

111TH CONGRESS  
2D SESSION

# S. 2974

To establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2010

Mr. LUGAR (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Return of Talent Act”.

1 **SEC. 2. RETURN OF TALENT PROGRAM.**

2 (a) IN GENERAL.—Title III of the Immigration and  
3 Nationality Act (8 U.S.C. 1401 et seq.) is amended by  
4 inserting after section 317 the following:

5 “TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN  
6 THE RETURN OF TALENT PROGRAM

7 “SEC. 317A. (a) IN GENERAL.—The Secretary of  
8 Homeland Security, in consultation with the Secretary of  
9 State, shall establish the Return of Talent Program to  
10 permit eligible aliens to temporarily return to the alien’s  
11 country of citizenship to make a material contribution to  
12 that country if the country is engaged in post-conflict or  
13 natural disaster reconstruction activities, for a period not  
14 exceeding 24 months, unless an extension of time is grant-  
15 ed under subsection (d).

16 “(b) ELIGIBLE ALIEN.—An alien is eligible to partici-  
17 pate in the Return of Talent Program established under  
18 subsection (a) if the alien meets the requirements for a  
19 special immigrant under section 101(a)(27)(N).

20 “(c) FAMILY MEMBERS.—The spouse, parents, sib-  
21 lings, and any minor children of an alien who participates  
22 in the Return of Talent Program established under sub-  
23 section (a) may return to such alien’s country of citizen-  
24 ship with the alien and reenter the United States with the  
25 alien.

1       “(d) EXTENSION OF TIME.—The Secretary of Home-  
2 land Security may extend the 24-month period referred  
3 to in subsection (a) upon a showing that circumstances  
4 warrant that an extension is necessary for post-conflict or  
5 natural disaster reconstruction efforts.

6       “(e) RESIDENCY REQUIREMENTS.—A special immi-  
7 grant described in section 101(a)(27)(N) who participates  
8 in the Return of Talent Program, and the spouse, parents,  
9 siblings, and any minor children who accompany such im-  
10 migrant to that immigrant’s country of citizenship, shall  
11 be considered, during such period of participation in the  
12 program—

13               “(1) to be physically present and residing in the  
14 United States for purposes of naturalization under  
15 section 316(a); and

16               “(2) to meet the continuous residency require-  
17 ments under section 316(b).

18       “(f) OVERSIGHT AND ENFORCEMENT.—The Sec-  
19 retary of Homeland Security, in consultation with the Sec-  
20 retary of State, shall oversee and enforce the requirements  
21 of this section.”.

22       (b) TABLE OF CONTENTS.—The table of contents for  
23 the Immigration and Nationality Act (8 U.S.C. 1101 et  
24 seq.) is amended by inserting after the item relating to  
25 section 317 the following:

“317A. Temporary absence of persons participating in the Return of Talent Program.”.

1 **SEC. 3. ELIGIBLE IMMIGRANTS.**

2 Section 101(a)(27) of the Immigration and Nation-  
3 ality Act (8 U.S.C. 1101(a)(27)) is amended—

4 (1) in subparagraph (L), by inserting a semi-  
5 colon after “Improvement Act of 1998”;

6 (2) in subparagraph (M), by striking the period  
7 and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(N) an immigrant who—

10 (i) has been lawfully admitted to the  
11 United States for permanent residence;

12 (ii) demonstrates an ability and willing-  
13 ness to make a material contribution to the  
14 post-conflict or natural disaster reconstruction  
15 in the alien’s country of citizenship; and

16 (iii) has been determined by the Secretary  
17 of State, in consultation with the Secretary of  
18 Homeland Security, to be a citizen of—

19 (I) a country in which the Armed  
20 Forces of the United States are engaged,  
21 or have been engaged during the 10-year  
22 period preceding such determination, in  
23 combat or peacekeeping operations;

1           “(II) a country in which authorization  
2           for United Nations peacekeeping oper-  
3           ations was initiated by the United Nations  
4           Security Council during the 10-year period  
5           preceding such determination; or

6           “(III) a country which received, dur-  
7           ing the preceding 2 years, financial assist-  
8           ance from the Office of Foreign Disaster  
9           Assistance of the United States Agency for  
10          International Development in response to a  
11          disaster in such country that is beyond the  
12          ability of such country’s response capacity  
13          and warrants a response by the United  
14          States Government.”.

15 **SEC. 4. REPORT TO CONGRESS.**

16          Not later than 2 years after the date of the enact-  
17          ment of this Act, the Secretary of Homeland Security, in  
18          consultation with the Secretary of State, shall submit a  
19          report to Congress that describes—

20               (1) the countries of citizenship of the partici-  
21          pants in the Return of Talent Program established  
22          under section 317A of the Immigration and Nation-  
23          ality Act, as added by section 2;

1           (2) the post-conflict or natural disaster recon-  
2           struction efforts that benefitted, or were made pos-  
3           sible, through participation in the program; and

4           (3) any other information that the Secretary of  
5           Homeland Security determines to be appropriate.

6 **SEC. 5. REGULATIONS.**

7           Not later than 6 months after the date of the enact-  
8           ment of this Act, the Secretary of Homeland Security shall  
9           promulgate regulations to carry out this Act and the  
10          amendments made by this Act.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12          There are authorized to be appropriated to United  
13          States Citizenship and Immigration Services such sums as  
14          may be necessary for fiscal year 2011 to carry out this  
15          Act and the amendments made by this Act.

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