AMENDMENT NO. 3009

At the request of Mr. NELSON of Florida, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mrs. CLINTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Minnesota (Mr. DAYTON), the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3009 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3011

At the request of Mr. TALENT, the names of the Senator from Virginia (Mr. WARNER), the Senator from Delaware (Mr. CARPER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Mississippi (Mr. LOTT), the Senator from Ohio (Mr. DEWINE) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 3011 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 2408. A bill to require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; to the Select Committee on Intelligence.

Mr. SANTORUM. Mr. President, I rise today to offer remarks on legislation that I am introducing today here in the Senate.

This legislation concerns the need to release military documents and photographs recovered in Iraq and Afghanistan. Specifically, the bill requires the Director of National Intelligence to make publicly available on an Internet website documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

In my conversations with President Bush and Secretary of Defense Rumsfeld, I urged that efforts to examine these documents and photographs be accelerated. With U.S. and Coalition forces actively engaged in Iraq, the analysis and release of these documents should be made a top priority within the Department of Defense.

Recently, I gave a speech at the Valley Forge Military Academy in Pennsylvania concerning ongoing military operations in Iraq and detailed why we must prevail. In my speech, I noted that U.S. and Coalition forces are fighting the forces of Islamic fascism and those who seek to overthrow the values and beliefs that civilized nations cherish. In short, this is a battle we cannot afford to lose.

By way of background, The Weekly Standard published several articles detailing a number of these documents and the information contained within them which "connect the dots" between Saddam Hussein and the training of Islamic terrorists. Among the points highlighted in a recent The Weekly Standard article:

> The photographs and documents on Iraqi training camps come from a collection of some 2 million "exploitable items" captured in postwar Iraq and Afghanistan. They include handwritten notes, typed documents, audiotapes, videotapes, compact discs, floppy discs, and computer hard drives . . . Nearly three years after the U.S. invasion of Iraq, only 50,000 of these 2 million "exploitable items" have been thoroughly examined.

Many of the translated and analyzed documents were entered into a government database known as "HARMONY." It is now 4 years since these documents were captured. I understand that previous requests to release information from the HARMONY database have been rejected or delayed. It is reasonable to assume that over the course of the last 4 years any actionable intelligence contained within these documents has already been exploited.

It is imperative that documents captured in Iraq which highlight the connections between Saddam Hussein's brutal regime and Islamic terrorists be released as soon as possible. These documents are increasingly necessary to help the American people understand both the reasons for our involvement in Iraq and the challenge of defending freedom and democracy.

However, in the interest of national security, the bill permits the Director of National Intelligence to withhold making a document publicly available—provided he informs the relevant congressional committees of the justification for not disclosing the document.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. NELSON of Florida, and Mrs. LINCOLN):

S. 2409. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am proud to join with my colleagues, Senators BINGAMAN, CLINTON and NELSON, to introduce the Home and Community Based Services Copayment Equity Act of 2006. This important piece of legislation addresses a significant oversight in the Medicare Part D prescription drug benefit. While nearly 22 million seniors now have access to affordable prescription drug coverage under the program, many of the most vulnerable Medicare beneficiaries are being charged unnecessary copayments simply based upon how they choose to receive their long-term care services.

Under current law, dual eligible Medicare beneficiaries, those who qualify for both Medicaid and Medicare coverage, receive a subsidy from the government to pay the benefit's required $250 deductible. These individuals also qualify for reduced copayments for both generic and brand named drugs in the amount of one and three dollars respectively. If a dual-eligible beneficiary receives long-term care services in an institutional setting, such as a nursing home, he or she is exempt from paying the required copayment. Congress decided to provide this assistance because dual-eligible beneficiaries residing in nursing homes live off of very limited incomes. For instance, in Oregon the personal needs allowance beneficiaries receive each month for incidentals, including medications, is only $30. As many institutionalized beneficiaries are on multiple medications, they would not be able to meet their share of drug costs.

