means that under the Judiciary Committee's proposed agricultural amnesty, those who questionably performed agricultural work in the past will work at least 100 or 150 hours in agriculture per year for the next 3 to 5 years. But after that, particularly in light of the changes made to the H–2A program, I expect us to be in the same situation in agriculture that we are in today.

It is worth noting that the Immigration Reform and Control Act of 1986 created a Commission on Agricultural Workers—an 11 member bi-partisan panel comprised of growers, union representatives, academics, civil servants, and clergy—and tasked it with examining the impact the amnesty for Special Agricultural Workers had on the domestic farm labor supply, working conditions, and wages.

Six years after the Immigration Reform and Control Act was passed, the Commission found that the same problems in the agricultural industry persist: the living and working conditions of farm workers had not improved; wages remained stagnant; increasing numbers of new illegal aliens are arriving to compete for the same small number of jobs, thus reducing the work hours available to each worker and contributing to lower annual earnings; and virtually all workers who hold seasonal agricultural jobs are unemployed at some point during the year.

I think the experience of the SAW program should serve as a lesson to the Senate as we grapple with how to handle our current illegal population. I believe the amnesty approach endorsed by the Judiciary Committee is far too similar to the SAW Program in 1986 and will likely have the same result. That is why I have introduced an amendment that will take away the amnesty from the agricultural portion of the Judiciary Committee bill.

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative bill clerk proceeded to call the roll.

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

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

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

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

Mr. KENNEDY. I yield myself 12 minutes.

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

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

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

We support comprehensive immigration reform, based on the biblical mandates, our Christian faith and values, and our commitment to civil and human rights.

These are 41 national, local, and individual evangelical leaders and groups. This is reflected also in other religious groups that have supported it, including a number of groups representing

labor, business communities, men and women of faith who are supporting the comprehensive approach.

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

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

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

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

As I have mentioned in an earlier statement, we have a comprehensive approach toward our immigration challenge that we are facing in this country, but there is a very important AgJOBS issue. We had not addressed it in the McCain-Kennedy legislation because it appears to have a separate constituency, but we were able to get that incorporated through the leadership of Senator FEINSTEIN. It strengthened our package.

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

There was enormous tension during a prolonged period of time, and in recent years there has been an accommodation between the two groups. Both of the groups—the farmers and agricultural workers—got together and made a proposal. This obviously has enormous implications. From my point of view, it has enormous implications because of what it will do. It will mean that men and women who work in that extraordinarily challenging and difficult agricultural area, which is backbreaking work, will be treated with the dignity and respect they deserve. And, second, it provides assurance to the farmers of a definite labor supply. Third, it gives the assurance that States such as California, the leading agricultural State, is going to have dependability and reliability in terms of the work force. That is going to mean better service to the consumers of agricultural products all across this country.

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

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

If there were no other reasons for the support for this legislation, that particular provision, the AgJOBS legislation, is overwhelming in its importance and consequence in advancing the cause of justice for agricultural workers and also the assurance to farmers of a dependable and reliable workforce.

It has been stated a number of times by some Members perhaps who are not as familiar with the legislation as they might be, about the kind of protections that exist in the underlying legislation with regard to the guest worker program and how it would work. First of all, there has to be an advertisement in the United States to try and recruit American workers first. There has to be a certification of the effort under penalty of violating the law. They have to advertise to recruit American workers first. It is only after they have been unable to recruit American workers that they will be able to recruit workers, primarily in Mexico, but there is an allocation of workers, depending on the workforce in terms of other countries, and in limited numbers for other countries in Central America. There are even provisions in terms of the Asian nations. Those will be worked out through the embassies and through the department.

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

Instead of having what we have at the present time—an undocumented alien worker recruited by an employer who can say: Look, you will work for me for $1, and if you do not like it I will turn you over to the immigration authority—this individual will be able to have the card and existing protections for wages which will have the corresponding effect. It will mean that all the wages are going to at least be enhanced because we will no longer have the downward drive in wages with the undocumented. And if that individual is feeling exploited in some way or being denied that or lied to, that individual will be able to take that same card and go to another job. That individual has to find that job within a period of time, some 45 days. In other words, we have drafted this legislation to take into account the exploitation which has existed in the past.

Under this particular provision, we will be avoiding that kind of exploitation. Under this provision we will be guaranteeing the protection of wages for that worker and permitting those who are undocumented to be able to acquire a card, as well.

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

Our leader is here, and I will withhold my comments. I yield the floor.

The PRESIDING OFFICER. The Chair notifies the Senator from Massachusetts the time is expired.

The Senator from Nevada.

Mr. REID. Mr. President, what is the parliamentary status of the Senate?

The PRESIDING OFFICER. The time until 5:30 is equally divided. Your side has 36 minutes 19 seconds and the other side has 70 minutes 47 seconds.

At 4 o'clock the Senator from Maryland will be recognized to offer her amendment.

Mr. REID. Last summer, the Governors of Arizona and New Mexico declared states of emergency at their

southern borders. I don't think anyone in this Chamber would disagree there is a crisis on our borders. There are, as indicated by the Governors of the two States of Arizona and New Mexico, an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

In addition to that, we had representatives from hotels, including the MGM/Mirage Corporation, which, by the way, has the largest hotel in the world, the MGM Hotel, with 5,005 rooms in that one facility alone. We also had the bishop of the Catholic Diocese of Las Vegas. They were all there standing with me to confirm their support for realistic immigration reforms, the kinds we are now discussing in the Senate.

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

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

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

The Las Vegas business community has been supportive of our efforts here in Washington to reform our immigration laws. That is an understatement. They depend on the hard work of immigrants in our community to get the work done. In Las Vegas, we have a very low unemployment level. It is estimated that Las Vegas will add almost 50,000 new hotel rooms, requiring 100,000 new workers.

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

As I indicated, in Las Vegas, where we have very low unemployment, we expect to add in the next 5 or 6 years another approximately 50,000 new hotel rooms, requiring 100,000 new workers there alone. Nevada's restaurant industry is expecting an almost 4-percent gain in jobs this year alone.

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

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

It was probably 15, 18 years ago that a book was written by a journalist whom I have the greatest respect for. He has been the editor of US News & World Report. He has had many high-level jobs in the journalism field. But he wrote a book called ''More Like Us.'' This was at the height of the Japanese economy, some saying taking over the world. People were saying then in America, we have to be more like the Japanese if we are going to succeed economically. James Fallows is the man about whom I just spoke who wrote this book. And he said, no, that is not true. We need to be more like us. We need to continue doing what America does best. One of the things America does that is far better than Japan and most any other country is we are a nation of immigrants.

These immigrants, James Fallows has pointed out in this book, come to this Nation in limited numbers, and when they come here, they are striving to achieve.

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

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

For example, UNLV's Center for Business and Economic Research published a report in 2003, concluding that non-native Hispanic immigrants helped drive the Las Vegas economy, generating $15.5 billion in spending, contributing $829 million in State and local taxes and helping to create more than 200,000 jobs.

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3217 TO AMENDMENT NO. 3192

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Ms. MIKULSKI. Mr. President, I call up amendment No. 3217 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] for herself and Mr. WARNER, proposes an amendment numbered 3217.

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

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

The amendment is as follows:

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

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

SEC. 2___. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking ''2006'' and inserting ''2009''.

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

Our amendment is needed.

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

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

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

My amendment provides a helping hand to business by letting them apply for workers they have already trained and know will come back again year after year but return home year after year. It only applies to those who have already successfully participated in the H–2B visa program. They have received a visa and returned home to their families after their employment with a U.S. company.

This is not a new H–2B. It is essentially a 3-year exemption to allow those who have come back in and returned home to come back again, most often to the same employer like employers in my State of Maryland who work in the seafood industry. The H–2B program has kept small and seasonal business doors open when they face seasonal worker shortages that many coastal and resort States have been dealing with over years.

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

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

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

Let me give a couple of examples. One is a business called J. M. Clayton. What they do is a way of life. It was started over 100 years ago. It is now run by the great-grandson of the founder J. M. Clayton. They work the waters of the Chesapeake Bay. They supply crabs, crabmeat, and other seafood to restaurants and markets and wholesalers all over this country. It is the oldest working crab processing plant in the world. By employing 65 H–2B workers, they can retain 30 full-time American workers all year long.

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

This summer I went over to the shore, after we had a successful victory last year giving this legislation a temporary exemption, to meet with the Latino women. When I met with these women, I asked them: Why do you come and what does this program mean to you? They told me that by coming year after year—they know it is hard work—they can provide for their families. They know that when they come in April, they will be here until late September when our crab pots are put away and we pack up for another year. During the summer, they can earn money. They earn more money in one summer here than they can earn in 5 years in Mexico. And the money they take back year after year has enabled them to build a home, often dig wells in their own native village, even pool some of their money to build a community center. They come often as a family and often as a village to say: Are we going to the shore? We know Clayton. We know Phillips. They know where they are going to live. There are buses that take them to church every Sunday. They know where they are going to shop. They have access to translators. And in some places, they are actually being trained by the seafood industry to learn English so they can move up to some other positions.

Then they take this money, anywhere from 15, 20, $30,000—mostly 20—and they go back to primarily Mexico. They go back where their husbands and children have been waiting. It is what often keeps the family going. What they earn will pay to build that school, build those homes, clean up that village and is putting the men to work so the men have jobs, the men have dignity. They are not crossing the border illegally. They are building a life in their village. They want to be Mexican citizens, but they know they are here to help. First it is one sister and then the following sister who come to the Eastern Shore for a few months a year to make money so they can take care of their families and communities back home.

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

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

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

It is a sound amendment. This is why it is strongly bipartisan. I urge at the appropriate time that the Senate adopt it.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Virginia.

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

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

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

Ms. MIKULSKI. My good friend and cosponsor from Virginia is absolutely right. This is a model program. It does not stir up resentment because of three reasons. No. 1, it does protect our borders. No. 2, the local communities are enthusiastic about it because it has kept businesses open on our mutual

eastern shore, the Chesapeake Bay, that have been running for over 100 years. The ladies go back home and then return again under appropriate legal authority.

It is a model program. If all immigration policy worked this well, we wouldn't be in such turbulent times.

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

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

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

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

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

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

We could talk to Senator STEVENS of Alaska. They have a business that harvests salmon roe, and their principal market is to the Japanese. The Japanese have to come in to inspect that roe to see if it can be exported. Nineteen Japanese come in every year under this program and then return home, primarily as inspectors. Because those 19 come, Alaska has a booming industry in exporting salmon roe. That is how this program works. Just a handful of guest workers leverages all this.

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maryland is recognized.

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

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

The senior Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise in very strong support of the amendment offered by my colleague, Senator MIKULSKI, and I commend her once again for undertaking this initiative. In fact, as indicated in the colloquy with Senator WARNER, this amendment is met with general approbation, and I believe it is a tribute to my colleague that she worked out a very skillful legislative solution to a difficult problem.

This is a very measured and sensible solution to a real problem confronting small businesses struggling to find enough employees to operate during seasonal spikes in their workload. Many small businesses in Maryland and, indeed, around the country have seasonal increases in work. They often need a large number of workers for a portion of the year but do not retain these workers throughout the year. Therefore, temporary workers become essential to the vitality of these businesses.

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

As an essential part of this program, the H–2B program, this amendment my colleague offers today would simply extend for 3 years one of the very successful modifications to the H–2B program that was adopted by the Senate by a vote of 94 to 6 a year ago this month. Those modifications left the H–2B framework intact. They provided a fair and equitable means of distributing a scarce number of visas.

It is important—and I wish to underscore this to my colleagues—to note that employers must demonstrate that they have tried and failed to find available, qualified U.S. citizens to fill seasonal jobs before they can file an H–2B application.

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

First, it ensured that summer employers were not disadvantaged by allowing no more than 33,000—or no more than half—of the 66,000 H–2B—visas to be allocated in the first half of the year.

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

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

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Ms. MIKULSKI. I note that Senator ALEXANDER is here.

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

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

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

Ms. MIKULSKI. I wish 3 minutes.

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

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

Ms. MIKULSKI. Mr. President, I wish to add as cosponsors Senators WARNER, GREGG, ALLEN, SARBANES, SUNUNU, THOMAS, STEVENS, REED of Rhode Island, LEVIN, SNOWE, JEFFORDS, THUNE, COLLINS, KENNEDY, and LEAHY.

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

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

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

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

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

Mr. SESSIONS. I thank the Senator.

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

Mr. ALEXANDER. Mr. President, I believe Senator KYL and Senator CORNYN are coming to the Chamber to talk. I believe they have just arrived. I defer to Senator CORNYN and to Senator KYL. We will be voting tonight on an amendment about helping prospective citizens become Americans, those who are legally here. I would like to talk a few minutes about that before 5:30 p.m.

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

Mr. ALEXANDER. Yes.

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

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

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

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

Mr. ALEXANDER. Mr. President, we are happy to yield to the distinguished Senator from Vermont 3 of our minutes so he can make his remarks.

Mr. LEAHY. If the Senator will do that, that will work.

Mr. ALEXANDER. If it is all right with the Senator from Texas.

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

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

The PRESIDING OFFICER. The majority controls 59 minutes.

Mr. CORNYN. I have no objection.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my friends from Tennessee and Texas for their courtesy.

I commend the Senator from Maryland. I enthusiastically—enthusiastically—cosponsor this amendment. It is going to bring relief to employers by easing the shortfall of seasonal workers. I know it is desperately needed in Vermont.

Last May we passed, and the President signed into law, assistance for small and seasonal businesses by enacting a special exemption. The amendment passed last May, offered by Senator MIKULSKI, cosponsored by myself, Senator JEFFORDS, and others, created an exemption to the cap for seasonal workers.

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

Senator MIKULSKI's amendment will simply extend the sunset date and give businesses in Vermont, Maryland, and other States the resources they need to compete and succeed. We need this relief in Vermont. The broad range of bipartisan support for this amendment shows how badly it is needed.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

The PRESIDING OFFICER. The Senator is correct.

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

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

The Senator from Texas.

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

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

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

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

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

For example, section 602 of the bill states that illegal aliens must comply with the employment requirements. Yet there are no specific requirements for them to meet. Future temporary workers must be continuously employed, but no such requirement exists for illegal aliens. The alien could potentially be employed for one day and still end up qualifying for a green card and then put on a path to citizenship.

