

(2) DEPORTATION.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting “(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218D).”.

#### SEC. 602. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

#### SEC. 603. EXCEPTIONS FOR HUMANITARIAN REASONS.

Notwithstanding any other provision of law, an alien may be exempt from Deferred Mandatory Departure status and may apply for lawful permanent resident status during the 1-year period beginning on the date of the enactment of this Act if the alien—

- (1) is the spouse of a citizen of the United States at the time of application for lawful permanent resident status;
- (2) is the parent of a child who is a citizen of the United States;
- (3) is not younger than 65 years of age;
- (4) is not older than 16 years of age and is attending school in the United States;
- (5) is younger than 5 years of age;
- (6) on removal from the United States, would suffer long-term endangerment to the life of the alien; or
- (7) owns a business or real property in the United States.

#### SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out this title and the amendments made by this title.

### TEXT OF AMENDMENTS

**SA 4066.** Mr. KENNEDY (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 295, after line 16 insert the following:

- “or
- “(iv) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be, employed; and
- “(v) the alien submits at least 2 documents to establish current employment, as follows:
- “(I) Records maintained by the Social Security Administration.
- “(II) Records maintained by the alien’s employer, such as pay stubs, time sheets, or employment work verification.
- “(III) Records maintained by the Internal Revenue Service.
- “(IV) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.”

**SA 4067.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

#### § 161. Declaration of English

English is the common language of the United States that helps provide unity for the people of the United States.

#### § 162. Preserving and enhancing the role of the national language

The Government of the United States shall preserve and enhance the role of English as

the national language of America. Unless otherwise authorized or provided for by law, no person has a legal entitlement to services authorized or provided for by the Federal Government in any language other than English.

(b) CONFORMING AMENDMENT.—A The table of chapters for title 4, United States Code, is amended by adding at the Language of the Government of the United States.

Section 767. Requirements for Naturalization

(a) FINDINGS.—The Senate makes the following findings:

a. Under United States law (8 USC 1423 (a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

b. The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate said knowledge of the English language and United States history and government for the purpose of redesigning said test.

(b) DEFINITIONS.—for purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term ‘key documents’ means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term ‘key events’ means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term ‘key ideas’ means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term ‘key persons’ means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST REDESIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of [8 USC 1423 (a)] that prospective citizens:

a. demonstrate a sufficient understanding of the English language for usage in everyday life;

b. demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

c. demonstrate an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States; and

d. demonstrate 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; and

e. demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with [8 U.S.C. 1423(a)] not later than January 1, 2008.

**SA 4068.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 1 and all that follows through “inference.” on page 351, line 1, and insert the following:

“(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

- “(aa) bank records;
- “(bb) business records;
- “(cc) sworn affidavits from non-relatives who have direct knowledge of the alien’s work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or
- “(dd) remittance records.

“(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

Beginning on page 366, strike line 9 and all that follows to page 368, line 16.

On page 374, line 22, insert after “work” the following: “, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information”.

At page 391, line 25, strike “deferred mandatory departure status” and replace with “any benefit under this title”.

At page 392, line 12, strike “deferred mandatory departure status” and replace with “any benefit under this title”.

At page 393, lines 6–7, strike “deferred mandatory departure status” and replace with “any benefit under this title.”

At page 393, lines 11–12, strike “deferred mandatory departure status” and replace with “any benefit under this title”.

At page 392, lines 8–9, strike “deferred mandatory departure status” and replace with “any benefit under this title”.

Insert at page 392, line 23: “(r) The Secretary of Homeland Security shall ensure that denials of any benefit under this title are subject to supervisory review and approval.”

**SA 4069.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 21 and 22, insert the following:

“(V) The employment requirement in clause (i)(I) shall not apply to an individual who is over 59 years of age on the date of enactment of the Immigrant Accountability Act of 2006.

**SA 4070.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform

and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . NUMERICAL LIMITATIONS ON H-2A VISAS.**

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is further amended—

(1) in subparagraph (A)(ix), by striking “or” at the end;

(2) in subparagraph (B), by striking “and” at the end;

(3) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following: “(D) under section 101(a)(15)(H)(ii)(a) may not exceed 90,000.”.

**SA 4071.** Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 336, strike line 14 and all that follows through “(d)” on page 337, line 19, and insert the following:

(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 (except in the case of an alien described in clause (ii)) 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 Secretary of State, 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 the sciences, technology, engineering, or mathematics in the United States for the purpose of obtaining an advanced degree.”.