This is the very reason Congress provided institutionalized dual-eligible beneficiaries with an exemption from all copayments under Medicare Part D. However, many dual eligible beneficiaries choose to receive long-term care services in home or community-based settings, such as assisted living or resident care program facilities. Almost all states have chosen to establish Home and Community Based Services Medicaid demonstration projects that have expanded access to community based alternatives to an even greater number of low-income elderly Americans. The State of Oregon operates one of the Nation's most successful HCS waivers, serving approximately 23,500 dual eligible beneficiaries this year. My State has a thriving community based care industry that has provided many dual eligible Oregonians the freedom to choose the care setting that best meets their own physical and social needs.

While dual eligible beneficiaries are exempted from prescription drug copayments under Medicare Part D, those choosing community based alternatives are required to pay them. This is despite the fact that beneficiaries choosing community based care options typically live off of the same limited incomes as those residing in nursing homes. Despite the fact that some States provide HCS beneficiaries a larger personal stipend each month, they may have greater financial demands. At the end of the day, they are in no better position to pay the costs of prescription drugs than those beneficiaries living in nursing homes.

I should also note that their less restrictive living environments may require them to take additional medications to support their daily routines. It is not uncommon for dual eligible beneficiaries in community-based care settings to be on 8 to 10 medications at a given time. At that level, even minimal copayments create a significant financial burden to these individuals.

The current dual-eligible copayment exemption policy is not only creating inequity in Medicare Part D, it is potentially restricting access to life-saving medications. This is certainly not what Congress intended when it created the new prescription drug benefit, especially for this incredibly vulnerable population. If Congress does not act quickly to extend the exemption to dual eligible beneficiaries in community based care, individuals may begin to gravitate toward institutional options simply because they can have their drugs costs paid in those settings. I believe we need to do everything possible to support choice in long-term care, and by applying the current institutional copayment exemption more uniformly, Congress will ensure the Medicare drug benefit does not adversely affect beneficiaries choices.

I ask my colleagues to improve the fairness of the Medicare prescription drug benefit for all dual eligible beneficiaries by supporting the Home and Community Based Copayment Equity Act. I hope you will join me in calling for its quick passage in the Senate.

Mrs. CLINTON. Mr. President, today I rise to introduce bipartisan legislation with my colleagues Senators SMITH, NELSON, and BINGAMAN to address yet another serious flaw in the Medicare prescription drug benefit that has come to light.

On January 1, the new Medicare prescription drug benefit went into effect. Overnight, millions of seniors and disabled Americans found themselves thrown into a confusing and complex transition.

Some of our poorest and most vulnerable beneficiaries, those in assisted living facilities, have found themselves suddenly forced to produce co-payments to get the medications they need.

These are beneficiaries with serious mental illnesses who have been stabilized on medications, and people with developmental and physical disabilities who have little or no incomes and no way to afford the medicines that they depend on.

The bill we are introducing will fix this problem by waiving co-payments for this group of vulnerable beneficiaries in the same manner that these co-payments are already waived for Medicare beneficiaries in nursing homes.

This is just one of so many problems we have seen plaguing this program. I am working on all fronts to help Medicare beneficiaries weather this transition. Before this program went into effect, it was clear that those dually eligible for Medicare and Medicaid, our poorest and most vulnerable seniors and disabled, would have a particular challenge navigating this transition. I was very concerned that many of these Medicare recipients would walk up to their pharmacy counters on January 1 and be unable to get their prescriptions filled.

In anticipation of these problems, I introduced legislation in December to keep these Medicare recipients from falling through the cracks by stepping up outreach and education to pharmacists and providing reimbursement to pharmacists who are charged a transaction fee to access beneficiary information through Medicare. I also co-sponsored legislation to give Medicare beneficiaries more time to enroll in the new program.

And I issued a resource guide, now available in both English and Spanish, to help New Yorkers navigate this new program. To date more than 75,000 copies of the guide have been distributed.