I urge my colleagues to look very carefully at this bill and to study it because here we found at least two examples of where the bill does not meet the description offered by its proponents; and, No. 2, that those who say that what this bill does for those who are currently here in violation of our immigration laws is not an amnesty, we find that it bears remarkable resemblance to what everyone acknowledged to be an amnesty in 1986 and what everyone pretty much universally acknowledges was a complete and total failure.

Illegal immigration has had a dramatic effect on many aspects of our society. It affects our schools, hospitals, and prisons. Dr. Donald Huddle, a Rice University economics professor, published a systematic analysis of those costs as of 1996 and concluded the estimated net cost to the American taxpayer was about $20 billion each year.

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

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

As I said then, and I will say again now, I support comprehensive immigration reform and I believe our national security requires us to know who is in our country and what their intentions are once here. But I fear that a critical distinction in the debate is being glossed over, and that is whether work visas should be truly temporary or whether we should allow all migrant workers to remain here permanently.

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

More than 23 million immigrants have been issued green cards since 1973, an average of about three-quarters of a million new green card holders each year. But there is also a role for temporary workers in addition to those people who want to immigrate here permanently. I feel strongly that we ought to distinguish between legal immigration, illegal immigration, and we ought to distinguish between people who want to come here temporarily and work but not give up their identity or their citizenship with their country of origin and those who want to be Americans.

For those who are permanently going to be immigrating to the United States, I sincerely want all of them to become Americans, and I joined in cosponsoring the amendment with the

Senator from Tennessee to help them do that, so they can be assimilated, they can learn English, they can gain access to the kind of education that will allow them to become not only legal immigrants, but to become permanently assimilated into our society and productive citizens. I think we owe that to them and we owe that to ourselves.

But there is also a role for those who want to come here for a time and work and then return to their country of origin, people who have no intention of giving up their ties with their country or their culture or their family but who want to come and work for a time and then return with the savings and skills they acquired working in the United States.

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

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

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

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

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

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

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

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

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

He wrote that, prior to 1986:

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

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

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

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

Finally, our country is enjoying a strong period of economic growth. The economy created almost a quarter of a million jobs in February and has created 2.1 million jobs over the past 12 months—almost 5 million new jobs since August 2003. The unemployment rate is 4.8 percent, lower than the average of the 1970s, the 1980s, and the 1990s. We may not always enjoy a strong economy, and a true temporary worker program allows our visa policy to adapt to the peaks and valleys of our economic needs.

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

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

My point is our colleagues and those in the news media and the American people listening should listen carefully to not only what people call their different sort of worker programs or visas but actually how they function, and insist that if colleagues are going to call a guest worker program a temporary worker program, that it is, in fact, temporary; and that if it is a guest program, that it not be someone who is going to permanently move in with us. Guests, in fact, ultimately are supposed to return and not stay.

I realize time is short for this portion of the debate, but I did want to make those points. I know there are other colleagues on the floor who wish to speak, and I will return and make additional comments on other aspects of this bill at a later time.

I yield the floor.

Mr. ALEXANDER. Mr. President, the Senator from Arizona, who has the next 15 minutes, has generously agreed to allow the Senator from Alabama to have up to 3 minutes. I ask unanimous consent that the agreement be modified so the Senator from Alabama has 3 minutes, Senator KYL has 15 minutes, and then I have 15 minutes after Senator KYL.

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

Mr. SESSIONS. Mr. President, we had a very fine hearing this morning. I think five Federal judges, and the Department of Justice represented, and a professor, to deal with a problem in our immigration system. Senator CORNYN has rightly said a bill is a bill is a bill, but what does it say? In Chairman SPECTER's mark, he dealt with a crisis in appeals in immigration. During the course of our committee markup, an amendment was offered that said that wasn't good and whatever, and we struck that reform. So the bill that would be the Judiciary markup bill on the floor does not have any action whatsoever to deal with this problem.

Since 2001, we have had a 601-percent increase in appeals, Bureau of Appeals, immigration appeals cases. Six times they have increased since the year 2000.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

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

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

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

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

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

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

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

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

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

Our program is designed to be flexible enough to issue permits when you need the workers and not to issue the visas when you don't need the workers.

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

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

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

In any event, under the Cornyn-Kyl bill you are allowed to stay in the country up to 5 years. You can return to your home country at any time and start participating in the temporary worker program. If you stay here for the full 5 years, you also have to be working. But, if you want to go home, for example, to Mexico and get a laser visa, which is what would be required, that is a matter of days, less than a week. If you have a job with an American employer, you take with you a certificate of employment. So you leave the United States, you go to a consular office in Mexico, obtain your laser visa, and then present that at the border to come back into the United States and resume your work. The whole thing should take no more than a week, probably less than that.

There are those who say: Why would people voluntarily participate in this program? I think it is fairly evident. We provide incentives for people to participate in it. The sooner you leave the United States and get your laser visa so that you can come in and work temporarily, the longer you could work in the temporary work program. We provide visas for up 2 years at a time. You can have a total of 6 years' worth of temporary work in the United States. So the sooner you start that process, obviously, the sooner you can start working under the temporary worker program.

What is hard about that? In addition, you would be able to take with you, after you have finished your temporary worker status, the money that has accumulated in a savings account that is paid through a system which is parallel to the Social Security system today. You pay into the system, it is like your own personal account, and you take that money with you when you voluntarily depart the United States when your temporary visa expires—or before that if you want to. So there are incentives for people to comply with the law.

Finally, there is this question of why people would report to be deported? I make it crystal clear that in our bill there is no deportation. I don't know what legislation they are talking about. I am not even sure there is any such thing in the House bill. In any event, the Cornyn-Kyl bill has no provision for deportation. It doesn't require people to report to be deported—nothing of the kind. It is the same kind of check-in that is present in all the other bills. You check in, you get your temporary document that enables you to stay in the country, and, again, it is for up to 5 years.

There is a Pew Hispanic research poll of Mexican immigrants here, who are illegal, who say that if they had an opportunity to continue to work here for up to 5 years—71 percent say they would then be willing to return home.

I think it is a myth to say that someone who came here simply to work and earn money for their family, let's say from Mexico or El Salvador or whatever country you want to make it, that they would be unwilling to return home under the relatively generous provisions that we have established in our legislation.

There are disincentives to stay beyond the time and there are incentives to leave within that period of time. You are entitled to become a temporary worker and, therefore, it seems to me, we are ascribing a pretty bad motive to people who would not voluntarily return to their home. In fact, to the extent that people say these are hard-working folks who just came here to work and make money, I am willing to accept that and therefore I think you don't all of a sudden change your mind after you get here and say: But I am not leaving no matter what you make the law to be.

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

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

Might I inquire, under the unanimous consent agreement there is 15 minutes for my time. How much time do I have?

The PRESIDING OFFICER. The Senator from Arizona has 1 minute remaining.

Mr. KYL. Then I will be happy to summarize. The bottom line is we are going to have the opportunity to vote on several different alternative proposals. The Cornyn-Kyl proposal is one we will be able to vote for. I believe it provides a reasonable alternative to the proposal on the floor. It treats people humanely and fairly but doesn't provide that people stay here permanently when there is no job for them, and certainly in our history we know there have been times when our economy is not as good as it is now, and there will not be a job for everyone.

Temporary work status, treating people humanely and fairly, providing for enforcement at the workplace, and, importantly, enforcement at the border, we think that is a good proposition. I hope when the time comes for us to consider our alternatives, my colleagues will give that a good opportunity, will discuss it thoroughly, and agree it is a good alternative to be discussing.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the agreement be modified to permit the Senator from Alaska to speak for 3 minutes before my 15 minutes.

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

The Senator from Alaska.

AMENDMENT NO. 3217 TO AMENDMENT NO. 3192

Mr. STEVENS. Mr. President, I join Senator MIKULSKI in cosponsoring her amendment because it is of great importance to the State of Alaska.

Seasonal workers are vital to our Nation's economy. Without the services

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

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

Prior to the act's adoption, the H–2B visa cap was often met during the winter months, well before the summer season, resulting in a lack of available visas for much needed summer workers in the seafood and hospitality industry.

Alaska's salmon industry is especially vulnerable when there are not enough temporary seasonal visas for the summer months.

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

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

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

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

AMENDMENT NO. 3193, AS MODIFIED, TO AMENDMENT NO. 3192

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

The PRESIDING OFFICER. The amendment is now pending.

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

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

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

At the appropriate place, insert the following:

SECTION 644. STRENGTHENING AMERICAN CITIZENSHIP.

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

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

(c) ENGLISH FLUENCY.—

(1) EDUCATION GRANTS.—

(A) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this paragraph as the ''Chief'') shall establish a grant program to provide grants in an amount not to exceed $500 to assist legal residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(B) USE OF FUNDS.—Grant funds awarded under this paragraph shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the legal resident is enrolled.

(C) APPLICATION.—A legal resident desiring a grant under this paragraph shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(D) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(E) NOTICE.—The Secretary, upon relevant registration of a legal resident with the Department, shall notify such legal resident of the availability of grants under this paragraph for legal residents who declare an intent to apply for United States citizenship.

(F) DEFINITION.—For purposes of this subsection only, the term ''legal resident'' means a lawful permanent resident or a lawfully admitted alien who, in order to adjust status to that of a lawful permanent resident, must demonstrate a knowledge of the English language or satisfactory pursuit of a course of study to aquire such knowledge of the English langage.

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

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

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

(A) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

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

(d) AMERICAN CITIZENSHIP GRANT PROGRAM.—

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

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

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

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

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

(2) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, if the foundation is established under subsection (e), for grants under this subsection.

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

(e) FUNDING FOR THE OFFICE OF CITIZENSHIP.—

(1) AUTHORIZATION.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this subsection as the ''Foundation''), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship.

(2) DEDICATED FUNDING.—

(A) IN GENERAL.—Not less than 1.5 percent of the funds made available to the Bureau of Citizenship and Immigration Services from fees shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

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

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

(B) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by the Bureau of Citizenship and Immigration Services.

(3) GIFTS.—

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

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

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the functions described in paragraph (2)(A).

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

(g) REPORTING REQUIREMENT.—

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

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

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

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

(i) the English language; and

(ii) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an

attachment to the principles of the Constitution of the United States; and

(C) information about the number of legal residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this section.

(h) OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.—

(1) REVISION OF OATH.—Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a), by striking ''under section 310(b) an oath'' and all that follows through ''personal moral code.'' and inserting ''under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e).''; and

(B) by adding at the end the following:

''(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

''(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

''(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

''(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

''(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

''(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

''(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

''(4) As used in this subsection, the term 'religious training and belief'—

''(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

''(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

''(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.''.

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

(3) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(A) renounced allegiance to that foreign country; and

(B) sworn allegiance to the United States.

(4) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 6 months after the date of enactment of this Act.

(i) ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.—

(1) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(A) have made an outstanding contribution to the United States; and

(B) were naturalized during the 10-year period ending on the date of such recognition.

(2) PRESENTATION AUTHORIZED.—

(A) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in paragraph (1).

(B) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this subsection in any calendar year.

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

(4) NATIONAL MEDALS.—The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(j) NATURALIZATION CEREMONIES.—

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

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

(3) REPORTING REQUIREMENT.—The Secretary shall submit an annual report to Congress that includes—

(A) the content of the strategy developed under this subsection; and

(B) the progress made towards the implementation of such strategy.

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

I know border security is extremely important. We are starting with that because the principle of the rule of law is at stake. I know it is extremely important for us to create a temporary legal status, as has been discussed this afternoon by Senators CORNYN and KYL and SESSIONS, for students we welcome here to study and workers we welcome here to work. We are going to be talking today and this week about that.

But I submit the most important thing we will be discussing this week, and the most important part of any story on immigration, has to do with a different principle, and that is the three words right up here above the Presiding Officer's chair, ''E Pluribus Unum,'' one from many, the motto of our country, the greatest achievement of the United States of America.

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

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

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

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

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

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

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

We have some very outdated and nonsensical provisions in our immigration

laws. If Werner von Braun showed up wanting to come to a university today, or a Werner von Braun of this generation, he would have to swear he was going to go home. We wouldn't want him to go home. We want the brightest people here in our universities and in our research institutes so they can help us create better jobs and a higher standard of living here. Otherwise, those jobs go to India, to China, and other parts of the world.

We have many principles at stake. Here is exactly what the amendment does we will be voting on this afternoon after Senator BINGAMAN's amendment. First, it would help legal immigrants who are embarked on a path toward citizenship to learn our common language—English—our history, and our way of Government by these provisions.

One, providing them with a $500 grant for an English course. There are a great many people here who want to learn English. I think it is a myth that those people who come to this country don't want to learn English. For older people who come here, it is harder. But in 2004, 1.142 million individuals participated in English literacy programs designed to help improve English language for immigrants. Seventy-one percent of those participants are Hispanics. Twenty-eight percent of all English literacy adult education programs reported having waiting lists. Thirty-five percent of those reported lists of 50 or more people on the waiting lists. We have a lot of people here who want to learn our common language, and we should want them to learn our common language. It is important to unite us as a country to do that.

Second, we would allow those who become fluent in English—not just basic in English but fluent and proficient in English—to apply for citizenship 1 year early; that is, after 4 years instead of 5. That is a major change. In order to become a citizen, one must be here 5 years under the present rules. One should have good character and pass a test about our Constitution and principles. None of that changes. Today, one must learn English—a basic level of understanding.

In addition to helping people learn English with grants which may be used in any accredited educational institution, why not give those who become proficient in English the incentive of becoming a citizen in 4 years? That is what this amendment would do. It would provide grants to organizations to offer courses in American history and civics so that new citizens could learn the principles that unite us as a country. It authorizes a new foundation to assist in these efforts. This is an area ripe for public-private opportunity. I think there are a great many people—many of whom may be immigrants themselves—who would want to contribute to a new foundation that would help new citizens learn more about our country.

We codify the oath of allegiance which new citizens swear when they are naturalized. This is a remarkable law. One-half million to a million new Americans this year will take the oath. They renounce where they come from, and they pledge allegiance to where they are coming. Of course, we are all proud of where we came from, but we are prouder still to be Americans. This provision puts this into law. It is essentially the same oath George Washington himself took in 1778 at Valley Forge and administered to his own officers. It is the same oath that millions upon millions of new citizens of this country have taken for 200 years. This would dignify it and make it a part of our law.