(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 has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(J)(ii), or who would have qualified for such nonimmigrant status if section 101(a)(15)(J)(ii) had been enacted before the completion of such alien’s graduate studies, shall not be subject to the 2-year foreign residency requirement under this subsection.”.

(f)

On page 339, line 10, strike “(e)” and insert “(g)”.

On page 340, strike line 12 and all that follows through “(f)” on page 341, line 5, 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 the completion of such alien’s graduate studies;

“(B) the alien has earned an advanced degree 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)

**SA 4072.** Mrs. CLINTON (for herself, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 259, line 23, strike “section 286(c)” and insert “section 286(x)”.

On page 264, strike line 13, and insert the following:

“(x) STATE IMPACT ASSISTANCE ACCOUNT.—

“(1) ESTABLISHMENT.—There

On page 264, strike line 20, and insert the following:

“218A and 218B.

“(2) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM ACCOUNT; STATE HEALTH AND EDUCATION ASSISTANCE ACCOUNT.—

“(A) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM ACCOUNT.—

“(i) ESTABLISHMENT.—There is established within the State Impact Aid Account a State Criminal Alien Assistance Program Account.

“(ii) DEPOSITS.—Notwithstanding any other provision under this Act, there shall be deposited in the State Criminal Alien Assistance Program Account 25 percent of all amounts deposited in the State Impact Aid Account, which shall be available to the Attorney General to disburse in accordance with section 241(i).

“(B) STATE HEALTH AND EDUCATION ASSISTANCE ACCOUNT.—

“(i) ESTABLISHMENT.—There is established within the State Impact Assistance Account a State Health and Education Assistance Account.

“(ii) DEPOSITS.—Notwithstanding any other provision under this Act, there shall be deposited in the State Health and Education Assistance Account 75 percent of all amounts deposited in the State Impact Aid Account.

“(3) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

“(A) ESTABLISHMENT.—Not later than January 1 of each year beginning after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security, in cooperation with the Secretary of Health and Human Services (referred to in this paragraph as the ‘Secretary’), shall establish a State Impact Assistance Grant Program, under which the Secretary shall award grants to States for use in accordance with subparagraph (D).

“(B) AVAILABLE FUNDS.—For each fiscal year beginning after the date of enactment of this subsection, the Secretary shall use ½ of the amounts deposited into the State Health and Education Assistance Account under paragraph 2(B)(ii) during the preceding year.

“(C) ALLOCATION.—The Secretary shall allocate grants under this paragraph as follows:

“(i) NONCITIZEN POPULATION.—

“(I) IN GENERAL.—Subject to subclause (II), 80 percent shall be allocated to States on a pro-rata basis according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

“(aa) the noncitizen population of the State; bears to

“(bb) the noncitizen population of all States.

“(II) MINIMUM AMOUNT.—Notwithstanding the formula under subclause (I), no State shall receive less than \$5,000,000 under this clause.

“(ii) HIGH GROWTH RATES.—Twenty percent shall be allocated on a pro-rata basis among the 20 States with the largest growth rate in noncitizen population, as determined by the Secretary, according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

“(I) the growth rate in the noncitizen population of the State during the most recent 3-year period for which data is available; bears to

“(II) the combined growth rate in noncitizen population of the 20 States during the 3-year period described in subclause (I).

“(iii) FUNDING FOR LOCAL ENTITIES.—The Secretary shall require recipients of the State Impact Assistance Grants to provide units of local governments with not less than 70 percent of the grant funds not later than 180 days after the State receives grant funding. States shall distribute funds to units of local government based on demonstrated need and function.

“(D) USE OF FUNDS.—A State shall use a grant received under this paragraph to return funds to State and local governments, organizations, and entities for the costs of providing health services and educational services to noncitizens.

“(E) ADMINISTRATION.—A unit of local government, organization, or entity may provide services described in subparagraph (D) directly or pursuant to contracts with the State or another entity, including—

- “(i) a unit of local government;
- “(ii) a public health provider, such as a hospital, community health center, or other appropriate entity;
- “(iii) a local education agency; and
- “(iv) a charitable organization.

“(F) REFUSAL.—

“(i) IN GENERAL.—A State may elect to refuse any grant under this paragraph.

“(ii) ACTION BY SECRETARY.—On receipt of notice of a State of an election under clause (i), the Secretary shall deposit the amount of the grant that would have been provided to the State into the State Impact Assistance Account.

“(G) REPORTS.—

“(i) IN GENERAL.—Not later than March 1 of each year, each State that received a grant under this paragraph during the preceding fiscal year shall submit to the Secretary a report in such manner and containing such information as the Secretary may require, in accordance with clause (ii).