Since the new program went into effect, I have repeatedly urged the Bush Administration to address the problems plaguing this program. And in January, I introduced comprehensive legislation along with several of my Senate colleagues, that includes my bill to help pharmacists help their customers, and makes the other fixes I have been calling for: provisions to improve outreach and education, fix problems with drug plans transition programs, protect the benefits of seniors who also have coverage from a retiree drug plan, and make sure that states and low income beneficiaries are reimbursed for excessive costs they have been forced to shoulder by the inept implementation of the new benefit.

We owe it to our seniors and disabled Americans to get this right. And I will keep fighting to ensure that we do.

Mr. NELSON of Florida. Mr. President, I am pleased to join my colleagues Senators SMITH, BINGAMAN and CLINTON as we introduce the Home and Community Services Co-payment Equity Act of 2006.

For years now, I have advocated providing seniors and the disabled with meaningful prescription drug coverage. No one in this country should ever have to choose between their meals and their medications. In 2003, Congress passed the Medicare Modernization Act, which created a Medicare prescription drug program. I did not support this legislation, because I believe it created a program that contains several major flaws. However, I think that our job now is to do our best to help beneficiaries by fixing the underlying law.

The Medicare prescription drug program exempts the lowest income nursing home residents from all prescription drug co-payments. However, it leaves out the equally vulnerable group of low-income beneficiaries who live in assisted living and other home and community-based facilities. These are often beneficiaries with serious mental illnesses who have been stabilized on medications, and people with developmental and physical disabilities who have little or no incomes and previously received prescription drug coverage under Medicaid.

In my home State of Florida, thousands of individuals with mental illnesses are integrated into community-based programs such as assisted-living facilities. Unfortunately, many patients in these facilities are forgoing their medications on account of the new Medicare co-payments. Reports also indicate that patients have been hospitalized because they have been unable to afford their essential medications due to the new cost-sharing requirements.

In response, we are introducing the Home and Community Services Co-payment Equity Act of 2006. The legislation would waive co-payments for low-income beneficiaries residing in assisted living and other home- and community-based facilities. This bill is a small step that will go a long way towards ensuring that low-income patients get their prescription drugs.

This issue boils down to just one goal—helping low-income seniors and people with disabilities afford the medications they need. I urge all of our colleagues, from both sides of the aisle, to join us in this vital effort.

By Mr. COLEMAN (for himself, Mr. LEVIN, and Mr. GRAHAM):

S. 2410. A bill to amend the Homeland-Security Act of 2002 to limit foreign control of investments in certain United States critical infrastructure; to the Committee on Banking, Housing, and Urban Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill which I am introducing today, the Foreign Investment Transparency and Security Act of 2006, 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. 2410

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 ''Foreign Investment Transparency and Security Act of 2006''.

SEC. 2. LIMITS ON FOREIGN CONTROL OF INVESTMENTS IN CERTAIN UNITED STATES CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

''Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure

''SEC. 241. DEFINITIONS.

''As used in this subtitle—

''(1) the term 'foreign government controlled entity' means any entity in which a foreign government owns a majority interest, or otherwise controls or manages the entity; and

''(2) the term 'general business corporation' means any entity that qualifies for

treatment for Federal taxation purposes under subchapter C or subchapter S of the Internal Revenue Code of 1986, established or organized under the laws of any State.

"SEC. 242. LIMITATION ON FOREIGN INVESTMENTS.

''(a) IN GENERAL.—A foreign government controlled entity may acquire, own, or otherwise control or manage any critical infrastructure of the United States only through the establishment or operation of a foreign owned general business corporation that meets the requirements of subsection (b).

''(b) REQUIREMENTS.—For purposes of this section, a general business corporation shall—

''(1) have a board of directors, the majority of which is comprised of United States citizens;

''(2) have a chief security officer who is a United States citizen, responsible for safety and security issues related to the critical infrastructure; and

''(3) maintain all records related to operations, personnel, and security of the United States general business corporation in the United States.

''(c) RULE OF CONSTRUCTION.—Nothing in this subtitle may be construed to restrict or otherwise alter the authority of the President or the Committee on Foreign Investment in the United States (or any successor thereto) as the designee of the President, under section 721 of the Defense Production Act of 1950.

