

have earned advanced degrees in science, technology, engineering, or math. The numerical limitation is also supplemented with a flexible limitation that is set according to demand for foreign high-skilled workers.

*Section 407. Medical services in underserved areas*

Section 407 permanently authorizes the current J-1 visa waiver program. Under this program, participating states are allocated 30 J-1 visa waivers, which enables them to waive the 2 year home residency requirement for medical students and physicians who serve in "medically underserved areas" upon completion of their J-1 program. The program has been reauthorized twice before and is now set to expire on June 1, 2006.

TITLE V—IMMIGRATION LITIGATION REDUCTION

*Section 501. Consolidation of immigration appeals*

Section 501 consolidates all INA civil and administrative appeals into the United States Court of Appeals for the Federal Circuit, and increases the number of authorized judgeships in the Federal Circuit by three to 15. The amendments made by this section shall apply to any final agency order or District Court decision entered on or after the date of enactment of this Act.

*Section 502. Additional immigration personnel*

Section 502 directs the Secretary of Homeland Security to increase annually in FY 2007–2011 the number of investigative personnel investigating immigration violations by not less than 200 and the number of trial attorneys in the Office of General Counsel working on immigration by not less than 100, subject to the availability of appropriations. It also directs the Attorney General to increase annually in FY 2007–2011 the number of litigation attorneys in the Office of Immigration Litigation by not less than 50, the number of Assistant U.S. Attorneys who litigate immigration cases in Federal courts by not less than 50, and the number of immigration judges by not less than 50, subject to the availability of appropriations. Finally, it authorizes appropriations for additional Assistant Federal Public Defenders who litigate Federal criminal immigration cases in Federal court.

*Section 503. Board of Immigration Appeals removal order authority*

Section 503 grants the Board of Immigration Appeals (Board) authority to enter an order of removal without remanding to the immigration judge. It also conforms certain terminology to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) by inserting the term "order of removal", and the term "immigration judge" in place of the term "special inquiry officer," and expands the situations in which orders of removal are deemed final.

*Section 504. Judicial review of visa revocation*

Section 504 provides that the decision to revoke a visa and the removal order predicated on that revocation are not reviewable. Review of a final order of removal, however, is still permitted under 8 U.S.C. § 1252(a)(2)(D) when questions of statutory interpretation or alleged constitutional infirmity arise.

*Section 505. Reinstatement of removal orders*

Section 505 clarifies that section 241(a)(5) of the INA (8 U.S.C. 1231(a)(5)) does not require further hearing by an immigration judge in cases in which prior orders of removal are reinstated against aliens who illegally reenter the United States. This provision applies to orders of deportation or exclusion issued in cases initiated before April 1, 1997, and clarifies that the alien's ineligibility for relief is not dependent on when the alien applied for such relief. This section also provides that reinstatement orders are not reviewable.

*Section 506. Withholding of removal*

Section 506 clarifies an alien's burden of proof with respect to withholding of removal to make it consistent with the standard established for asylum by section 101(a)(3) of the REAL ID Act. Applicants for withholding, who have traditionally borne a higher burden than applicants for asylum, will bear the same burden of proof as applicants for asylum.

*Section 507. Certificate of reviewability*

Section 507 establishes a screening process for aliens' appeals of Board decisions under which appeals of removal orders will be referred to a single judge on the Federal Circuit Court of Appeals. If the alien establishes a prima facie case that the petition for review should be granted, the judge will issue a "certificate of reviewability" allowing the case to proceed to a three-judge panel; otherwise it is dismissed.

*Section 508. Discretionary decisions on motions to reopen or reconsider*

Section 508 revises the statutory provisions relating to motions to reopen and motions to reconsider to state expressly that the Attorney General's decision whether to grant or deny such motions are committed to his discretion, subject to existing statutory exceptions. This section adds a special provision providing for reopening in order to consider withholding of removal or protection under the Convention Against Torture claims in one limited circumstance. These amendments are applicable to all motions to reopen or reconsider filed on or after the date of enactment in any removal, deportation, or exclusion proceeding.

