

SA 1181. Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, *supra*; which was ordered to lie on the table.

SA 1182. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, *supra*; which was ordered to lie on the table.

SA 1183. Mrs. CLINTON (for herself, Mr. HAGEL, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 1348, *supra*; which was ordered to lie on the table.

SA 1184. Mr. CORNYN (for himself, Mr. NELSON, of Nebraska, and Mr. DEMINT) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, *supra*.

SA 1185. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1348, *supra*; which was ordered to lie on the table.

SA 1186. Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. BOXER, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, *supra*.

SA 1187. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, *supra*; which was ordered to lie on the table.

SA 1188. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, *supra*; which was ordered to lie on the table.

SA 1189. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1166.** Mr. GRASSLEY (for himself, Mr. DEMINT, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. JUDICIAL REVIEW OF VISA REVOCATION.

(a) **IN GENERAL.**—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking “There shall be no means of judicial review” and all that follows and inserting the following: “Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

**SA 1167.** Ms. CANTWELL (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. CRAIG, Mr. CRAPO, and Mr. BAUCUS) submitted an amendment intended to be proposed

by her to the bill S. 1348, 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. \_\_\_\_\_. NORTHERN BORDER PROSECUTION REIMBURSEMENT.

(a) **SHORT TITLE.**—This section may be cited as the “Northern Border Prosecution Initiative Reimbursement Act.”

#### (b) NORTHERN BORDER PROSECUTION INITIATIVE.

(1) **INITIATIVE REQUIRED.**—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(2) **PROVISION AND ALLOCATION OF FUNDS.**—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(3) **USE OF FUNDS.**—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

- (A) Prosecution and related costs.
- (B) Court costs.
- (C) Costs of courtroom technology.
- (D) Costs of constructing holding spaces.
- (E) Costs of administrative staff.
- (F) Costs of defense counsel for indigent defendants.

(G) Detention costs, including pre-trial and post-trial detention.

#### (4) DEFINITIONS.—In this section:

(A) The term “eligible northern border entity” means—

(i) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(ii) any unit of local government within a State referred to in clause (i).

(B) The term “federally initiated” means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(C) The term “federally declined-referred” means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(D) The term “case disposition”, for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect’s arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sen-

tenced offenders, or time spent by prosecutors on judicial appeals.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$28,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

**SA 1168.** Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mr. McCAIN, Mr. KYL, Mrs. FEINSTEIN, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 6, line 11, strike the second period and insert the following: “;

(C) in paragraph (2), as redesignated—

(i) in the header, by striking “SECURITY FEATURES” and inserting “ADDITIONAL FENCING ALONG SOUTHWEST BORDER”; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

“(A) **REINFORCED FENCING.**—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

“(B) **PRIORITY AREAS.**—In carrying out this section, the Secretary of Homeland Security shall—

“(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

“(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

#### “(C) CONSULTATION.—

“(i) **IN GENERAL.**—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

“(ii) **SAVINGS PROVISION.**—Nothing in this subparagraph may be construed to—

“(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

“(II) affect the eminent domain laws of the United States or of any State.

“(D) **LIMITATION ON REQUIREMENTS.**—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.”; and

(D) in paragraph (5), as redesignated, by striking “to carry out this subsection not to exceed \$12,000,000” and inserting “such sums as may be necessary to carry out this subsection”.

**SA 1169.** Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. OBAMA, Mr. DODD, and Mr. DURBIN) proposed an

amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subparagraph (B) of the quoted matter under section 409(1)(B) and insert the following:

“(B) under section 101(a)(15)(Y)(i), may not exceed 200,000 for each fiscal year; or

In paragraph (2) of the quoted matter under section 409(2), strike “, (B)(ii).”.

**SA 1170.** Mr. MCCONNELL (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1348, 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. 298. IDENTIFICATION REQUIREMENT.**

(a) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

**“SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.**

“(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

“(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking “and 303” and inserting “303, and 304”.

(B) The table of contents of the Help America Vote Act of 2002 is amended by redesignating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively, and by inserting after the item relating to section 303 the following new item:

“Sec. 304. Identification of voters at the polls.”.

(b) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

**“PART 7—PHOTO IDENTIFICATION**

**“SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.**

“(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

“(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

“(1) a statement that the State intends to comply with the requirements of section 304; and

“(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

“(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

“(d) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

“(A) the total amount appropriated for payments under this part for the year under section 298; and

“(B) an amount equal to—

“(i) the voting age population of the State (as reported in the most recent decennial census); divided by

“(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

**“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

“(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.”.

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

**“PART 7—PHOTO IDENTIFICATION**

“Sec. 297. Payments for free photo identification.

“Sec. 298. Authorization of appropriations.”.

**SA 1171.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 26, insert “of which not less than 17,500 shall be trained and deployed to protect the borders of the United States” after “agents”.