"SEC. 243. REGULATIONS REQUIRED.

''Not later than 6 months after the date of enactment of this subtitle, the Secretary, in coordination with the Secretary of the Treasury, shall promulgate final regulations to carry out this subtitle.

"SEC. 244. EFFECTIVE DATE.

''(a) IN GENERAL.—Section 242 shall apply beginning on the date that is 6 months after the date of enactment of this subtitle.

''(b) EXISTING ENTITIES.—A foreign government controlled entity that owns or otherwise controls or manages any critical infrastructure of the United States on the effective date of this subtitle shall comply with the requirements of this subtitle not later than 180 days after that effective date.''.

(b) CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 237 the following:

''Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure

''Sec. 241. Definitions.
''Sec. 242. Limitation on foreign investments.
''Sec. 243. Regulations required.
''Sec. 244. Effective date.''.

SEC. 3. MARITIME SECURITY.

(a) FINDINGS.—Congress finds that—

(1) existing scanning processes for maritime containers are insufficient;

(2) it should be the goal of the United States to scan 100 percent of inbound maritime containers; and

(3) the maritime container inspection system employed in Hong Kong shows promise in enhancing the maritime security capabilities of the United States.

(b) AMENDMENTS TO HOMELAND SECURITY ACT.—

(1) IN GENERAL.—Subtitle A of title IV of the Homeland Security Act (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 404. REPORT ON SCANNING OF MARITIME CONTAINERS.

''(a) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit a report to Congress detailing the processes and policies for implementation of a scanning system for 100 percent of the inbound maritime containers described in subsection (a).

''(b) DEFINITION OF CONTAINER.—The term 'container' has the meaning given the term in the International Convention for Safe Containers, with annexes, done at Geneva December 2, 1972 (29 UST 3707).''.

(2) CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 403 the following:

''Sec. 404. Report on scanning of maritime containers.''.

By Mr. BIDEN:

S. 2412. A bill to address homeland security issues relating to first responders, the Federal Bureau of Investigation, the use of technology, Federal, State, and local coordination, and critical infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BIDEN. Mr. President, today, I am introducing the 9/11 Commission Recommendations Implementation Act of 2006. This legislation will provide $41.625 billion over the next 10 years to help ensure that we implement the recommendations of the 9/11 Commission.

Back in July of 2004, the 9/11 Commission—with distinguished bipartisan leadership from former Republican Governor Tom Kean and former Congressman Lee Hamilton—issued its report with recommendations of what the government should do to help better protect the Nation.

Nearly a year and a half later, they issued a so-called report card to tell us how well the government had been doing at implementing their recommendations.

Well, it doesn't look good. That report card was riddled with Cs, Ds, Fs, and incompletes.

Most Americans believe that we've taken the obvious steps to close the gaps in our homeland defense. They believe that at the very least, we have a plan, that we've set priorities, and that we know what the next steps are.

But, let me quote from the Commission's report card from December on what we've done to assess the risks and vulnerabilities of our critical infrastructure—transportation, communications, and industrial assets.

Here's what they say—and I quote—''no risk and vulnerability assessments have actually been made. No national priorities are yet established. No recommendations have been made on the allocation of scarce resources. All key decisions on homeland security are at least a year away.''

We all remember 9/11, when we learned for the first time that local police, fire, and rescue units could not communicate with each other and could not communicate with Federal agencies. We saw how this inability probably resulted in many deaths that could have been prevented. Well, we learned during Hurricane Katrina that things are no better today. No better today.

The one place I think most Americans think we've probably done pretty well—passenger screening—actually got an ''F.'' The 9/11 commission reports stated that, in fact, ''few improvements have been made to the existing passenger screening system since right after 9/11.'' With respect to checked bag and cargo screening for commercial flights, the 9/11 Commission gave a score of ''D'', stating that ''improvements have not been made a priority by Congress or the Bush Administration.''

This is unacceptable. This Administration hasn't even filled in the very obvious gaps in our homeland defense. We haven't done it. We simply haven't done it.

