

109TH CONGRESS
2D SESSION

S. 2413

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.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2006

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

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 in order to make a material con-
12 tribution to that country if the country is engaged in post-
13 conflict or natural disaster reconstruction activities, for a
14 period not exceeding 24 months, unless an exception is
15 granted 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 special immigrant de-
19 scription 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.—An immigrant
 7 described in section 101(a)(27)(N) who participates in the
 8 Return of Talent Program established under subsection
 9 (a), and the spouse, parents, siblings, and any minor chil-
 10 dren who accompany such immigrant to that immigrant’s
 11 country of citizenship, shall be considered, during such pe-
 12 riod of participation in the program—

13 “(1) for purposes of section 316(a), physically
 14 present and residing in the United States for pur-
 15 poses of naturalization within the meaning of that
 16 section; and

17 “(2) for purposes of section 316(b), to meet the
 18 continuous residency requirements in that section.

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

23 “(b) TABLE OF CONTENTS.—The table of contents for
 24 the Immigration and Nationality Act (8 U.S.C. 1101 et

1 seq.) is amended by inserting after the item relating to
 2 section 317 the following:

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

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

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

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

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

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

11 “(N) an immigrant who—

12 “(i) has been lawfully admitted to the
 13 United States for permanent residence;

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

18 “(iii) as determined by the Secretary of
 19 State in consultation with the Secretary of
 20 Homeland Security—

21 “(I) is a citizen of a country in which
 22 Armed Forces of the United States are en-
 23 gaged, or have engaged in the 10 years

1 preceding such determination, in combat or
2 peacekeeping operations;

3 “(II) is a citizen of a country where
4 authorization for United Nations peace-
5 keeping operations was initiated by the
6 United Nations Security Council during
7 the 10 years preceding such determination;
8 or

9 “(III) is a citizen of a country which
10 received, during the preceding 2 years,
11 funding from the Office of Foreign Dis-
12 aster Assistance of the United States
13 Agency for International Development in
14 response to a declared disaster in such
15 country by the United States Ambassador,
16 the Chief of the U.S. Mission, or the ap-
17 propriate Assistant Secretary of State, that
18 is beyond the ability of such country’s re-
19 sponse capacity and warrants a response
20 by the United States Government.”.

21 **SEC. 4. REPORT TO CONGRESS.**

22 Not later than 2 years after the date of enactment
23 of this Act, the Secretary of Homeland Security, in con-
24 sultation with the Secretary of State, shall submit a report
25 to Congress that describes—

1 (1) the countries of citizenship of the partici-
2 pants in the Return of Talent Program established
3 under section 2;

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

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

9 **SEC. 5. REGULATIONS.**

10 Not later than 6 months after the date of enactment
11 of this Act, the Secretary of Homeland Security shall pro-
12 mulgate regulations to carry out this Act and the amend-
13 ments made by this Act.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to the Bu-
16 reau of Citizenship and Immigration Services for fiscal
17 year 2007, such sums as may be necessary to carry out
18 this Act and the amendments made by this Act.

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