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

I have been to many of those ceremonies. There is not a more moving experience anywhere in America—and these events happen virtually every day in some Federal courthouse, where 30, 45, or 70 prospective citizens will arrive in the courthouse. The judge will say something about our country and what this means, and then these men and women from all across the country, neatly dressed, many of them with tears in their eyes, raise their hands, having been here 5 years, shown good character, learned English, and passed the test about our Constitution and they renounce allegiance to where they have come from and they pledge allegiance to this country. Those ceremonies will be highlighted.

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

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

I see the Senator from New Mexico on the floor. He and I have heard it often said that of the 100 Americans who have won the Nobel Prize in physics, 60 are immigrants or the children of immigrants. Each of us knows of such a list, and for the President to be able to identify up to 10 such immigrants who have made great contributions to our country and to recognize them every year will make a difference.

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from New Mexico.

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

The PRESIDING OFFICER. It is appropriate at this time.

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

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so modified.

The amendment (No. 3210), as modified, is as follows:

At the appropriate place, insert the following:

TITLE ____—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. _01. SHORT TITLE.

This title may be cited as the ''Border Law Enforcement Relief Act of 2006''

SEC. __02. FINDINGS.

Congress finds the following:

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

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

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

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

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

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

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

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

SEC. __03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

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

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

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

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

(c) APPLICATION.—

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

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

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

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

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

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

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

(i) Canada; or

(ii) Mexico; or

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

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

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

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

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

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

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. __04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

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

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

We see the situation in my State of New Mexico all the time—and have for many years—where local law enforcement agencies very much need assistance in combating border-related criminal activity. That is the smuggling of drugs into the country, the stealing of automobiles, a variety of criminal activity that occurs by virtue of the Federal Government's inability to properly secure our international borders. This is a responsibility that should not be dumped on local law enforcement.

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

The PRESIDING OFFICER. All time has expired.

AMENDMENT NO. 3210, AS MODIFIED

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

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

I call up amendment No. 3210, as modified.

The PRESIDING OFFICER. The amendment is pending.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

The Judiciary Committee sent a bill approved by a bipartisan vote of 12–6 to the Senate. It is a bill that is strong on enforcement. It is stronger than the bill introduced by the senior Senator from Tennessee, who started from the same place as the committee bill but did not include some of the enforcement measures added by amendment during Committee consideration and neglected some of the bipartisan improvements that we made. For example, the Frist bill does not include a provision added by the Committee at the urging of Senator FEINSTEIN to make tunneling under our borders a federal crime. The committee bill adds new criminal penalties for evading immigration officers and the committee bill includes a Feinstein amendment to add 12,000 new border patrol agents, at 2,400 each year for the next 5 years.

The committee bill is enforcement ''plus.'' It starts with strong enforcement provisions and border security to be sure, but it is also comprehensive and balanced. It confronts the problem of 12 million undocumented immigrants who live in the shadows. It values work. It respects human dignity. It includes guest worker provisions supported by business and labor. It includes a way to pay fines and earn citizenship that has the support of religious and leading Hispanic organizations.

I continue to work with Chairman SPECTER in a bipartisan way to enact the committee bill. Our bill provides a realistic and reasonable system for immigration. Our bill protects America's borders, strengthens enforcement and remains true to American values.

The committee bill wisely dropped controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling and other basic services that help undocumented aliens to possible prosecution under felony alien smuggling provisions of the criminal law. I thank so many in the relief and religious communities for speaking out on this matter. Those criminal provisions should be focused on the smugglers, and under the committee bill, that is what we did.

The Committee also voted down a measure that would have criminalized mere presence in an undocumented status in the United States. Illegal status is currently a civil offense with very serious consequences, including deportation, but criminalizing that status was punitive and wrong. It would have led to further harsh consequences and trapped people in permanent underclass status. These criminalization measures, which were included in the House-passed bill supported by congressional Republicans and are reflected in the Frist bill, have understandable sparked nationwide protests. They are viewed by many as anti-immigrant and inconsistent with American values and history. The committee bill, while tough on enforcement and on the smugglers, is smarter and fairer.

The Bingaman amendment adds to our product. It is a constructive amendment. I hope that it will be supported by all Senators, whether Republican, Democratic or Independent. Border law enforcement agencies deserve our support as they are confronted with border-related criminal activity. I thank the Senator for including both the northern and southern borders in his concerns and within the coverage of his amendment.

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

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

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

The PRESIDING OFFICER. All time has expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 84 Leg.]

YEAS—84

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	Martinez
Baucus	Durbin	McConnell
Bayh	Ensign	Menendez
Bennett	Enzi	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (NE)
Brownback	Grassley	Obama
Burns	Hagel	Pryor
Burr	Harkin	Reed
Byrd	Hatch	Reid
Cantwell	Hutchison	Roberts
Carper	Inouye	Sarbanes
Chafee	Isakson	Schumer
Chambliss	Jeffords	Sessions
Cochran	Johnson	Shelby
Coleman	Kennedy	Smith
Collins	Kerry	Snowe
Conrad	Kohl	Specter
Cornyn	Kyl	Stabenow
Craig	Landrieu	Stevens
Crapo	Lautenberg	Sununu
Dayton	Leahy	Talent
DeMint	Levin	Thune
DeWine	Lieberman	Warner

NAYS—6

Bunning	Gregg	Thomas
Coburn	Inhofe	Vitter

NOT VOTING—10

Biden	Nelson (FL)	Voinovich
Clinton	Rockefeller	Wyden
Graham	Salazar	
McCain	Santorum	

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3193, AS MODIFIED

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the last vote was more than 26 minutes. This is the first vote of the week. I say again, we are going to hold the votes to 15 and 5.

We are now prepared to move ahead to Senator ALEXANDER's amendment.

The PRESIDING OFFICER. The Senator is correct.

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

Mr. ALEXANDER. Mr. President, this is an amendment about the motto above the Presiding Officer's desk. It helps legal immigrants who are embarked on a path toward citizenship to learn our common language, English, to learn our history and our way of government, by providing them with grants. It allows legal residents to earn their citizenship in 4 years instead of 5 if they become fluent in English. It provides grants to organizations to offer courses in American history and civics, sets up a foundation to assist with that, codifies the oath of allegiance that immigrants take and dignifies the ceremonies in which immigrants become American citizens, and establishes an award to recognize the contributions of outstanding new American citizens.

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

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

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

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

I yield back the remainder of the 2 minutes.

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

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 85 Leg.]

YEAS—91

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	Martinez
Baucus	Durbin	McConnell
Bayh	Ensign	Menendez
Bennett	Enzi	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (NE)
Brownback	Graham	Obama
Bunning	Grassley	Pryor
Burns	Gregg	Reed
Burr	Hagel	Reid
Byrd	Harkin	Roberts
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Isakson	Smith
Coburn	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Craig	Landrieu	Thune
Crapo	Lautenberg	Vitter
Dayton	Leahy	Warner
DeMint	Levin	
DeWine	Lieberman	

NAYS—1

Thomas

NOT VOTING—8

Biden	Rockefeller	Voinovich
McCain	Salazar	Wyden
Nelson (FL)	Santorum	

The amendment (No. 3193), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

The bill the Judiciary Committee has passed would clearly strengthen enforcement. I will repeat that, because those arguing against the Judiciary Committee bill contrast that bill with a strong enforcement bill. The bill the Judiciary Committee passed clearly strengthens enforcement. To begin with, the agencies charged with border

security would receive new technology, new facilities, and more people to stop, process, and deport illegal immigrants.

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

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

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

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

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

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

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

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

I don't know many police officers across the country who would go along with the bill that came out of the House, a bill that would, if enacted, charge undocumented immigrants with felonies, and arrest priests who are providing meals to hungry immigrants, or people who are running shelters for women who have been subject to domestic abuse. I cannot imagine that we would be serious about making illegal immigrants into felons, and going after those who would aid such persons.

That approach is not serious. That is symbolism, that is demagoguery. It is important that if we are going to deal with this problem, we deal with it in a practical, commonsense way. If temporary legal status is granted but the policy says these immigrants are never good enough to become Americans, then the policy that makes little sense.

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

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

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

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

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

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

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

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

Let me make a couple of points about this issue.

There are two aspects, I guess one can say. One aspect is what to do about those people who are here illegally and how should they be treated, which ones should be allowed to stay and which ones should not be allowed to stay and under what conditions.

Those are all very important matters for us to discuss in some depth and, frankly, we have not done that, not in any effective way. We passed that portion of the immigration bill last Monday after about 3 hours of debate, at 6 o'clock, and the bill was on the floor the next day or Wednesday, and what we actually passed out of committee was printed Wednesday night. So there was very little serious discussion about the bill.

It is a tremendous problem. We are dealing with 1.1 million people entering

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

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

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

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

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

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

We are going to have to have jails and we are going to have to have increased Border Patrol agents and we are going to have to have increased barriers. This is so simple as to be without dispute, it seems to me. Good fences make good neighbors. Good fences make good neighbors, they say. When you have large numbers of people, in the millions, coming across—many of them coming across a specific area—a fence can make a huge difference. It made a huge difference in San Diego. I don't think anybody has breached that fence. Both sides of the fence now are growing and prospering terrifically. The property values have gone up, crime and violence and smuggling have all gone down, and it is so much better there. Nobody would want to take that fence down.

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

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

The opposition to that indicates to me—and the nature of it and the kind of resistance and pushback we are getting for that—indicates to me that there are a large number of people who say they want law enforcement in America but really don't. They don't have the will to see this thing through and make sure the system works.

Finally, let me tell you, it is very easy indeed for this Nation to get control of the workplace. This can be done and can be done very easily. American corporations obey the law, in general. There are some who don't, but most of them obey the law. What they have been told is they can't ask for people's identification today, they can't ask to find out whether they are legal or illegal, or they will be sued for some sort of civil rights violation, and they quit doing it. In fact, they are not required to do it, apparently, because they have never been punished for that.

In 2004, we had only four companies that were assessed a fine for hiring illegal workers in this country. Only four. Isn't that amazing? It indicates that there has been zero enforcement, zero will to make sure there is a lawful process occurring at the workplace.

What we need is clear language in our legislation and a clear commitment by this administration and the Department of Justice to take the law that we pass that clarifies all of this confusion that is out there and make sure there is a clear message to our businesses and, if they violate the law, to prosecute them or fine them. That can be done, and as soon as it starts being done, other businesses will clean up their act. They will not do it. You are not going to have to prosecute every company that is today hiring illegal workers because as soon as they know that it is not acceptable, that they will be prosecuted for it and fined for it, they will quit. That matter can be ended.

T.J. Bonner, the head of the Border Patrol employees group, says you need two things to make this system work, and he believes it absolutely can work. One is increased enforcement at the border, and two is to eliminate what he called the ''magnet of the job.'' It is the job magnet that draws people across the border. Both of those can be eliminated very easily.

So what do we have in our bill, the bill that is on the floor today? We have legislation that will place each one of the 11 million people here, virtually every one of them, on a direct path to citizenship. They say: Well, it is not automatic; they have to earn their way. They are supposed to work. How many hours? Well, 150 days. How much work do you have to do each day? Well, 1 hour. So you work 150 hours a year, and that qualifies you as a working person. But either way, that is what people come here for, to work. So what kind of earning is that? That is the benefit. That is why people come. That is the magnet.

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

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

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

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

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

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

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

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

By the way, I would note that in 1986, they estimated this would be 1 million to 1.5 million people claiming amnesty. When they opened it up and let people qualify, 3 million qualified, twice the number that was expected.

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

I would say to my colleagues, we do not need to move forward with this legislation. A few tinkering amendments is not going to do the trick. What we need to do is decide what we are going to do about the people who are here, how we are going to handle them in a fair and just way that is consistent with our law. Second, we need to assure the American people in a confident and effective way that our borders will be fixed; we will have the computers, the aerial vehicles, the fencing, the barriers, the ability to deport people who do not live on our borders—so-called ''other than Mexicans,'' OTMs—to China and Brazil and Ecuador and Haiti and El Salvador, that we are going to deal with those criminal gangs which are here.

Once we can do that with confidence, I think maybe we can reach an agreement and accord. It is within our grasp to do so. But I have not sensed the will to see it done.

We hear a lot of talk. I urge my colleagues, my citizens, to listen to the remarks that are made on the floor by those who want to justify how we have allowed this system to get out of control. Listen carefully to their promises to fix it. If you examine them carefully, I think you will find that they are not substantial enough and we are going to end up, again, as we did in 1986, getting the legalization without getting the enforcement.

I hope a lot of talk will continue in the days ahead. We will have a lot of debate on amendments on the floor, and as we move forward, I hope we get to the point where a bill could be passed such that we could go home to our constituents and with integrity say we have done something worthwhile—we have improved the situation.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

ZACARIAS MOUSSAOUI

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

Although none of us gets any satisfaction from the Moussaoui ordeal, I

believe the jury delivered the just and appropriate verdict and I thank them for their service to their country.

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

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

TENNESSEE STORMS

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

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

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

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

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

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

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

U.S. SENATE,
WASHINGTON, DC, APRIL 3, 2006.

THE PRESIDENT,
The White House,
Washington, DC.

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

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

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

Sincerely,

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

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

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

WESTERN HEMISPHERE TRAVEL INITIATIVE

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

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

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

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

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

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

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

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

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

Each year, a large number of people travel to Alaska from the lower 48 on the Alaska-Canada Highway, also known as the Al-Can. Each summer, we routinely see large numbers of RV's on the road with license plates from New York, Pennsylvania, Florida, California, everywhere. They are now going

to need this card or a passport to get to another State. I worry about how that will affect our tourism, as well as the opportunity for Americans to visit one of the most beautiful places in this country.

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

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

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

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

ADDITIONAL STATEMENTS

RECOGNIZING THE RETAIL MERCHANTS ASSOCIATION OF GREATER RICHMOND

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

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

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

TRIBUTE TO PROFESSOR KEON CHI

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

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

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

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

CENTRAL HIGH SCHOOL, NORWOOD YOUNG AMERICA, MINNESOTA

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

Central High School is truly a model of educational success. The school earned its Award for Excellence in Education for its interdisciplinary Holocaust Unit, which is required of all seniors for graduation.

The Holocaust Unit has been a hallmark of Central High School for over 10 years. Mr. Mark Lagergren, a social studies teacher at Central, developed the unit and has coordinated with several English teachers to teach it to all students.