The bill that I am introducing today will ensure that we address the most obvious gaps in our homeland defense. It begins with those areas where the Commission graded us and the President as ''F'' and ''D.'' And, it addresses those areas that were outside the scope of the report but are commonsense things that we should be doing, such as securing the rails and providing funding for local law enforcement.

And it's pretty basic. We have done nothing much to deal with the problems most Americans know relate to homeland security. We are safer but not nearly safe enough. The bipartisan commission that got great grades from everybody in the Nation felt compelled on their own dime, their own money, their own resources, not funded by the government, to continue to issue reports and to hold hearings. And they issued a report on December 5 that is, quite frankly, embarrassing and dangerous.

We can and we have to marshal all our country's resources in this struggle. Do you think that the American people would rather us spend this money on securing our ports, our chemical plants, our railroads, our cities, or give it back as a tax break for the wealthiest Americans? Given the choice, the American people said, let's make our streets safer. I'm confident they think we should make the country safer. This legislation will help take us down that path, and I urge my colleagues to support it.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 2413. 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; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, two of the greatest challenges we face today are how to address the needs of post-conflict countries, and countries that are suffering from large-scale natural disasters. These are critical issues, and ones that we cannot afford to get

wrong—for the sake of the people living in those nations, and for the sake of our own security.

On the post-conflict front, a 2004 commission organized by the Center for Strategic and International Studies and the Association of the U.S. Army found, to no one's surprise, that ''failed states matter—for national security as well as for humanitarian reasons. If left to their own devices, such states can become sanctuaries for terrorist networks, organized crime and drug traffickers, as well as posing grave humanitarian challenges and threats to regional stability.''

The most obvious case in point is the reconstruction of Iraq. I've spent many hours on this floor, for three years, making clear that we have to get it right in Iraq. And in addition to Iraq, unfortunately, we can talk about many other states that are either unstable, or are tenuously recovering from past conflicts including Liberia, Afghanistan, East Timor, Kosovo, Haiti, and the Democratic Republic of Congo.

Earthquakes, floods, drought and landslides often have the most dire impacts in developing countries that are the least equipped to respond. The countries ravaged by the 2004 tsunami are on a path to recovery, but there is still a long way to go: Indonesia lost over 150,000 people, with half a million left homeless. In India, almost 20,000 people lost their lives and 2.79 million people were affected, losing homes, land, and livestock. The tsunami set back the Maldives twenty years in development, eviscerating the country's economic backbone and tourism industry.

Recent years also saw devastating natural disasters in other parts of the world. Earthquakes in Iran affected more than 30,000 people. Catastrophic floods in Bangladesh left thousands dead and hundreds of thousands homeless. Recurring droughts in Afghanistan left over 130,000 people—some 92 percent of the population—in need of food or aid.

We need comprehensive—and creative—strategies to address the need to rebuild in countries on the rebound from conflicts or natural disasters. One such strategy is to tap into the store of human as well as financial resources here in the United States. We should allow, and indeed encourage, immigrants to use their skills, talents, and knowledge to help rebuild their native lands. In fact, the diaspora presents one of the best collective resources that exists: these individuals know the communities. They know the culture. They know the language—more than any contractors and more than any humanitarian workers from the outside, no matter how well trained or how much expertise they may have.

So today, I am introducing legislation that would create a ''Return of Talent'' visa program.

The idea is simple: a Return of Talent program would allow legal immigrants in the United States to return home to help with reconstruction efforts. ''Legal Permanent Residents'' will be able to return temporarily to their countries after a conflict or a significant natural disaster to help rebuild, without their time out of the United States affecting their ability to meet the requirements for U.S. citizenship.

Under current law, a Legal Permanent Resident who wants to apply for U.S. citizenship is required to be physically present in the United States for at least half of the five years immediately preceding the date of filing the naturalization application.

This residency requirement could be particularly difficult to meet for those who may have family and friends in their country of origin who are in desperate need of help. We should not stand in their way of returning, allowing them to bring their talent and expertise home, helping them help others at a time of greatest need.