*Section 509. Prohibition of attorney fee awards for review of final orders of removal*

Section 509 abolishes EAJA fee awards in immigration cases for aliens who are removable, except when the Attorney General's or the Secretary's determination regarding removability was not substantially justified.

*Section 510. Board of Immigration Appeals*

Section 510 directs the Attorney General to promulgate regulations to require the Board of Immigration Appeals to hear cases in 3 member panels (unless certain conditions are met) and to permit the Board limited authority to issue affirmances without opinion.

TITLE VI—MISCELLANEOUS

*Section 601. Technical and conforming amendments*

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 403—RECOGNIZING THE BENEFITS OF BREASTFEEDING, AND FOR OTHER PURPOSES

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 403

Whereas the Surgeon General and the American Academy of Pediatrics recommend that most babies be exclusively fed with breast milk for the first 6 months of life, and continue on with breast milk through the first year of life;

Whereas studies have shown that children who were breastfed had a 20 percent lower risk of dying in the first year of life than children who were not breastfed;

Whereas promoting breastfeeding can potentially prevent up to 720 postneonatal deaths in the United States each year;

Whereas breast milk provides the right balance of nutrients to help an infant grow

into a strong and healthy toddler, improves the chances of infant survival, and helps protect against common childhood illnesses and infections;

Whereas research also suggests that breastfeeding may be protective against chronic diseases such as type I and type II diabetes, leukemia, and obesity;

Whereas breast milk contains important amino acids, only found in natural breast milk, that help an infant's brain develop;

Whereas maternal benefits to breastfeeding include decreased postpartum bleeding, decreased risk of breast and ovarian cancer, and decreased risk of postmenopausal osteoporosis;

Whereas the health advantages for mothers and children of breastfeeding translate into economic benefits for the family, health care system, and workplace;

Whereas breastfeeding more children would reduce medical care costs, decrease spending for public health programs such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and decrease parental absenteeism;

Whereas breastfeeding more children would have an environmental benefit by reducing trash and plastic waste from formula cans and bottle supplies;

Whereas 1 of the objectives for improving health in Focus Area 16, Maternal, Infant, and Child Health, from Healthy People 2010, is to increase the percentage of mothers who breastfeed to 75 percent in the postpartum period, 50 percent 6 months after birth, and 25 percent 1 year after birth; and

Whereas throughout the United States, mothers have encountered legal and systematic challenges while trying to breastfeed in public and upon returning to work when seeking out adequate places to express milk in the workplace: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the unique health, economic, and social benefits breastfeeding affords to children, mothers, and the community at large; and

(2) calls upon States to take steps to protect a mother's right to breastfeed and remove the barriers faced by women who breastfeed.

Mr. DURBIN. Mr. President, I speak today to recognize the importance of breastfeeding as a child and maternal health issue. Breastfeeding is widely accepted as the most complete form of nutrition for infants, and it provides an array of benefits for both infants and mothers.

Yet many mothers who choose to breastfeed find themselves in situations where they are discouraged, or even prohibited, from breastfeeding. I submitted a Senate resolution today to recognize the many benefits of breastfeeding and to encourage States to protect the rights of women to feed their children.

My home State of Illinois recently adopted legislation to exempt breastfeeding mothers from the State's public indecency laws. The impetus behind the State initiative came in no small part from a woman named Kasey Madden, a young mother turned advocate after she was asked one too many times not to breastfeed her infant daughter.

Kasey was at her local fitness center one day, exercising to get back into shape after pregnancy but also caring

for five-month-old Sadie. Sadie was in the day care center at the gym. At the moment, she was mad, and she was hungry. Kasey picked up the baby and sat down to let her nurse. Imagine how she felt when the gym manager came to her and asked her to leave the child care center, in case anyone there might be offended.

Today, Sadie is a healthy, red-haired, energetic toddler. Kasey knows more than she ever thought she would about how to affect public policy. That fitness center and every place like it in the State of Illinois now must respect the right of women to breastfeed their babies. I am not sure that gym manager realized what he was starting the day he asked Kasey Madden not to breastfeed her baby in the gym's child care center, but I commend Kasey. She recognized the value of breastfeeding—not just for Sadie—but for moms and babies everywhere who are frowned on or even prevented from breastfeeding.