Guest speakers, including Holocaust survivors, are invited to talk with the students; students are assigned to read and discuss several pertinent books; and students are required to produce a final, senior Holocaust project.

Ms. Kelly Street, an English teacher at Central High School and a Central High graduate, shared with me the impact the unit has had on her life, saying, ''Before Mr. L's class we had heard references to the Holocaust, concentration camps and Hitler, but after his class we were mini-experts on the subject. I remember Mr. Lagergren's lectures and how powerful they were; I could actually feel his passion for such a harrowing part of history. How can any human being not feel something after seeing pictures and watching videos on the era, and then have those pictures and videos followed by the passionate clarification of a teacher who has dedicated his career to the study of the Holocaust? It was a blessing to be a part of it.''

Ms. Street was very appreciative of survivors' personal accounts, and she credits Mr. Lagergren for having brought these survivors to share their profoundly personal stories.

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

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

CENTURY ELEMENTARY SCHOOL, PARK RAPIDS, MINNESOTA

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

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

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

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

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

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

Much of the credit for Century Elementary School's success belongs to its

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

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

WATERTOWN-MAYER HIGH SCHOOL, WATERTOWN, MINNESOTA

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

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

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

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

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

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

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

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

GRAND RAPIDS HIGH SCHOOL, GRAND RAPIDS, MINNESOTA

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

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

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

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

The personalization of environment is designed to ensure that every student feels welcome, safe, and cared for. The school's BRAVE Team, Building Respect and Valuing Everyone, of students and staff take action to create an atmosphere of respect with the purpose of helping reduce stress caused by differences in levels of achievement.

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

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

CHURCHILL ELEMENTARY SCHOOL, CLOQUET, MINNESOTA

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

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

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

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

The success of these initiatives is reflected in the reading test scores at Churchill Elementary. Last year, Churchill Elementary received four out of five possible stars from the Minnesota Department of Education for both reading and mathematics. Fewer

than 20 percent of all schools in the State have rated so well in reading and math.

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

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

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–6232. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Fiscal Year 2005 Defense Environmental Programs report; to the Committee on Armed Services.

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

EC–6234. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of 16 officers to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6235. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Daniel James III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6236. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Component Breakout'' (DFARS Case 2003–D071) received on March 28, 2006; to the Committee on Armed Services.

EC–6237. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Acquisition of Ball and Roller Bearings'' (DFARS Case 2003–D021) received on March 28, 2006; to the Committee on Armed Services.

EC–6238. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Competition Requirements for Federal Supply Schedules and Multiple Award Contracts'' (DFARS Case 2004–D009) received on March 28, 2006; to the Committee on Armed Services.

EC–6239. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Consolidation of Contract Requirements'' (DFARS Case 2003–D109) received on March 28, 2006; to the Committee on Armed Services.

EC–6240. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contractor Performance of Acquisition Functions Closely Associated with Inherently Governmental Functions'' (DFARS Case 2004–D021) received on March 28, 2006; to the Committee on Armed Services.

EC–6241. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Approval of Service Contracts and Task and Delivery Orders'' (DFARS Case 2002–D024) received on March 28, 2006; to the Committee on Armed Services.

EC–6242. A communication from the Secretary of Agriculture, transmitting, the report of proposed legislation to amend and repeal certain portions of law governing the Commodity Credit Corporation (CCC) Export Credit Guarantee Programs, including the Supplier Credit Guarantee Program (SCGP); to the Committee on Agriculture, Nutrition, and Forestry.

EC–6243. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenhexamid; Pesticide Tolerance'' (FRL No 7769–6) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6244. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpropimorph; Pesticide Tolerance'' (FRL No 7761–3) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6245. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trifloxystrobin; Pesticide Tolerance'' (FRL No 7759–9) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6246. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flonicamid; Pesticide Tolerance'' (FRL No 7769–1) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6247. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, proposed legislation relating to the statute of limitations for espionage offenses; to the Committee on the Judiciary.

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

EC–6249. A communication from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Records Management; Electronic Mail; Electronic Records; Disposition of Records'' (RIN3095–AB39) received on March 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6250. A communication from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Declassification of National Security Information'' (RIN3095–AB38) received on March 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6251. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended'' (RIN1400–AC06) received on March 28, 2006; to the Committee on Foreign Relations.

EC–6252. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Geological and Geophysical (G&G) Explorations of the OCS—Proprietary Terms and Data Disclosure'' (RIN1010–AC81) received on March 28, 2006; to the Committee on Energy and Natural Resources.

EC–6253. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2006–13) received on March 28, 2006; to the Committee on Finance.

EC–6254. 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 ''Final Regulations Concerning Disclosure of Relative Values of Optional Forms of Benefit'' ((RIN1545–BD97)(TD 9256)) received on March 28, 2006; to the Committee on Finance.

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

EC–6256. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the URL address of a document entitled ''Enforcement First'' received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC Emissions from Yeast Manufacturing'' (FRL No. 8051–7) received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6258. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definition of Volatile Organic Compounds'' (FRL No. 8051–6) received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6259. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

''Approval and Promulgation of Implementation Plans; Iowa; Prevention of Significant Deterioration (PSD)'' (FRL No. 8040–5) received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6260. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL No. 8050–2) received on March 28, 2006; to the Committee on Environment and Public Works.

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

EC–6262. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes'' (FRL No. 8051–3) received on March 28, 2006; to the Committee on Environment and Public Works.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 2489. An original bill to implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, signed by the United States on June 12, 1998 (Rept. No. 109–226).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S.J. Res. 28. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower (Rept. No. 109–227).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment and with an amended preamble:

S. Con. Res. 60. A concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum (Rept. No. 109–228).

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 Mrs. CLINTON:

S. 2488. A bill to require the Nuclear Regulatory Commission to conduct an independent safety assessment of the Indian Point Nuclear Power Plant; to the Committee on Environment and Public Works.

By Mr. LUGAR:

S. 2489. An original bill to implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, signed by the United States on June 12, 1998; from the Committee on Foreign Relations; placed on the calendar.

By Mr. COLEMAN:

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

By Mr. CORNYN:

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

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

S. 2492. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P; to the Committee on Environment and Public Works.

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

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

By Mr. BURNS:

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

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. BYRD, Mr. CHAFEE, Mr. OBAMA, Mr. ALLEN, and Mrs. DOLE):

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

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

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

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

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

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

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

ADDITIONAL COSPONSORS

S. 65

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

S. 333

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

S. 370

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

S. 424

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 527

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

S. 621

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

S. 633

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

S. 811

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 1263

At the request of Mr. BOND, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1719

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1719, a bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Wyoming (Mr. THOMAS) 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. 2045

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

S. 2048

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

S. 2083

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

S. 2140

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

S. 2201

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

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CRAIG), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2418

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2418, a bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose.

S. 2438

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2438, a bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes.

S. 2484

At the request of Mr. OBAMA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2484, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. CON. RES. 84

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

S. RES. 180

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

S. RES. 405

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

S. RES. 409

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

S. RES. 419

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

AMENDMENT NO. 3193

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

AMENDMENT NO. 3204

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

AMENDMENT NO. 3205

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

AMENDMENT NO. 3206

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

AMENDMENT NO. 3210

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

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 3210 proposed to S. 2454, supra.

AMENDMENT NO. 3213

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

AMENDMENT NO. 3217

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

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

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

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2490

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

SECTION 1. SHORT TITLE.

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

SEC. 2. REAL ESTATE STOCK INDEX INVESTMENT FUND.

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

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

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

(3) by adding at the end the following:

''(11) the term 'Real Estate Stock Index Investment Fund' means the Real Estate Stock Index Investment Fund established under subsection (b)(1)(F).''.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Section 8438(b)(1) of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) a Real Estate Stock Index Investment Fund as provided in paragraph (5).''.

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

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

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

(c) ACKNOWLEDGMENT OF RISK.—Section 8439(d) of title 5, United States Code, is amended—

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

(2) by striking ''and (10),'' and inserting ''(10), and (11),''.

By Mr. BURNS:

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

Mr. BURNS. Mr. President, I rise today to introduce legislation to help provide more affordable health coverage to millions of Americans. This legislation makes commonsense changes that will create tax parity between employer-sponsored insurance and insurance purchased in the individual market.

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

Of equal concern, the percent of employer-sponsored insurance has dropped from 69 percent in 2000 to 60 percent in 2005 due mainly to the rapid rise in health insurance premiums, which have increased more than 60 percent in real terms over the past 5 years alone. The percent of the non-elderly population with employer-sponsored insurance has correspondingly dropped, from 68 percent in 2000 to 63 percent in 2004. Consequently, more Americans must look to the non-group market for their health insurance needs.

To help rectify this disparity, the legislation I am introducing today would permit premiums for high-deductible plans purchased in conjunction with a qualifying health savings accounts (HAS) on the individual market to be deductible from income taxes. In addition, an income tax credit would offset payroll taxes paid on these premiums. As such, people who purchase their health benefits in the individual market would receive the same tax treatment as those who receive employer-sponsored insurance.

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

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

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

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

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2494

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

SECTION 1. DEDUCTION OF PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

"SEC. 224. PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.

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

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given such term by section 223(c)(1).

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

''(c) SPECIAL RULES.—

''(1) DEDUCTION LIMITS.—

''(A) DEDUCTION ALLOWABLE FOR ONLY 1 PLAN.—For purposes of this section, in the case of an individual covered by more than 1 high deductible health plan for any month, the individual may only take into account amounts paid for such month for the plan with the lowest premium.

''(B) PLANS COVERING INELIGIBLE INDIVIDUALS.—If 2 or more individuals are covered by a high deductible health plan for any month but only 1 of such individuals is an eligible individual for such month, only 50 percent of the aggregate amount paid by such eligible individual as premiums under the plan with respect to such month shall be taken into account for purposes of this section.

''(2) GROUP HEALTH PLAN COVERAGE.—

''(A) IN GENERAL.—No deduction shall be allowed to an individual under subsection (a) for any amount paid for coverage under a high deductible health plan for a month if that individual participates in any coverage under a group health plan (within the meaning of section 5000 without regard to section 5000(d)).

''(B) EXCEPTION FOR PLANS ONLY PROVIDING CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.—Subparagraph (A) shall not apply to an individual if the individual's only coverage under a group health plan for a month consists of contributions by an employer to a health savings account with respect to which the individual is the account beneficiary.

''(C) EXCEPTION FOR CERTAIN PERMITTED COVERAGE.—Subparagraph (A) shall not apply to an individual if the individual's only coverage under a group health plan for a month is coverage described in clause (i) or (ii) of section 223(c)(1)(B).

''(3) MEDICAL AND HEALTH SAVINGS ACCOUNTS.—Subsection (a) shall not apply with respect to any amount which is paid or distributed out of an Archer MSA or a health savings account which is not included in gross income under section 220(f) or 223(f), as the case may be.

''(4) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE OF SELF-EMPLOYED INDIVIDUALS.—Any amount taken into account by the taxpayer in computing the deduction under section 162(l) shall not be taken into account under this section.

''(5) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—Any amount taken into account by the taxpayer in computing the deduction under this section shall not be taken into account under section 213.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence at the end the following new paragraph:

''(21) PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.—The deduction allowed by section 224.''.

(c) COORDINATION WITH SECTION 35 HEALTH INSURANCE COSTS CREDIT.—Section 35(g)(2) of such Code is amended by striking ''or 213'' and inserting '', 213, or 224''.

(d) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 224 as an item relating to section 225 and by inserting before such item the following new item:

''Sec. 224. Premiums for high deductible health plans.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

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

(a) ALLOWANCE OF CREDIT.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. EMPLOYMENT TAXES PAID WITH RESPECT TO PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS AND CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the product of—

''(1) the sum of the rates of tax in effect under sections 3101(a), 3101(b), 3111(a), and 3111(b) for the calendar year in which the taxable year begins, multiplied by

''(2) the sum of—

''(A) the aggregate amount paid by such individual as premiums under a high deductible health plan which is allowed as a deduction under section 224 for the taxable year, and

''(B) the aggregate amount paid to a health savings account of such individual which is allowed as a deduction under section 223 for the taxable year.

''(b) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—

''(1) IN GENERAL.—The credit allowed under subsection (a) with respect to any individual for any taxable year shall not exceed the specified employment taxes with respect to such individual for such taxable year.

''(2) SPECIFIED EMPLOYMENT TAXES.—For purposes of this subsection, the term 'specified employment taxes' means, with respect to any individual for any taxable year, the sum of—

''(A) the taxes imposed under sections 3101(a), 3101(b), 3111(a), 3111(b), 3201(a), 3211(a), and 3221(a) (taking into account any adjustments or refunds under section 6413) with respect to wages and compensation received by such individual during the calendar year in which such taxable year begins, and

''(B) the taxes imposed under subsections (a) and (b) of section 1401 with respect to the self-employment income of such individual for such taxable year.

''(c) SPECIAL RULE FOR EMPLOYMENT COMPENSATION IN EXCESS OF SOCIAL SECURITY CONTRIBUTION BASE.—

''(1) IN GENERAL.—If the aggregate amount of employment compensation received by any individual during the calendar year in which the taxable year begins exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act), the amount of the credit determined under subsection (a) (determined before application of subsection (b)) shall be equal to the sum of—

''(A) the amount determined under subsection (a) by only taking into account so much of the amount determined under subsection (a)(2) as does not exceed such excess and by only taking into account the rates of tax in effect under section 3101(b) and 3111(b), and

''(B) the amount determined under subsection (a) by only taking into account so much of the amount determined under subsection (a)(2) as is not taken into account under subparagraph (A) and by taking into account each of the rates of tax referred to in subsection (a)(1).

''(2) EMPLOYMENT COMPENSATION.—For purposes of this subsection, the term 'employment compensation' means, with respect to any individual for any taxable year, the sum of—

''(A) the wages (as defined in section 3121(a)) and compensation (as defined in section 3231(e)) received by such individual during the calendar year in which such taxable year begins, and

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

(b) INCREASE IN ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—Paragraph (4) of section 223(f) of such Code (relating to additional tax on distributions not used for qualified medical expenses) is amended to read as follows:

''(4) ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—

''(A) IN GENERAL.—The tax imposed by this chapter on the account beneficiary for any taxable year in which there is a payment or distribution from a health savings account of such beneficiary which is includible in gross income under paragraph (2) shall be increased by 30 percent of the amount which is so includible.