Press articles have highlighted stories of such individuals—engineers, bankers, teachers and translators—who are willing to contribute to reconstruction efforts. They simply cannot do so without jeopardizing their immigration status.

This legislation would encourage those skilled and committed individuals to return to their countries of origin to revive the business, industry, agriculture, education, health and other sectors that have been weakened or destroyed after years of conflict or devastating disasters.

The Return of Talent program would include any individual who demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in their country of origin.

The program would apply to immigrants from countries where U.S. armed forces have engaged in armed conflict or peacekeeping, or countries where the United Nations Security Council has authorized peacekeeping operations in the past ten years. Immigrants from countries which received funding from the U.S. Office of Foreign Disaster Assistance also would be eligible to participate in the program.

Estimates of individuals who could participate in this program are relatively low. For example, the United States admitted 2,137 Afghani and 3,494 Iraqi immigrants in 2004 who are now Legal Permanent Residents eligible to pursue U.S. citizenship. Immigrants from Indonesia numbered 2,418 and Bangladesh, 8,061 in the same year. Yet, while the program would have a small impact on the U.S. naturalization process, the contributions of even a few hundred individuals could have a tremendous positive effect on reconstruction work.

In simple terms, a Return of Talent program makes sense. Everybody wins: The United States is able to support badly needed rebuilding efforts without increasing foreign aid; immigrants are able to use their skills and resources to help communities without jeopardizing their immigration status; and the people recovering from conflict and disaster receive much-needed assistance.

A Return of Talent program is an important piece of our overall strategy to stabilize and rebuild countries torn by conflict and devastated by natural disaster. I urge my colleagues to support this legislation.

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. 2413

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 ''Return of Talent Act''.

SEC. 2. RETURN OF TALENT PROGRAM.

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

''TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM

''SEC. 317A. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien's country of citizenship in order to make a material contribution to that country if the country is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

''(b) ELIGIBLE ALIEN.—An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(N).

''(c) FAMILY MEMBERS.—The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien's country of citizenship with the alien and reenter the United States with the alien.

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

''(e) RESIDENCY REQUIREMENTS.—An immigrant described in section 101(a)(27)(N) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant to that immigrant's country of citizenship, shall be considered, during such period of participation in the program—

''(1) for purposes of section 316(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

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

''(f) OVERSIGHT AND ENFORCEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.''.

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

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

SEC. 3. ELIGIBLE IMMIGRANTS.

Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon after "Improvement Act of 1998";

(2) in subparagraph (M), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(N) an immigrant who—

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

"(ii) demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in the alien's country of citizenship; and

"(iii) as determined by the Secretary of State in consultation with the Secretary of Homeland Security—

"(I) is a citizen of a country in which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations;

"(II) is a citizen of a country where authorization for United Nations peacekeeping operations was initiated by the United Nations Security Council during the 10 years preceding such determination; or

"(III) is a citizen of a country which received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United States Ambassador, the Chief of the U.S. Mission, or the appropriate Assistant Secretary of State, that is beyond the ability of such country's response capacity and warrants a response by the United States Government.".

SEC. 4. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a report to Congress that describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 2;

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the program; and

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

SEC. 5. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this Act and the amendments made by this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services for fiscal year 2007, such sums as may be necessary to carry out this Act and the amendments made by this Act.

By Mr. BAYH (for himself, Mr. OBAMA, Mr. CARPER, and Mr. KERRY):

S. 2414. A bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, I rise to speak in favor of a bill I am proud to introduce today with Senators BAYH, KERRY, and CARPER to help close the tax gap by improving the reporting of capital gains income. This bill requires brokerage firms and mutual fund companies to track and report the adjusted cost basis of their clients' stock, bond, and mutual fund investments.

This bill is a simple, commonsense solution to a serious problem. Many taxpayers have a hard enough time filing their taxes. One of the most complex parts of an individual's tax return is the schedule for capital gains income. And what makes capital gains particularly difficult is the challenge of figuring out the adjusted basis of a security that has been sold.