The American Academy of Pediatricians and other organizations affiliated with the U.S. Breastfeeding Committee strongly support the Healthy People 2010 goal to increase the percentage of mothers who breastfeed to 75 percent.

I urge my Colleagues to join me in this Resolution to express the Sense of the Senate acknowledging the exceptional health benefits of breastfeeding and encouraging States to protect and promote a woman's right to breastfeed.

SENATE RESOLUTION 404—EX-PRESSING THE SENSE OF THE SENATE THAT ALL PEOPLE IN THE UNITED STATES SHOULD PARTICIPATE IN A MOMENT OF SILENCE TO REFLECT UPON THE SERVICE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES BOTH AT HOME AND ABROAD

Ms. STABENOW submitted the following resolution; which was considered and agreed to:

S. RES. 404

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States;

Whereas all people of the United States should participate in a moment of silence to support the troops; and

Whereas March 26th, 2006, is designated as "National Support the Troops Day": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3133. Mr. CONRAD (for himself, Mr. OBAMA, Mrs. CLINTON, Mr. DURBIN, Mr. SCHUMER, and Mr. BAYH) 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 3134. Ms. SNOWE (for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. COLEMAN, Mr. NELSON, of Florida, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3135. Mrs. CLINTON (for herself, Mr. REID, Mr. OBAMA, Mr. HARKIN, Mr. DURBIN, and Mr. KENNEDY) 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 3136. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3137. Mr. LAUTENBERG proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3138. Mr. LOTT 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 3139. Ms. LANDRIEU (for herself, Mr. CONRAD, Mr. DORGAN, and Mr. VITTER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3140. Mr. LEVIN (for himself, Ms. STABENOW, Mr. BAUCUS, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3141. Ms. STABENOW (for herself, Ms. MIKULSKI, and Mr. JOHNSON) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3142. Mr. ENSIGN 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 3143. Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DORGAN, Mr. JOHNSON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3144. Mr. OBAMA (for himself, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3145. Mr. OBAMA 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 3146. Mr. OBAMA 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 3147. Mrs. CLINTON (for herself, Ms. MIKULSKI, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3148. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3149. Mr. BROWNBACK 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 3150. Mr. LOTT 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 3151. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3115 proposed by Mr. REID (for Mrs. CLINTON) for herself, Mr. REID, and Mrs. MURRAY) to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3152. Mr. LOTT (for himself, Mr. TALENT, Mr. REED, Mr. LIEBERMAN, Mr. DURBIN, Mr. BAUCUS, and Mr. WARNER) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3153. Mr. GRASSLEY 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 3154. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3155. Mr. GREGG (for Mr. SALAZAR (for himself, Mr. ALLARD, Mr. CRAIG, Mr. DOMENICI, Mr. BURNS, Mr. ENSIGN, Mr. ENZI, Mr. THOMAS, Mr. BENNETT, Mr. HATCH, Mr. KYL, Mr. CRAPO, Mr. COLEMAN, Mrs. BOXER, Mr. REID, Mr. DORGAN, Mr. LEAHY, Mr. BAUCUS, and Mr. JOHNSON)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3156. Mr. GREGG (for Ms. STABENOW (for herself and Mr. LEVIN)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3157. Mr. FRIST 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 3158. Mr. DODD (for himself, Mr. KENNEDY, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. KERRY, Mr. SALAZAR, Mr. BAUCUS, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KOHL, Mrs. LINCOLN, and Mr. HARKIN) 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 3159. 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 3160. Mr. BAUCUS 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 3161. Mr. GRASSLEY 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 3162. Mr. GRAHAM 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 3163. Mr. BROWNBACK 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 3164. Ms. STABENOW proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3165. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3166. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3167. Mr. GREGG (for Mr. BROWNBACK) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3168. Mr. GREGG (for Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3169. Mr. GREGG (for Mr. GRAHAM) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.