''(B) EXCEPTION FOR DISABILITY OR DEATH.—In the case of payments or distributions made after the account beneficiary becomes disabled within the meaning of section 72(m)(7) or dies, subparagraph (A) shall be applied by substituting '15 percent' for '30 percent'.

''(C) EXCEPTION FOR DISTRIBUTIONS AFTER MEDICARE ELIGIBILITY.—In the case of payments or distributions made after the date on which the account beneficiary attains the age specified in section 1811 of the Social Security Act, subparagraph (A) shall be applied by substituting '15 percent' for '30 percent'.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or section 36'' after ''section 35''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and by inserting after the item relating to section 35 the following new items:

''Sec. 36. Employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts.

''Sec. 37. Overpayments of tax.''.

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

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

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

Mr. KOHL. Mr. President, I rise today with Senator KENNEDY to introduce the Family Reunification Act, a

measure designed to remedy a regrettable injustice in our immigration laws. A minor oversight in the law has led to an unfortunate, and likely unintended, consequence. Parents of U.S. citizens are currently able to enter the country as legal permanent residents, but our laws do not permit their minor children to join them. Simply put, the Family Reunification Act will close this loophole by including the minor siblings of U.S. citizens in the legal definition of ''immediate relative.'' This legislation will ensure that our immigration laws can better accomplish one of the most important policy goals behind them—the goal of strengthening the family unit.

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

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

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

For example, one family in my home State of Wisconsin is truly a textbook example of what is wrong with this law. Effiong and Ekon Okon, both U.S. citizens by birth, requested that their parents, who were living in Nigeria, be admitted as ''immediate relatives.'' The law clearly allows for this. Their father, Leo, had already joined them in Wisconsin, and their mother, Grace, was in possession of a visa, ready to join the rest of her family. However, Grace was unable to join her husband and sons in the United States because their 6-year-old daughter, Daramfon, did not qualify as an ''immediate relative.'' Because it would be unthinkable for her to abandon her small child, Grace was forced to stay behind in Nigeria, separated from the rest of her family. That is not what this law was intended to accomplish.

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

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

Many parts of our immigration laws are outdated and in need of repair. The definition of ''immediate relative'' is no different. Congress's intent when it granted ''immediate relatives'' the right to obtain immigrant visas was to promote family reunification, but the unfortunate oversight which Senator KENNEDY and I have highlighted has interfered with many families' opportunity to do just that. The legislation introduced today would expand the definition of ''immediate relatives'' to include the minor siblings of U.S. citizens. By doing so, we can truly provide our fellow citizens with the ability to reunite with their family members. This is a simple and modest solution to an unthinkable problem that too many families have already had to face, so I urge my colleagues to support this important legislation.

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

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

S. 2496

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

SECTION 1. DEFINITION OF IMMEDIATE RELATIVE.

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

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

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

Mr. KOHL. Mr. President, I rise today, with Senator KENNEDY and Senator DURBIN, to introduce the State Court Interpreter Grant Program Act of 2006. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective State court interpreter programs, helping to ensure fair trials for individuals with limited English proficiency.

States are legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Currently, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding State court interpreter programs.

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

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency—and therefore the demand for court interpreter services—continues to grow. According to the most recent Census data, 18 percent of the population over age five speaks a language other than English at home. In 2000, the number of people in this country who spoke English less than ''very well'' was more than 21 million, approaching twice what the number was 10 years earlier. Illinois had more than 1 million. Texas had nearly 2.7 million. California had more than 6.2 million.

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

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court.

This legislation addresses this problem by authorizing $15 million per year, for the next five years, for a State Court Interpreter Grant Program. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis, determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

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

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

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

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

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

S. 2497

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Court Interpreter Grant Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

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

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

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

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

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 34 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the ''Administrator'') shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) an identification of each State court in that State which would receive funds from the grant;

(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and

(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2007 through 2010 to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 420—EXPRESSING THE SENSE OF THE SENATE THAT EFFECTIVE TREATMENT AND ACCESS TO CARE FOR INDIVIDUALS WITH PSORIASIS AND PSORIATIC ARTHRITIS SHOULD BE IMPROVED

Mr. SMITH (for himself and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 420

Whereas psoriasis and psoriatic arthritis are serious, chronic, inflammatory, disfiguring, and life-altering diseases that require sophisticated medical intervention and care;

Whereas, according to the National Institutes of Health, between 5,800,000 citizens and 7,500,000 citizens of the United States are affected by psoriasis;

Whereas psoriasis and psoriatic arthritis are—

(1) painful and disabling diseases with no cure; and

(2) diseases that have a significant and adverse impact on the quality of life of individuals diagnosed with them;

Whereas studies have indicated that psoriasis may cause as much physical and mental disability as other major diseases, including—

(1) cancer;
(2) arthritis;
(3) hypertension;
(4) heart disease;
(5) diabetes; and
(6) depression;

Whereas studies have shown that psoriasis is associated with elevated rates of depression and suicidal ideation;

Whereas citizens of the United States spend between $2,000,000,000 and $3,000,000,000 to treat psoriasis each year;

Whereas early diagnosis and treatment of psoriatic arthritis may help prevent irreversible joint damage;

Whereas treating psoriasis and psoriatic arthritis presents a challenge for patients and health care providers because—

(1) no single treatment works for every patient diagnosed with the disease;

(2) some treatments lose effectiveness over time; and

(3) all treatments have the potential to cause a unique set of side effects;

Whereas, although safer and more effective treatments are now more readily available, many people do not have access to them; and

Whereas Congress as an institution, and the members of Congress as individuals, are in a unique position to help raise public awareness about the need for increased access to effective treatment options for psoriasis and psoriatic arthritis: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the need for enhanced public awareness of psoriasis;

(B) the adverse impact that psoriasis can have on people living with the disease; and

(C) the importance of an early diagnosis and proper treatment of psoriasis;

(2) supports the continuing leadership provided by the Director of the National Institutes of Health and the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases for identifying a cure and developing safer, more effective treatments for psoriasis and psoriatic arthritis; and

(3) encourages—

(A) researchers to examine the negative psychological and physical effects of psoriasis to better understand its impact on those who have been diagnosed with the disease; and

(B) efforts to increase access to treatments and care that individuals living with psoriasis and psoriatic arthritis need and deserve.

Mr. LAUTENBERG. Mr. President, I am pleased to join the junior Senator from Oregon in submitting this resolution to raise public awareness about and encourage medical research on psoriasis and psoriatic arthritis. This resolution also promotes greater access to care for those suffering from these disorders. It is my hope that Congress will continue to aid efforts in the medical community to diagnose, treat, and eventually cure this disease.

Psoriasis is a non-contagious, immune-mediated, lifelong skin disorder that has been diagnosed in more than 5 million men, women, and children in the United States. The source of psoriasis is believed to have a genetic component which triggers a faster growth cycle of skin cells that result in build-up; however, the exact cause is unknown.

Psoriatic arthritis is a condition associated with psoriasis. This disease is a chronic inflammatory disease of the joints and connective tissue, which causes stiffness, pain, swelling, and tenderness of the joints and the tissue around them. Without treatment, psoriatic arthritis can be potentially disabling and crippling. Approximately 10 to 30 percent of people with psoriasis develop psoriatic arthritis.

The National Institutes of Health, NIH, estimates that 5.8–7.5 million people are living with psoriasis. Each year, the United States spends $4.0 billion to treat psoriasis and psoriatic arthritis. Furthermore, about 56 million hours of work are lost each year by people who suffer from psoriasis. The National Institute of Mental Health has found that psoriasis can cause as much physical and mental disability as other major diseases. Researchers are still searching for a cure for psoriasis. In the meantime, we must continue to raise awareness, to support research efforts to cure this disease, and to treat those living with it.

I thank my colleagues for supporting this effort.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3220. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3221. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3222. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3223. Mr. DORGAN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. BURNS, and Mr. JEFFORDS) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3224. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3225. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3226. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3227. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3228. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3229. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3230. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3231. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3232. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3233. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3234. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3235. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3236. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3237. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3238. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3239. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3240. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3241. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3242. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3243. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3192 submitted by

Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3244. Mr. STEVENS (for himself, Mr. LEAHY, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3245. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3246. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3247. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3248. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3249. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3250. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3251. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3252. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3253. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3254. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3255. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3220. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

After section 102, insert the following new section:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

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

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

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

Strike section 102(a).

SA 3221. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and

Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 233 and insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) EXPANSION OF DETENTION CAPACITY.—

(1) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''8,000'' and inserting ''20,000''.

(2) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(A) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by paragraph (1).

(B) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(C) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(D) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(4) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(5) FUNDING TO CONSTRUCT OR ACQUIRE DETENTION FACILITIES.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(6) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(b) DETENTION STANDARDS.—

(1) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(2) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (1) shall—

(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(B) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(3) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

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

SA 3222. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 18, strike ''500'' and insert ''1,500''.

On page 7, line 2, strike ''1000'' and insert ''2,000''.

On page 7, line 10, strike ''200'' and insert ''400''.

On page 8, strike lines 9 through 15 and insert the following:

preceding fiscal year), by 4,000 for each of fiscal years 2006 through 2011.

On page 8, after line 26, add the following:

(c) DETENTION AND REMOVAL OFFICERS.—

(1) IN GENERAL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility comply with the standards and regulations required by paragraphs (2), (3), and (4).

(2) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(3) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (2) shall—

(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(B) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(4) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) LEGAL PERSONNEL.—During each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase the number of positions for attorneys in the Office of General Counsel of the Department by at least 200 to represent the Department in immigration matters for the fiscal year.

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; DEFENSE ATTORNEYS.

(a) IN GENERAL.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, add—

(1) at least 50 positions for attorneys in the Office of Immigration Litigation of the Department of Justice for the fiscal year;

(2) at least 50 United States Attorneys to litigate immigration cases in the Federal courts for the fiscal year;

(3) at least 200 Deputy United States Marshals to investigate criminal immigration matters for the fiscal year; and

(4) at least 50 immigration judges for the fiscal year.

(b) DEFENSE ATTORNEYS.—

(1) IN GENERAL.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(2) PRO BONO REPRESENTATION.—The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as are necessary to carry out this section, including the costs of hiring necessary support staff.

On page 171, between lines 17 and 18, insert the following:

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(b) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESETTLEMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

On page 220, line 22, strike ''2,000'' and insert ''4,000''.

On page 221, line 5, strike ''1,000'' and insert ''2,000''.

SA 3223. Mr. DORGAN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. BURNS, and Mr. JEFFORDS) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. TRAVEL TO CANADA.

(a) SHORT TITLE.—This section may be cited as the ''Common Sense Cross-Border Travel and Security Act of 2006''.

(b) TRAVEL TO CANADA WITHOUT PASSPORT.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—

(1) in paragraph (1)—

(A) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary'';

(B) by striking ''This plan'' and inserting the following:

''(B) DAY PASSES.—The plan developed under this paragraph shall include a system that would enable United States citizens to travel to Canada for a 24-hour period without a passport by completing an application for a 'day pass' at any port of entry along the land border between the United States and Canada, and certifying that there was not sufficient time to apply for a passport before the excursion. The traveler shall not be charged a fee to acquire or use the day pass.

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

(2) by adding at the end the following:

''(3) MINORS.—United States citizens who are less than 18 years of age, when accompanied by a parent or guardian, shall not be required to present a passport when returning to the United States from Canada at any port of entry along the land border.''.

(c) LIMIT ON FEES FOR TRAVEL DOCUMENTS.—Notwithstanding any other provision of law or cost recovery requirement established by the Office of Management and Budget, the Secretary and the Secretary of State may not charge a fee in an amount greater than $20 for any passport card or similar document other than a passport that is created to satisfy the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

(d) ACCEPTANCE OF PASSPORT CARDS AND DAY PASSES BY CANADA.—The Secretary of State, in consultation with the Secretary, shall negotiate with the Government of Canada to ensure that passport cards and day passes issued by the Government of the United States for travel to Canada are accepted for such purpose by the Government of Canada.

SA 3224. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—WARTIME TREATMENT STUDY ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Wartime Treatment Study Act''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 703. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and permanent resident aliens of European

ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

CHAPTER 1—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 711. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this chapter as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 712. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21–24), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 711(e).

SEC. 713. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 714. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 715. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this chapter.

SEC. 716. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

CHAPTER 2—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 721. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this chapter as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 722. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 721(e).

SEC. 723. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 724. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 725. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this chapter.

SEC. 726. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 3225. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE ____—INTERCOUNTRY ADOPTION REFORM

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Intercountry Adoption Reform Act of 2006'' or the ''ICARE Act''.

SEC. ____02. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2004, they adopted 23,460 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interest and that prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign-born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign-born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign-born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign-born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;

(2) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process to make it more citizen friendly and focused on the protection of the child.

SEC. ___03. DEFINITIONS.

In this title:

(1) ADOPTABLE CHILD.—The term ''adoptable child'' has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section ___24(a) of this Act.

(2) AMBASSADOR AT LARGE.—The term ''Ambassador at Large'' means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section ___11(b).

(3) COMPETENT AUTHORITY.—The term ''competent authority'' means the entity or entities authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) CONVENTION.—The term ''Convention'' means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) FULL AND FINAL ADOPTION.—The term ''full and final adoption'' means an adoption—

(A) that is completed according to the laws of the child's country of residence or the State law of the parent's residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

(D) under which the adoptive parents meet the requirements of section ___25; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section ___26.

(6) OFFICE.—The term ''Office'' means the Office of Intercountry Adoptions established under section ___11(a).

(7) READILY APPROVABLE.—A petition or certification is ''readily approvable'' if the documentary support provided along with such petition or certification demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

Subtitle A—ADMINISTRATION OF INTERCOUNTRY ADOPTIONS

SEC. ___11. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions.

(b) AMBASSADOR AT LARGE.—

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions.

(2) CONFLICTS OF INTEREST.—The individual appointed to be the Ambassador at Large shall be free from any conflict of interest that could impede such individual's ability to serve as the Ambassador.

(3) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs.

(4) REGULATIONS.—The Ambassador at Large may not issue rules or regulations unless such rules or regulations have been approved by the Secretary of State.