“(ii) CONTENTS.—A report under clause (i) shall include a description of—

“(I) the services provided in the State using the grant;

“(II) the amount of grant funds used to provide each service and the total amount available during the applicable fiscal year from all sources to provide each service; and

“(III) the method by which the services provided using the grant addressed the needs of communities with significant and growing noncitizen populations in the State.

“(H) COLLABORATION.—In promulgating regulations and issuing guidelines to carry out this paragraph, the Secretary shall collaborate with representatives of State and local governments.

“(I) STATE APPROPRIATIONS.—Funds received by a State under this paragraph shall be subject to appropriation by the legislature of the State, in accordance with the terms and conditions described in this paragraph.

“(J) EXEMPTION.—Notwithstanding any other provision of law, section 6503(a) of title 31, United States Code, shall not apply to funds transferred to States under this paragraph.

“(K) DEFINITION OF STATE.—In this paragraph, the term ‘State’ means each of—

- “(i) the several States of the United States;
- “(ii) the District of Columbia;
- “(iii) the Commonwealth of Puerto Rico;
- “(iv) the Virgin Islands;
- “(v) American Samoa; and
- “(vi) the Commonwealth of the Northern Mariana Islands.”

On page 371, line 4, strike “(B) 10 percent” and insert the following:

“(B) 10 percent of such funds shall be deposited in the State Impact Aid Account in the Treasury in accordance with section 286(x);

“(C) 5 percent

On page 371, line 8, strike “(C) 10 percent” and insert “(D) 5 percent”.

**SA 4073.** SALAZAR (for himself, Mr. DURBIN, Mr. KENNEDY, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for com-

prehensive immigration reform and for other purposes; as follows:

At the appropriate place insert the following notwithstanding any other provision:

#### **SEC. 161. DECLARATION OF ENGLISH**

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

#### **SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE**

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the government of the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the U.S. Code the U.S. Constitution, controlling judicial decisions, regulations, and Presidential Executive Orders.

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the Language of Government of the United States.

**SA 4074.** Mr. OBAMA (for himself, Mr. REID, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 151, between lines 6 and 7, insert the following:

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director of the Federal Bureau of Investigations \$3,125,000 for each of fiscal years 2007 through 2011 for improving the speed and accuracy of background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigrations Services.

#### **(d) REPORT ON BACKGROUND AND SECURITY CHECKS.—**

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigations shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigrations Services

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps the Federal Bureau of Investigations is taking to expedite background and security checks that have been pending for more than 60 days.

**SA 4075.** Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 343, strike lines 12 through 24 and insert the following:

(B) in subparagraph (A)—

(i) in clause (vii), by striking “each succeeding fiscal year; or” and inserting “each of fiscal years 2004, 2005, and 2006; and”; and

(ii) by adding after clause (vii) the following:

“(viii) 115,000 in each succeeding fiscal year; or”; and

On page 344, line 7, strike the semicolon at the end and all that follows through line 24 and insert a period.

**SA 4076.** Mr. ENSIGN (for himself, Mr. GRAHAM, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

#### **SEC. 133. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.**

“(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

“(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any of the following:

- “(1) Ground reconnaissance activities;
- “(2) Airborne reconnaissance activities;
- “(3) Logistical support;
- “(4) Provision of translation services and training;
- “(5) Administrative support services;
- “(6) Technical training services;
- “(7) Emergency medical assistance and services;
- “(8) Communications services;
- “(9) Rescue of aliens in peril;
- “(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States; and
- “(11) Ground and air transportation.

“(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

“(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

“(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘Governor of a State’ means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

“(2) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

“(3) The term ‘State along the southern border of the United States’ means each of the following:

“(A) The State of Arizona.

“(B) The State of California.

“(C) The State of New Mexico.

“(D) The State of Texas.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(i) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse the Secretary of Defense for any support beyond that authorized by subsection (a)(1) that is provided by the National Guard or the armed forces to components of the Department of Homeland Security for the purpose of securing the southern land border of the United States.

**SA 4077.** Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 259, strike lines 5 through 8 and insert the following:

“(1) any relief under section 240A(a), 240A(b)(1), or 240B; or

“(2) nonimmigrant status under section 101(a)(15) (except subparagraphs (T) and (U)).

**SA 4078.** Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . RETURN OF TALENT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Return of Talent Act”.

(b) TEMPORARY RETURN OF ALIENS TO HOME COUNTRY.—

(1) IN GENERAL.—Title III (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)(O).

“(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)(O) 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.”.