Many taxpayers do not have the proper records or they don't know how to calculate adjusted basis for a stock that has split or been exchanged as part of a company's merger or acquisition. And right now, the IRS does not have the ability to monitor the accuracy of taxpayer calculations. As a result, there is a risk of error or fraud. In some cases, taxpayers may end up paying too much in taxes. More often, they report too little income and pay too little in taxes.

In 2001, the IRS estimated that underreporting cost the Treasury $11 billion annually. Today the loss is even greater.

Because the IRS fails to collect these funds, the taxes that the rest of us have to pay are greater than they should be. Most people pay their taxes honestly and follow the law to the best of their ability. But a small number of tax frauds—who often owe great amounts of taxes—cheat the system. And it's hard now for the IRS to stop them.

This bill makes it easier to stop them and it helps reduce the amount of Federal tax dollars that the IRS fails to collect each year. Brokerage firms and mutual fund companies will be required to keep track of a taxpayer's cost basis and to report that information to the IRS. This will make it easier for honest taxpayers to calculate their taxable capital gain, and harder for dishonest ones to lie about it. Based on information from the Taxpayer Advocate, reporting to the IRS can improve compliance of capital gains reporting from an estimated 50 percent today to 90 percent.

Fortunately, this new reporting requirement will not pose an undue burden to the financial firms affected. First, the firms will have plenty of time to put the necessary systems in place since the reporting requirement will not take effect until 2009, and then will only apply to securities acquired starting in 2008. Second, technology has made tracking by financial firms simple and efficient. More than 80 percent of all retail accounts already subscribe to a national reporting service for transferring basis information at a nominal cost per account. Finally, in cases where it is impossible to track basis, the Treasury Secretary may develop regulations to require alternative information.

It is estimated that $345 billion of Federal taxes goes uncollected each year. This bill doesn't solve that full problem, but it is a step in the right direction. It reduces the Federal deficit without raising taxes or cutting spending. It simplifies the tax filing process and reduces the chance of error or fraud. It applies what we know about the benefits of automatic reporting to the IRS—which is required now for wage income—to capital gains income as well.

This bill makes sense. It's good policy. I urge my colleagues to join me in supporting it and to helping to improve our tax code.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3013. Mr. CONRAD (for himself, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. WYDEN, Mr. OBAMA, Mr. BAUCUS, Mr. HARKIN, Mr. KERRY, Mr. SALAZAR, Mrs. CLINTON, Ms. MIKULSKI, Mr. CARPER, Mr. BYRD, Mr. KOHL, Mr. CHAFEE, Mrs. FEINSTEIN, Ms. COLLINS, and Ms. SNOWE) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

SA 3014. Mr. CHAFEE (for himself, Mr. HAGEL, Ms. COLLINS, Mr. KOHL, Mr. COLEMAN, Mr. ROBERTS, Mr. WARNER, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3015. Mr. SANTORUM (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3016. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3017. Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DORGAN, Ms. SNOWE, Mrs. MURRAY, Mrs. CLINTON, Ms. STABENOW, Mr. BINGAMAN, Mr. KOHL, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3018. Mr. DAYTON (for himself, Mr. CHAMBLISS, Ms. STABENOW, Mr. TALENT, Mr. OBAMA, Mr. HAGEL, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. LEVIN, Mr. KERRY, Mr. SALAZAR, Mr. KOHL, Mr. BINGAMAN, Ms. MIKULSKI, Mr. BAUCUS, Mr. HARKIN, Mr. ROCKEFELLER, Mr. NELSON of Florida, Mr. BIDEN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3019. Mr. TALENT (for himself, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. SMITH, Mr. BIDEN, Ms. CANTWELL, Mr. KOHL, Mr. HARKIN, Mr. BAYH, Mr. WYDEN, Mr. JOHNSON, Mrs. DOLE, Mr. COLEMAN, Mr. CONRAD, Mr. BURNS, Mr. DURBIN, Mr. BINGAMAN, Mr. SALAZAR, Mr. SCHUMER, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3020. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3021. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.