(5) DUTIES OF THE AMBASSADOR AT LARGE.—The Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child; and

(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, to strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) ANNUAL REPORT ON INTERCOUNTRY ADOPTION.—Not later than September 1 of each year, the Secretary of State shall prepare and submit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:

(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of a United States citizen to adopt a child born in a foreign country.

(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born in a foreign country to determine whether that child is an adoptable child.

(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to intercountry adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) ORGANIZATION.—

(1) IN GENERAL.—All functions of the Office shall be performed by officers employed in a

central office located in Washington, D.C. Within that office, there shall be 7 divisions corresponding to the 7 functions of the Office. The director of each such division shall report directly to the Ambassador at Large.

(2) APPROVAL TO ADOPT.—The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

(A) Northwest.
(B) Northeast.
(C) Southwest.
(D) Southeast.
(E) Midwest.
(F) West.

(3) CHILD ADJUDICATION.—To the extent practicable, the division responsible for the adjudication of foreign-born children as adoptable shall be divided by world regions which correspond to the world regions used by other divisions within the Department of State.

(4) USE OF INTERNATIONAL FIELD OFFICERS.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) COORDINATION.—The Ambassador at Large shall coordinate with appropriate employees of other agencies and departments of the United States, whenever appropriate, in carrying out the duties of the Ambassador.

(e) QUALIFICATIONS AND TRAINING.—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

SEC. ___12. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting ''301, 302,'' after ''205,''.

SEC. ___13. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

SEC. ___14. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign-born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Secretary of Homeland Security immediately prior to the effective date of this Act, are transferred to the Secretary of State on the effective date of this Act and shall be carried out by the Ambassador at Large, under the supervision of the Secretary of State, in accordance with applicable laws and this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this subtitle.

(c) LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign-born child prior to the date of enactment of this Act, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. ___15. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this Act, there are transferred to the Ambassador at Large for appropriate allocation in accordance with this Act, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

SEC. ___16. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this subtitle. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. ___17. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, or the Secretary of Homeland Security, or their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under section ___14 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this subtitle, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this subtitle shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle B—REFORM OF UNITED STATES LAWS GOVERNING INTERCOUNTRY ADOPTIONS

SEC. ___21. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) AUTOMATIC CITIZENSHIP PROVISIONS.—

(1) AMENDMENT OF THE INA.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

''SEC. 320. CONDITIONS FOR AUTOMATIC CITIZENSHIP FOR CHILDREN BORN OUTSIDE THE UNITED STATES.

''(a) IN GENERAL.—A child born outside of the United States automatically becomes a citizen of the United States—

''(1) if the child is not an adopted child—

''(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years; and

''(B) the child is under the age of 18 years; or

''(2) if the child is an adopted child, on the date of the full and final adoption of the child—

''(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years;

''(B) the child is an adoptable child;

''(C) the child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States; and

''(D) the child is under the age of 16 years.

''(b) PHYSICAL PRESENCE.—For the purposes of subsection (a)(2)(A), the requirement for physical presence in the United States or its outlying possessions may be satisfied by the following:

''(1) Any periods of honorable service in the Armed Forces of the United States.

''(2) Any periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent.

''(3) Any periods during which such citizen parent is physically present outside the United States or its outlying possessions as the dependent unmarried son or daughter and a member of the household of a person—

''(A) honorably serving with the Armed Forces of the United States; or

''(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

''(c) FULL AND FINAL ADOPTION.—In this section, the term 'full and final adoption' means an adoption—

''(1) that is completed under the laws of the child's country of residence or the State law of the parent's residence;

''(2) under which a person is granted full and legal custody of the adopted child;

''(3) that has the force and effect of severing the child's legal ties to the child's biological parents;

''(4) under which the adoptive parents meet the requirements of section ____25 of the Intercountry Adoption Reform Act of 2006; and

''(5) under which the child has been adjudicated to be an adoptable child in accordance with section ____26 of the Intercountry Adoption Reform Act of 2006.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (66 Stat. 163) is amended by striking the item relating to section 320 and inserting the following:

''Sec. 320. Conditions for automatic citizenship for children born outside the United States''.

(c) EFFECTIVE DATE.—This section shall take effect as if enacted on June 27, 1952.

SEC. ____22. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1431(a)(2)), as amended by section ____21 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4) The Secretary of State, acting through the Ambassador at Large, shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(5) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before the parents are matched with a child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee-for-service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State, acting through the Ambassador at Large, shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. ____23. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) NONIMMIGRANT CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

''(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt by the Office of International Adoption of the Department of State.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 101(a)(15) is further amended—

(A) by striking ''or'' at the end of subparagraph (U); and

(B) by striking the period at the end of subparagraph (V) and inserting ''; or''.

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

''(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

''(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary of State extends such period for the period necessary to complete the adoption.''.

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking ''10 years'' and inserting ''18 years''; and

(2) in clause (i), by striking ''10 years'' and inserting ''18 years''.

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

SEC. ____24. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

''(3) The term 'adoptable child' means an unmarried person under the age of 18—

''(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

''(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

''(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

''(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

''(ii) who, as determined by the competent authority of the child's residence—

''(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

''(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

''(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

''(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

''(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

''(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, is satisfied that the person is not a security risk; and

''(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child's place of birth or residence.''.

(b) CONFORMING AMENDMENT.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting ''and an adoptable child as defined in section 101(c)(3)'' before ''unless a valid home-study''.

SEC. ____25. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section ____23(a) of this Act, or the issuance of

a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) EXPEDITED REAPPROVAL PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 4 years have lapsed since the original application.

(d) DENIAL OF PETITION.—

(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) PETITIONER'S RIGHT TO RESPOND.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO AN APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. ___26. ADJUDICATION OF CHILD STATUS.

(a) IN GENERAL.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section ___23(a) of this Act—

(1) the Ambassador at Large shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the definition of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Secretary of State shall make a final determination on whether the certification and the documentary support are sufficient to meet the requirements of this section or whether additional investigation or information is required.

(b) PROCESS FOR DETERMINATION.—

(1) IN GENERAL.—The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) NOTICE OF INTENT.—If the Secretary of State determines that a certification submitted by the competent authority of the child's country of origin is not readily approvable, the Ambassador at Large shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) PETITIONERS RIGHT TO RESPOND.—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) DECISION.—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Secretary of State shall reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) RIGHT TO AN APPEAL.—Unfavorable decisions on a certification may be appealed through the appropriate process of the Department of State and, after the exhaustion of such process, to a United States district court.

SEC. ___27. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by such staff; and

(3) travel and other expenses necessary to carry out this title.

Subtitle C—ENFORCEMENT

SEC. ___31. CIVIL PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES.—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation if such person—

(1) violates a provision of this title or an amendment made by this title;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

SEC. ___32. CRIMINAL PENALTIES.

Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of section ___31(a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

SA 3226. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 316, strike line 2 and all that follows through ''(d)'' on page 317, line 12, and insert the following:

''(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.''.

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

''(J) an alien with a residence in a foreign country that the alien has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

''(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii))designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

''(ii) has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the physical or life sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.''.

(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or (V)'' and inserting ''subparagraph (F)(iv), (J)(ii), (L), or (V)''.

(d) REQUIREMENTS FOR F–4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

''(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—''; and

(2) by adding at the end the following:

''(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

''(A) during the intended period of study in a graduate program described in such section;

''(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

''(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.''.

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting ''(1)'' before ''No person'';

(2) by striking ''admission (i) whose'' and inserting the following: ''admission—

''(A) whose'';

(3) by striking ''residence, (ii) who'' and inserting the following: ''residence;

''(B) who'';

(4) by striking ''engaged, or (iii) who'' and inserting the following: ''engaged; or

''(C) who'';

(5) by striking ''training, shall'' and inserting the following: ''training,

''shall'';

(6) by striking ''United States: *Provided,* That upon'' and inserting the following: ''United States.

''(2) Upon'';

(7) by striking ''section 214(l): And provided further, That, except'' and inserting the following: ''section 214(l).

''(3) Except''; and

(8) by adding at the end the following:

''(4) An alien who qualifies for adjustment of status under section 214(m)(3)(C) shall not be subject to the 2-year foreign residency requirement under this subsection.''.

(f)

On page 319, line 1, strike ''(e)'' and insert ''(g)''.

On page 320, strike line 3 and all that follows through ''(f)'' on line 21, and insert the following:

''(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before such alien's graduation;

''(B) the alien has earned a master's or doctorate degree or completed post-doctoral studies in the sciences, technology, engineering, or mathematics;

''(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

''(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

''(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.''.

(h)

On page 321, lines 14 and 15, strike ''an advanced degree'' and insert ''a master's or doctorate degree, or completed post-doctoral studies,''.

On page 322, line 18, strike ''an advanced degree'' and insert ''a master's or doctorate degree, or completed post-doctoral studies,''.

On page 323, line 23, strike ''an advanced degree'' and insert ''a master's or doctorate degree, or completed post-doctoral studies,''.

SA 3227. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, line 11, strike ''863 hours or''.

SA 3228. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 362, line 19, strike ''$400'' and insert ''$1000''.

SA 3229. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 354, line 18, strike ''$100'' and insert ''$1000''.

SA 3230. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 350, line 22, strike ''1'' and insert ''8''.

SA 3231. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 360, beginning on line 10, strike all through page 381, line 11.

SA 3232. Mr. CHAMBLISS (for himself, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 405 of the amendment, strike line 1 and all that follows through line 9 on page 407, and insert the following:

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the applicable State minimum wage.''.

SA 3233. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 355, strike line 15 and all that follows through page 360, line 9, and insert the following:

(3) CIVIL PENALTIES.—

(A) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(B) LIMITATION.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

SA 3234. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 353, lines 8 and 9, strike ''3 or more misdemeanors'' and insert ''misdemeanor''.

SA 3235. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 391, strike line 6 and all that follows through page 392, line 23.

SA 3236. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 360, strike line 10 and all that follows through page 381, line 11, and insert the following:

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant visa outside the United States.

SA 3237. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike lines 5 through 8 and insert the following:

(c) STUDY ON THE USE OF TECHNOLOGY TO PREVENT UNLAWFUL IMMIGRATION.—The Secretary shall conduct a study of available technology, including radar animal detection systems, that could be utilized to—

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(d) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the plan required under subsection (a);

(2) the results of the study carried out under subsection (c); and

(3) recommendations of the Secretary related to the efficacy of the technologies studied under subsection (c).

SA 3238. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRATION TRAINING FOR LAW ENFORCEMENT.

The Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement (ICE) shall maximize the training provided by ICE by using law-enforcement-sensitive, secure, encrypted, Web-based e-learning, including the Distributed Learning Program of the Federal Law Enforcement Training Center to provide—

(1) basic immigration enforcement training for State, local, and tribal police officers;

(2) training, mentoring, and updates authorized under section 287(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) through e-learning, to the maximum extent possible; and

(3) access to ICE information, updates, and notices for ICE field agents during field deployments.

SA 3239. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 54, after line 23, add the following:

Subtitle E—Immigration Enforcement Training

SEC. 151. IMMIGRATION ENFORCEMENT TRAINING DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) AUTHORITY.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project (referred to in this subtitle as the ''Project'') described in this subtitle.

(2) PURPOSE.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve and enhance the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

(b) PROJECT DIRECTOR RESPONSIBILITIES.—The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers' proficiency in learning the course's concepts;

(E) ensures a high level of security; and

(F) encrypts personal and sensitive information;

(2) develop an e-learning training course that—

(A) entails not more than 4 hours of training;

(B) is accessible through the on-line, e-learning Website developed under paragraph (1);

(C) covers the basic principles and practices of immigration law and the policies that relate to the enforcement of immigration laws;

(D) includes instructions about—

(i) employment-based and family-based immigration;

(ii) the various types of nonimmigrant visas;

(iii) the differences between immigrant and nonimmigrant status;

(iv) the differences between lawful and unlawful presence;

(v) the criminal and civil consequences of unlawful presence;

(vi) the various grounds for removal;

(vii) the types of false identification commonly used by illegal and criminal aliens;

(viii) the common methods of alien smuggling and groups that commonly participate in alien smuggling rings;

(ix) the inherent legal authority of local law enforcement officers to enforce federal immigration laws; and

(x) detention and removal procedures, including expeditious removal; and

(E) is accessible through the secure, encrypted on-line, e-learning Web site not later than 90 days of the date of enactment of this Act, and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the training given pursuant to an agreement by the State under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(3) assess the feasibility of expanding to State, local, and tribal law enforcement agencies throughout the Nation the on-line, e-learning Web site, including the e-learning training course, by using on-line technology.

(c) PERIOD OF PROJECT.—The Project Director shall carry out the demonstration project for a 2-year period beginning 90 days after the date of the enactment of this Act.

(d) PARTICIPATION IN PROJECT.—The Project Director shall carry out the demonstration project by enrolling in the e-learning training course State, local, and tribal law enforcement officers from—

(1) Alabama;

(2) Colorado;

(3) Florida;

(4) Oklahoma;

(5) Texas; and

(6) at least 1, but not more than 3, other States.

(e) PARTICIPATING OFFICERS.—

(1) NUMBER.—A total of 100,000 officers shall have access to, enroll in, and complete the e-learning training course provided under the Project.

(2) APPORTIONMENT.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(3) SELECTION.—Participation in the Project shall—

(A) be equally apportioned between State, county, and municipal law enforcement agency officers;

(B) include, when practicable, a significant subset of tribal law enforcement officers; and

(C) include officers from urban, rural, and highly rural areas.

(4) RECRUITMENT.—Recruitment of participants shall begin immediately, and occur concurrently, with the e-learning training course's establishment and implementation.

(5) LIMITATION ON PARTICIPATION.—Officers shall be ineligible to participate in the demonstration project if they are employed by a State, local, or tribal law enforcement agency that—

(A) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(B) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(6) ADDITIONAL REQUIREMENTS.—The law enforcement officers selected to participate in the e-learning training course provided under the Project—

(A) shall undergo standard vetting procedures, pursuant to the Federal Law Enforcement Training Center Distributed Learning Program, to ensure that each individual is a bona fide law enforcement officer; and

(B) shall be granted continuous access, throughout the 2-year period of the Project, to on-line course material and other training and reference resources accessible through the on-line, e-learning Web site.