(2) TABLE OF CONTENTS.—The table of contents 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.”.

(c) ELIGIBLE IMMIGRANTS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)), as amended by section 508, is further amended—

(1) in subparagraph (M), by striking “or” at the end;

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

(3) by adding at the end the following:

“(O) 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.”.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit a report to Congress, which describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 317A of the Immigration and Nationality Act, as added by subsection (b);

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were

made possible, through participation in the Return of Talent Program; and

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

(e) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section and the amendments made by this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2007, such sums as may be necessary to carry out this section and the amendments made by this section.

**SA 4079.** Mr. OBAMA (for himself, Mr. DURBIN, Mr. REID, Mr. HARKIN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 151, between lines 6 and 7, insert the following:

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director of the Federal Bureau of Investigation \$3,125,000 for each of fiscal years 2007 through 2011 for improving the speed and accuracy of background and security checks conducted by the Federal Bureau of Investigation on behalf of the Bureau of Citizenship and Immigration Services.

(d) REPORT ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report, unclassified to the greatest extent possible with a classified annex, if necessary on the background and security checks conducted by the Federal Bureau of Investigation on behalf of the Bureau of Citizenship and Immigration Services.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days.

**SA 4080.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 409, between lines 19 and 20, insert the following:

(vi) ENGLISH LANGUAGE.—The alien has demonstrated an understanding of the English language as required by section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

**SA 4081.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 250, strike lines 5 through 10, and insert the following:

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary of Homeland Security may grant a temporary visa to an H-2C nonimmigrant during the 5-year period beginning on the date of the Comprehensive Immigration Reform Act of 2006 if such nonimmigrant demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

“(2) SUNSET.—Notwithstanding any other provision of law, after the date of end of the 5-year period referred to in paragraph (1), no alien may be issued a new visa as an H-2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H-2C nonimmigrant pursuant to such subsection after such date.

**SA 4082.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, line 22, strike the period at the end and insert “and stated in such posting that a worker hired for such opportunity will receive compensation that includes health insurance that provides benefits that are, at a minimum, actuarially equivalent to the benefits that the worker would receive under the State Medicaid plan established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of the State in which the employment opportunity will be located if the worker were eligible for benefits under such plan, as determined by such State.”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 18, 2006, at 9:30 a.m. to conduct a hearing on “The Report of the Congress on International Economic and Exchange Rate Policies.”

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 9:30 a.m. to mark up S. 1811, the “San Francisco Old Mint Commemorative Coin Act;” S. 633, the “American Veterans Disabled for Life Commemorative Coin Act;” and S. 2784, the “Fourteenth Dalai Lama Gold Medal Act.”

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and

Transportation be authorized to meet on Thursday, May 18, 2006, at 10 a.m. on S. 2686, the Consumer’s Choice, and Broadband Deployment Act of 2006.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for an Executive Session.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for an Executive Session.

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

##### COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, May 18, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to consider proposed legislation implementing the U.S.-Oman Free Trade Agreement, and the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 9:30 a.m. to hold a hearing on Iran’s Political/Nuclear Ambitions and U.S. Policy Options.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 18, 2006, at 10 a.m. to consider the nomination of Robert I. Cusick to be Director of the Office of Government Ethics.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 18, 2006 at 9:30 a.m. to hold a confirmation hearing on General Michael V. Hayden to be Director of the Central Intelligence Agency.

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

##### SPECIAL COMMITTEE ON AGING

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select

Committee on Aging be authorized to meet May 18, 2006 from 10 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

##### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for a hearing regarding “Unobligated Balances: Freeing up Funds, Setting Priorities and Untying Agency Hands.”

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

##### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 2:30 p.m. to hold a hearing on Nepal: Transition from Crisis to Peaceful Democracy.

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

#### PRIVILEGES OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that Dr. Bonni Berge, a Brookings fellow in my office, be allowed floor privileges for the duration of the Senate’s debate on S. 2611, the Comprehensive Immigration Reform Act of 2006.

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

#### HEROES EARNED RETIREMENT OPPORTUNITIES ACT

Mr. CHAMBLISS. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany H.R. 1499.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

H.R. 1499

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1499) entitled “An Act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes”, with the following House amendment to Senate amendment:

At the end of the Senate amendment add the following:

On page 3, after line 3 of the House engrossed bill, insert the following:

(c) CONTRIBUTIONS FOR TAXABLE YEARS ENDING BEFORE ENACTMENT.—

(1) IN GENERAL.—In the case of any taxpayer with respect to whom compensation was excluded from gross income under section 112 of