(f) REPORT.—

(1) IN GENERAL.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project's e-learning training course to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

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

(A) an estimate of the cost savings realized by offering training through the e-learning training course instead of the residential classroom method;

(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period;

(C) the effectiveness of the e-learning training course with respect to student-officer performance;

(D) the convenience afforded student-officers with respect to their ability to access

the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and reference; and

(E) the ability of the on-line, e-learning Web site to safeguard the student officers' private and personal information while providing supervisors with appropriate information about student performance and course completion.

SEC. 152. EXPANSION OF PROGRAM.

(a) IN GENERAL.—After the completion of the Project, the Secretary shall—

(1) continue to make available the on-line, e-learning Web site and the e-learning training course developed in the Project;

(2) annually enroll 100,000 new State, local, and tribal law enforcement officers in such e-learning training course; and

(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.

(b) LIMITATION ON PARTICIPATION.—An individual is ineligible to participate in the expansion of the Project established under this subtitle if the individual is employed by a State, local, or tribal law enforcement agency that—

(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(2) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SEC. 153. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subtitle.

(b) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and the expansion of the Project under this subtitle.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section shall remain available until expended.

SA 3240. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 20 and 21, insert the following:

SEC. 107. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE.

(a) FINDINGS.—Congress finds the following:

(1) On July 17, 2002, 18 aliens who were present in the United States illegally, including 3 minors, were taken into custody by the Tulsa County Sheriff's Department. The aliens were later released by officials of the former Immigration and Naturalization Service.

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma, with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma.

(3) On January 22, 2003, 4 new agents at the Immigration and Naturalization Service office in Oklahoma City were hired.

(4) On January 30, 2003, Oklahoma's Immigration and Naturalization Service office added 6 new special agents to their staff.

(5) On September 22, 2004, officials of the Bureau of Immigration and Customs Enforcement of the Department authorized the release of 18 individuals who may have been present in the United States illegally and were in the custody of the police department of the City of Catoosa, Oklahoma. Catoosa Police stopped a truck carrying 18 individuals, including children, in the early morning hours on that date. Only 2 of the individuals produced identification. One adult was arrested on drug possession charges and the remaining individuals were released.

(6) Oklahoma has 1 Office of Investigations of the Bureau of Immigration and Customs Enforcement, which is located in Oklahoma City. In 2005, 12 agents of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

(7) Highway I–44 and U.S.–75 are major roads through Tulsa, Oklahoma, that are used to transport illegal aliens to all areas of the United States.

(8) The establishment of a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma, will help enforce Federal immigration laws in Eastern Oklahoma.

(9) Seven agents of the Drug Enforcement Administration and an estimated 22 agents of the Federal Bureau of Investigation are assigned to duty stations in Tulsa, Oklahoma, and there are no agents of the Bureau of Immigration and Customs Enforcement who are assigned to a duty station in Tulsa, Oklahoma.

(b) ESTABLISHMENT OF FIELD OFFICE IN TULSA, OKLAHOMA.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma.

SA 3241. Mr. INHOFE submitted an amendment to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 8 and 9, insert the following:

(c) CRIMINAL PENALTIES FOR FORGERY OF FEDERAL DOCUMENTS.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

"§ 515. Federal records, documents, and writings, generally

''Any person who—

''(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;

''(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

''(3) transmits to, or presents at any office, or to any officer, of the United States, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

''(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or

''(5) while outside of the United States, engages in any of the acts described in paragraphs (1) through (3),

shall be fined under this title, imprisoned not more than 10 years, or both.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 514 the following:

''515. Federal records, documents, and writings, generally.''.

SA 3242. Mr. LEAHY submitted an amendment to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 507 and insert the following:

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

''(F)(i) an alien having a residence in a foreign country which, except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

''(I) a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study (except for a graduate program described in clause (iv)) consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

''(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of not more than 24 months;

''(ii) the alien spouse and minor children of any alien described in clause (i) or (iv) if accompanying or following to join such an alien;

''(iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

''(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree; and

''(v) an alien who maintains actual residence and place of abode in the alien's country of nationality, who is described in clause

(i) except that the alien's actual course of study may involve a distance learning program, for which the alien is visiting the United States temporarily for a period not to exceed 30 days;''.

SA 3243. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —FAMILY HUMANITARIAN RELIEF

SEC ___1. SHORT TITLE.

This title may be cited as the ''September 11 Family Humanitarian Relief and Patriotism Act''.

SEC. ___02. ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary of Homeland Security may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary of Homeland Security grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security 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 of Homeland Security 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 of Homeland Security 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 of Homeland Security 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. ___03. 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 of Homeland Security 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—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary of Homeland Security shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. ___04. EXCEPTIONS.

Notwithstanding any other provision of this title, an alien may not be provided relief under this title if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC. ___05. EVIDENCE OF DEATH.

For purposes of this title, the Secretary of Homeland Security shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC. ___06. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this title.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this title, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

SA 3244. Mr. STEVENS (for himself, Mr. LEAHY, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRAVEL DOCUMENT PLAN.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking ''January 1, 2008'' and inserting ''June 1, 2009''.

SA 3245. Mr. HARKIN submitted an amendment intended to be proposed by

him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 240, strike lines 11 through 13 and insert the following:

''(1) DISTRIBUTION OF FEES.—Of the fees collected under this section—

''(1) 98 percent shall be deposited in the Treasury in accordance with section 286(c); and

''(2) 2 percent shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under the Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006.

On page 333, strike lines 9 through 12 and insert the following:

''(4) USE OF FEES AND FINES.—Of the fees and fines collected under this subsection—

''(A) 98 percent shall be deposited in the Treasury in accordance with section 286(w); and

''(B) 2 percent shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under the Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006.

On page 477, after line 23, add the following:

SEC. 644. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) SHORT TITLE.—This section may be cited as the ''Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006''.

(b) PURPOSE.—The purpose of this section is to establish a grant program within the Bureau of Citizenship and Immigration Services that provides funding to community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker program established under this Act by providing them with the services described in subsection (d)(2).

(c) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff has experience and expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(2) IEACA GRANT.—The term ''IEACA grant'' means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) ESTABLISHMENT OF INITIAL ENTRY, ADJUSTMENT, AND CITIZENSHIP ASSISTANCE GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) USE OF FUNDS.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) INITIAL APPLICATION.—Assistance and instruction, including legal assistance, to aliens making initial application for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by this Act. Such assistance may include assisting applicants in—

(i) screening to assess prospective applicants' potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under such section 218D.

(B) ADJUSTMENT OF STATUS.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) CITIZENSHIP.—Assistance and instruction to applicants on—

(i) the rights and responsibilities of United States Citizenship;

(ii) English as a second language;

(iii) civics; or

(iv) applying for United States citizenship.

(3) DURATION AND RENEWAL.—

(A) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew any grant awarded under this section in 1-year increments.

(4) APPLICATION FOR GRANTS.—Each entity desiring an IEACA grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(5) ELIGIBLE ORGANIZATIONS.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C)(iv) of paragraph (2) may not receive such a grant unless the organization is—

(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) otherwise directed by an attorney.

(6) SELECTION OF GRANTEES.—Grants awarded under this section shall be awarded on a competitive basis.

(7) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Secretary shall approve applications under this section in a manner that ensures, to greatest extent practicable, that—

(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).

(8) ETHNIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.

(e) LIAISON BETWEEN USCIS AND GRANTEES.—The Secretary shall establish a liaison between the Bureau of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.

(f) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information regarding—

(1) the status of the implementation of this section;

(2) the grants issued pursuant to this section; and

(3) the results of those grants.

(g) SOURCE OF GRANT FUNDS.—

(1) APPLICATION FEES.—The Secretary may use funds made available under sections 218A(1)(2) and 218D(f)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

SA 3246. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 403, insert the following:

(3) LIMITATION ON GRANTING OF VISAS TO H–2C NONIMMIGRANTS.—Notwithstanding any other provision of this Act or the amendments made by this Act, the Secretary may not grant a temporary visa to an alien described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as amended by section 402(a), pursuant to section 218A of the Immigration and Nationality Act, as amended by paragraph (1), until after the date that the Secretary certifies to Congress that—

(A) the Electronic Employment Verification System described in section 274A of the Immigration and Nationality Act, as amended by section 301(a), is fully operational;

(B) the number of full-time employees who investigate compliance with immigration laws related to the hiring of aliens within the Department is increased by not less than 2,000 more than the number of such employees within the Department on the date of the enactment of this Act and that such employees have received appropriate training;

(C) the number of full-time, active-duty border patrol agents within the Department is increased by not less than 2,500 more than the number of such agents within the Department on the date of the enactment of this Act; and

(D) additional detention facilities to detain unlawful aliens apprehended in United States have been constructed or obtained and the personnel to operate such facilities have been hired, trained, and deployed so that the number of detention bed spaces available is increased by not less than 2,000 more than the number of such beds available on the date of the enactment of this Act.

SA 3247. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROMOTING CIRCULAR MIGRATION PATTERNS.

(a) LABOR MIGRATION FACILITATION PROGRAMS.—

(1) IN GENERAL.—The Secretary of State is authorized to enter into agreements, with the appropriate officials of foreign governments whose nationals participate in the temporary guest worker program authorized under section 218A of the Immigration and Nationality Act, as added by section 403 of this Act, for the purposes of jointly establishing and administering labor migration facilitation programs.

(2) PRIORITY.—The Secretary of State shall place a priority on establishing labor migration facilitation programs under paragraph (1) with the governments of countries that have a large number of nationals working as temporary guest workers in the United States under section 218A of such Act. The Secretary shall enter into such agreements not later than 3 months after the date of the enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary and the Secretary of Labor, to confer with appropriate officials of the foreign government to—

(i) establish and implement a program to assist temporary guest workers from the foreign country to obtain nonimmigrant status under section 101(a)(15)(H)(ii)(c) of such Act; and

(ii) establish programs to create economic incentives for aliens to return to their country of origin;

(B) the foreign government to—

(i) monitor the participation of its nationals in the temporary guest worker program, including departure from and return to their country of origin;

(ii) develop and promote a reintegration program available to such individuals upon their return from the United States; and

(iii) promote or facilitate travel of such individuals between their country of origin and the United States; and

(C) any other matters that the Secretary of State and the appropriate officials of the foreign government consider appropriate to enable nationals of the foreign country who are participating in the temporary work program to maintain strong ties to their country of origin.

(b) BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.—

(1) FINDINGS.—Congress makes the following findings:

(A) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(B) Mexico comprises a prime source of migration to the United States.

(C) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(D) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(E) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(F) A majority of Mexican businesses are small- or medium-sized with limited access to financial capital.

(G) These factors constitute a major impediment to broad-based economic growth in Mexico.

(H) Approximately 20 percent of the population of Mexico works in agriculture, with the majority of this population working on small farms rather than large commercial enterprises.

(I) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(J) The Presidents of Mexico and of the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, established the Security and Prosperity Partnership of North America to promote economic growth, competitiveness, and quality of life throughout North America.

(2) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Security and Prosperity Partnership of North America to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(A) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(B) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(C) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(i) provide long term credit to borrowers;

(ii) develop a viable network of regional and local intermediary lending institutions; and

(iii) extend financing for alternative rural economic activities beyond direct agricultural production;

(D) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(E) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(F) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(G) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(H) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(I) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(3) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(A) increasing health care access for poor and under served populations in Mexico;

(B) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the region along the international border between the United States and Mexico;

(C) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(D) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

SA 3248. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISCRETIONARY AUTHORITY.

Section 212(i) (8 U.S.C. 1182(i)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

''(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

''(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), if—

''(I) the alien demonstrates extreme hardship to the alien or the alien's parent or child; and

''(II) such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

''(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.''.

SA 3249. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of the amendment, insert the following:

SEC. 2. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN AND IMMIGRANT FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

''(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

''(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on the date of the enactment of this section.

''(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.''.

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian and Immigrant Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; and

(B) 1 year after the date on which final regulations implementing this section are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian and Immigrant Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1), or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act before April 1, 2000.

SA 3250. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FAMILY UNITY.

Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (C)(ii), by striking ''between—'' and all that follows and inserting the following: ''between—

''(I) the alien having been battered or subjected to extreme cruelty; and

''(II) the alien's removal, departure from the United States, reentry or reentries into the United States, or attempted reentry into the United States.''; and

(2) by adding at the end the following:

''(D) WAIVER.—

''(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under section 201 or 203 if such petition was filed not later than the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.''.

SA 3251. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDING THE AFFIDAVIT OF SUPPORT REQUIREMENTS.

Section 213A (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1)(A), by striking ''125 percent of''; and

(2) in subsection (f), by striking ''125 percent of'' each place it occurs.

SA 3252. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE I—STATE COURT INTERPRETER GRANT PROGRAM

SEC. ___1. SHORT TITLE.

This title may be cited as the ''State Court Interpreter Grant Program Act''.

SEC. ___2. FINDINGS.

Congress finds that—

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

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

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

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

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 34 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. ___3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the ''Administrator'') shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this title.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) an identification of each State court in that State which would receive funds from the grant;

(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and

(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section ___4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section ___4, the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section ___4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

SEC. ___4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2007 through 2010 to carry out this title.

SA 3253. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—INSPECTIONS AND DETENTIONS

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ____02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The origin of the United States is that of a land of refuge. Many of our Nation's founders fled here to escape persecution for their political opinion, their ethnicity, and their religion. Since that time, the United States has honored its history and founding values by standing against persecution around the world, offering refuge to those who flee from oppression, and welcoming them as contributors to a democratic society.

(2) The right to seek and enjoy asylum from persecution is a universal human right and fundamental freedom articulated in numerous international instruments ratified by the United States, including the Universal Declaration of Human Rights, as well as the 1951 Convention relating to the Status of Refugees and the Convention Against Torture. United States law also guarantees the right to seek asylum and protection from return to territories where one would have a well-founded fear of persecution on account of one's race, religion, nationality, membership in a particular social group, or political opinion.

(3) The United States has long recognized that asylum seekers often must flee their persecutors with false documents, or no documents at all. The second person in United States history to receive honorary citizenship by Act of Congress was Swedish diplomat Raoul Wallenberg, in gratitude for his issuance of more than 20,000 false Swedish passports to Hungarian Jews to assist them flee the Holocaust.

(4) In 1996, Congress amended section 235(b) of the Immigration and Nationality Act, to authorize immigration officers to detain and expeditiously remove aliens without proper documents, if that alien does not have a credible fear of persecution.

(5) Section 605 of the International Religious Freedom Act of 1998 subsequently authorized the United States Commission on International Religious Freedom to appoint experts to study the treatment of asylum seekers subject to expedited removal.

(6) The Departments of Justice and Homeland Security fully cooperated with the Commission, which reviewed thousands of previously unreleased statistics, approximately 1,000 files and records of proceeding related to expedited removal proceedings, observed more than 400 inspections, interviewed 200 aliens in expedited removal proceedings at seven ports of entry, and surveyed 19 detention facilities and all eight asylum offices. The Commission released its findings on February 8, 2005.

(7) Among its major findings, the Commission found that, while the Congress, the Immigration and Naturalization Service, and the Department of Homeland Security developed a number of processes to prevent bona fide asylum seekers from being expeditiously removed, these procedures were routinely disregarded by many immigration officers, placing the asylum seekers at risk, and undermining the reliability of evidence created for immigration enforcement purposes. The specific findings include the following:

(A) Department of Homeland Security procedures require that the immigration officer read a script to the alien that the alien should ask for protection—without delay—if the alien has any reason to fear of being returned home. Yet in more than 50 percent of the expedited removal interviews observed by the Commission, this information was not conveyed to the applicant.

(B) Department of Homeland Security procedures require that the alien review the sworn statement taken by the immigration officer, make any necessary corrections for errors in interpretation, and then sign the statement. The Commission found, however, that 72 percent of the time, the alien signs his sworn statement without the opportunity to review it.

(C) The Commission found that the sworn statements taken by the officer are not verbatim, are not verifiable, often attribute that information was conveyed to the alien which was never, in fact, conveyed, and sometimes contain questions which were never asked. These sworn statements look like verbatim transcripts but are not. Yet the Commission also found that, in 32 percent of the cases where the immigration judges found the asylum applicant were not credible, they specifically relied on these sworn statements.

(D) Department of Homeland Security regulations also require that, when an alien expresses a fear of return, he must be referred to an asylum officer to determine whether his fear is ''credible.'' Yet, in nearly 15 percent of the cases which we observed, aliens who expressed a fear of return were nevertheless removed without a referral to an asylum officer.

(8) The Commission found that the sworn statements taken during expedited removal proceedings were reliable for neither enforcement nor protection purposes because Department of Homeland Security management reviewed only the paperwork created by the interviewing officer. The agency had no national quality assurance procedures to ensure that paper files are an accurate representation of the actual interview. The Commission recommended recording all interviews between Department of Homeland Security officers and aliens subject to expedited removal, and that procedures be established to ensure that these recordings are reviewed to ensure compliance.

(9) The Commission found that the Immigration and Naturalization Service (INS) issued policy guidance on December 30, 1997, defining criteria for decisions to releasing asylum seekers from detention. Neither the INS nor the Department of Homeland Security, however, had been following this, or any other discernible criteria, for detaining or releasing asylum seekers. The Study's review of Department of Homeland Security statistics revealed that release rates varied widely, between 5 percent and 95 percent, in different regions.

(10) In order to promote the most efficient use of detention resources and a humane yet secure approach to detention of aliens with a credible fear of persecution, the Commission urged that the Department of Homeland Security develop procedures to ensure that a release decision is taken at the time of the credible fear determination or as soon as or as soon as feasible thereafter. Upon a determination that the alien has established credible fear, identity and community ties, and that the alien is not subject to any possible bar to asylum involving violence, misconduct, or threat to national security, the alien should be released from detention pending an asylum determination. The Commission also urged that the Secretary of Homeland Security establish procedures to ensure consistent implementation of release criteria, as well as the consideration of requests to consider new evidence relevant to the determination.

(11) In 1986, the United States, as a member of the Executive Committee of the United Nations High Commissioner for Refugees, noted that in view of the hardship which it involves, detention of asylum-seekers should normally be avoided; that detention measures taken in respect of refugees and asylum-seekers should be subject to judicial or administrative review; that conditions of detention of refugees and asylum seekers must be humane; and that refugees and asylum-seekers shall, whenever possible, not be accommodated with persons detained as criminals.

(12) The USCIRF Study found that the Department of Homeland Security detains the vast majority of noncriminal asylum seekers, as well as other noncriminal aliens, under inappropriate and potentially harmful conditions in jails and jail-like facilities. This occurs in spite of the development of a small number of successful nonpunitive detention facilities, such as those in Broward County Florida and Berks County, Pennsylvania.

(13) The Commission found that nearly all of the detention centers where asylum seekers are detained resemble, in every essential respect, conventional jails. Often, aliens with no criminal record are detained alongside criminals and criminal aliens. The standards applied by Bureau of Immigration and Customs Enforcement for all of their detention facilities are identical to, and modeled after, correctional standards for criminal populations. In some facilities with ''correctional dormitory'' set-ups, there are large numbers of detainees sleeping, eating, going to the bathroom, and showering out in the open in one brightly lit, windowless, and locked room. Recreation in Bureau of Immigration and Customs Enforcement facilities often consists of unstructured activity of no more than one hour per day in a small outdoor space surrounded by high concrete walls.

(14) A study conducted by Physicians for Human Rights and the Bellevue/New York University Program for Survivors of Torture found that the mental health of asylum seekers was extremely poor, and worsened the longer individuals were in detention. This included high levels of anxiety, depression, and post-traumatic stress disorder. The study also raised concerns about inadequate access to health services, particularly mental health services. Asylum seekers interviewed consistently reported being treated like criminals, in violation of international human rights norms, which contributed to worsening of their mental health. Additionally, asylum seekers reported verbal abuse and inappropriate threats and use of solitary confinement.

(15) The Commission recommended that the secure but nonpunitive detention facility in Broward County Florida Broward provided a more appropriate framework for those asylum seekers who are not appropriate candidates for release.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To ensure that personnel within the Department of Homeland Security follow procedures designed to protect bona fide asylum seekers from being returned to places where they may face persecution.

(2) To ensure that persons who affirmatively apply for asylum or other forms of humanitarian protection and noncriminal detainees are not subject to arbitrary detention.

(3) To ensure that asylum seekers, families with children, noncriminal aliens, and other vulnerable populations, who are not eligible for release, are detained under appropriate and humane conditions.

SEC. ____03. DEFINITIONS.

In this title:

(1) ASYLUM OFFICER.—The term ''asylum officer'' has the meaning given the term in

section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)).

(2) ASYLUM SEEKER.—The term ''asylum seeker'' means any applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or any alien who indicates an intention to apply for asylum under that section and does not include any person with respect to whom a final adjudication denying asylum has been entered.

(3) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given the term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(4) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(5) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(6) IMMIGRATION JUDGE.—The term ''immigration judge'' has the meaning given the term in section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)).

(7) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(8) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers as described in paragraph (2).

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under Article 3 of the United Nations Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), including applicants for visas under subparagraph (T) or (U) of section 101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(G) Unaccompanied alien children (as defined by 462(g) of the Homeland Security Act (6 U.S.C. 279(g)).

SEC. ____04. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by Department of Homeland Security employees exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall include the written statement, in its entirety, being read back to the alien in a language which the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recordings shall be made in video, audio, or other equally reliable format.

(d) INTERPRETERS.—The Secretary shall ensure professional certified interpreters are used when the interviewing officer does not speak a language understood by the alien.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

SEC. ____05. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(B) in paragraph (2)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking ''but'' at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in section _____09 of this title; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

''(b) DECISIONS TO DETAIN.—

''(1) IN GENERAL.—In the case of a decision to detain under subsection (a), the following shall apply:

''(A) The decision to detain or release shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that detention.

''(B) An initial decision as to whether to detain or release shall be served upon the alien within 72 hours of the alien's detention or, in the case of aliens subject to section 235(b)(1)(B)(iii)(IV), within 72 hours of the credible fear determination.

''(C) All decisions to detain shall be subject to redetermination by an Immigration Judge within 2 weeks from the time the alien was served with the decision under subparagraph (B). The alien may request further redetermination upon the availability of new evidence.

''(D) The criteria to be considered by the Secretary and the Attorney General in making the release or parole decisions shall include—

''(i) the alien does not pose a risk to public safety or national security;

''(ii) the alien has established his identity; and

''(iii) the alien has established a likelihood to appear for immigration proceedings.

''(2) APPLICATIONS OF SUBSECTIONS (a) AND (b).—This subsection and subsection (a) shall apply to all aliens in the custody of the Department of Homeland Security who are not subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A and who do not have a final order of removal.'';

(4) by amending subsection (c), as redesignated, to read as follows:

''(c) REVOCATION OF BOND OR PAROLE.—The Secretary may, at any time, revoke a bond, parole, or decision to release an alien made under subsection (b), rearrest the alien under the original warrant, and detain the alien.'';

(5) in subsection (d), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (e), as redesignated, by striking ''Attorney General'' and inserting ''Secretary''; and

(7) in subsection (f), as redesignated, by striking ''The Attorney General's discretionary judgment'' and inserting ''The decisions of the Secretary or the Attorney General''.

SEC. ____06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered by the Department of Justice Executive Office for Immigration Review.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this subsection shall be implemented by the Executive Office for Immigration Review and shall be based on the Legal Orientation Program in existence on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear interview. The pro bono counseling and legal assistance programs developed pursuant to this subsection shall be based on the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ____07. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as verbal or physical abuse or harassment, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SHACKLING.—Procedures limiting the use of shackling, handcuffing, solitary confinement, and strip searches of detainees to situations where it is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees, including review of grievances by officials of

the Department who do not work at the same detention facility where the detainee filing the grievance is detained.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential ''toll-free'' numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—Prompt and adequate medical care at no cost to the detainee, including dental care, eye care, mental health care, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department that maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities for all detained asylum seekers.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the special characteristics of noncriminal, nonviolent detainees, and ensure that procedures and conditions of detention are appropriate for a noncriminal population; and

(2) ensure that noncriminal detainees are separated from inmates with criminal convictions, pretrial inmates facing criminal prosecution, and those inmates exhibiting violent behavior while in detention.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where they work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. ___08. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this title referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and report to, the Secretary.

(3) EFFECTIVE DATE.—The Office shall be established and the head of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Office shall—

(A) undertake frequent and unannounced inspections of detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department of Homeland Security;

(iii) the Civil Rights Office of the Department of Homeland Security; or

(iv) any other relevant office of agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Office shall annually submit a report on its findings on detention conditions and the results of its investigations to the Secretary, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives.

(B) CONTENTS OF REPORT.—

(i) ACTIONS TAKEN.—The report described in subparagraph (A) shall also describe the actions to remedy findings of noncompliance or other problems that are taken by the Secretary, the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, and each detention facility found to be in noncompliance.

(ii) RESULTS OF ACTIONS.—The report shall also include information regarding whether the actions taken were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department of Homeland Security;

(2) the Civil Rights Office of the Department of Homeland Security;

(3) the Privacy Officer of the Department of Homeland Security;

(4) the Civil Rights Section of the Department of Justice; and

(5) any other relevant office or agency.

SEC. ___09. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program. For purposes of this subsection, the secure alternatives program means a program under which aliens may be released under enhanced supervision to prevent them from absconding, and to ensure that they make required appearances.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

(2) UTILIZATION OF ALTERNATIVES.—The program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(1)(D), or who are released pursuant to section 236(d)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Department shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program. In designing the program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

SEC. ___10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department of Homeland Security detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to meaningful programmatic and recreational activities;

(E) detainees are permitted contact visits with legal representatives, family members, and others;

(F) detainees have access to private toilet and shower facilities;

(G) prison-style uniforms or jumpsuits are not required; and

(H) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for parents and minor children are not physically separated.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Priority for placement in less restrictive facilities shall be given to asylum seekers, families with minor children, vulnerable populations, and nonviolent criminal detainees.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. ___11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. ___12. EFFECTIVE DATE.

Except as otherwise provided, this title shall take effect 6 months after the date of the enactment of this Act.

SA 3254. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231.

SA 3255. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 7 and 8, insert the following:

''(b) CERTAIN ACTIONS NOT TREATED AS VIOLATIONS.—A person who, before being apprehended or placed in a removal proceeding, applies for asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be prosecuted for violating section 1542, 1544, 1546 or 1548, before the application is adjudicated in accordance with the Immigration and Nationality Act. A person who is granted asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15(T), 101(a)(15)(U), 101(a)(27(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be considered to have violated section 1542, 1544, 1546 or 1548.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, April 12, 2006 at 1:30 p.m. in the hearing room of the Wyoming Oil & Gas Conservation Commission building located at 2211 King Boulevard in Casper, WY.

The purpose of the hearing is to receive testimony regarding the legislative, economic, and environmental issues associated with the growth and development of the Wyoming coal industry.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact John Peschke or Shannon Ewan.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Immigration Litigation Reduction'' on Monday, April 3, 2006, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Panel I: The Honorable Paul R. Michel, Chief Judge United States Court of Appeals for the Federal Circuit, Washington, DC; The Honorable John M. Walker, Jr., Chief Judge, United States Court of Appeals for the Second Circuit New Haven, CT; The Honorable Carlos T. Bea, Circuit Judge, United States Court of Appeals for the Ninth Circuit, San Francisco, CA; The Honorable Jon O. Newman, Senior Judge, United States Court of Appeals for the Second Circuit, Hartford, CT; The Honorable John McCarthy Roll, District Judge, United States District Court for the District of Arizona, Tucson, AZ.

Panel II: Jonathan Cohn, Deputy Assistant Attorney General, Civil Division, Department of Justice, Washington, DC, and David Martin, Professor of Law, University of Virginia Charlottesville, VA.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent at 10 a.m. on Tuesday, the Senate proceed to executive session and an immediate vote on the confirmation of calendar No. 600, Michael Chagares, to be a United States circuit judge for the Third Circuit; provided further that following that vote, the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDERS FOR TUESDAY, APRIL 4, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m., Tuesday, April 4. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to executive session as under the previous order, with the debate divided equally until 10 a.m. I further ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, this evening we have continued to work on agreements for the border control bill. We need to make significant progress tomorrow, and Senators should be prepared for late nights throughout the week. At 10 a.m. tomorrow morning we

will vote on a circuit judge who was reported by the Judiciary Committee last week. I hope we can follow up that vote with agreements to vote on other amendments to the border security measure. Therefore, votes will occur throughout Tuesday's session of the Senate.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Tuesday, April 4, 2006, at 9:45 a.m.