**SA 1172.** Mr. GREGG (for himself, Mr. DEMINT, Mr. CORNYN, and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike section 1 and insert the following:

**SECTION 1. EFFECTIVE DATE TRIGGERS.**

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Sec-

retary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z non-immigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the

President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

**SA 1173.** Mr. GRAHAM (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. McCAIN, Mr. MARTINEZ, Mr. KYL, and Mr. McCONNELL) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subsections (a) through (c) of section 276 of the Immigration and Nationality Act, as amended by section 207 of this Act, and insert the following:

“(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

“(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

“(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

“(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years;

“(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years;

“(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years; or

“(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years.

“(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to

cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years.”.

**SA 1174.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 1(a), strike “the probationary benefits conferred by Section 601(h), the provisions of Subtitle C of title IV,” and insert “the provisions of subtitle C of title IV”.

At the end of section 1, add the following:

(d) No probationary benefit established under title VI shall be issued to an alien until this section is implemented.

**SA 1175.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 6 and 7, strike “the probationary benefits conferred by Section 601(h),”

**SA 1176.** Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1348, 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:

**TITLE — STUDY OF WARTIME TREATMENT OF CERTAIN PEOPLE**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Wartime Treatment Study Act”.

**SEC. 02. FINDINGS.**

Congress makes the following findings:

(1) During World War II, the United States Government deemed as “enemy aliens” more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later repatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families.

The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930’s and 1940’s, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government’s wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government’s policies. Many who suffered have already passed away and will never know of this effort.

**SEC. 03. DEFINITIONS.**

In this title:

(1) DURING WORLD WAR II.—The term “during World War II” refers to the period between September 1, 1939, through December 31, 1948.

**(2) EUROPEAN AMERICANS.**

(A) IN GENERAL.—The term “European Americans” refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term “Italian Americans” refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term “German Americans” refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term “European Latin Americans” refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term “Latin American nation” refers to any nation in Central America, South America, or the Caribbean.

**Subtitle A—Commission on Wartime Treatment of European Americans**

**SEC. 011. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.**

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the “European American Commission”).

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European

American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

#### SEC. 012. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludes and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and

the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as "World War II detention facilities");

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 011(e).

#### SEC. 013. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND CO-OPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent per-

mitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552(a)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the European American Commission shall be deemed to be a committee of jurisdiction.

#### SEC. 014. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5322 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

#### SEC. 015. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, \$600,000 shall be available to carry out this subtitle.

#### SEC. 016. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

#### Subtitle B—Commission on Wartime Treatment of Jewish Refugees

#### SEC. 021. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the "Jewish Refugee Commission").

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee

Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

**SEC. 022. DUTIES OF THE JEWISH REFUGEE COMMISSION.**

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 021(e).

**SEC. 023. POWERS OF THE JEWISH REFUGEE COMMISSION.**

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by

subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND OPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

**SEC. 024. ADMINISTRATIVE PROVISIONS.**

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

**SEC. 025. FUNDING.**

Of the amounts authorized to be appropriated to the Department of Justice, \$600,000 shall be available to carry out this subtitle.

**SEC. 026. SUNSET.**

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

**SA 1177.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, 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. \_\_\_\_ . ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.**

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99-603) is amended—

(1) by striking “section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))” and inserting “subparagraph (H)(ii)(a) or subparagraph (Y) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15))”; and

(2) by inserting “or forestry” after “agricultural”.

**SA 1178.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 . ARREST AND DETENTION OF ALIENS UNLAWFULLY PRESENT.**

(a) ARREST PROCEDURES.—Any immigration enforcement operation by the Department for alleged violations under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which is reasonably calculated to apprehend, or results in the apprehension of, at least 50 aliens, shall be carried out according to the following procedures:

(1) STATE NOTIFICATION.—The Department shall provide State officials with sufficient advance notice of the enforcement operation to allow State law enforcement officials to notify the appropriate State social service agencies (referred to in this section as “SSA”) of—

(A) the specific area of the State that will be affected;

(B) the languages spoken by employees at the target worksite; and

(C) any special needs of the employees.

(2) NGO NOTIFICATION.—The Department and the applicable SSA shall determine how appropriate nongovernmental organizations will be notified on the day of the enforcement action. At the discretion of the SSA, representatives of the nongovernmental organization who speak the native language of the aliens detained in the enforcement action may be permitted to participate with SSA officials in interviewing such aliens.

(3) DETERMINATION OF RISK TO RELATIVES.—The Department shall provide the applicable SSA with unfettered and confidential access to aliens detained in the enforcement action to assist in the screening and interviews of aliens to determine whether the detainee, the detainee's children, or other vulnerable people, including elderly and disabled individuals, have been placed at risk as a result of the detainee's arrest.

(4) MEDICAL SCREENING.—After SSA officials have met with the alien detainees, qualified medical personnel from the Division of Immigration Health Services of the Department of Health and Human Services shall—

(A) conduct medical screenings of the alien detainees; and

(B) identify and report any medical issues that might necessitate humanitarian release or additional care.

(5) CONSIDERATION OF RECOMMENDATIONS.—The Department shall immediately consider recommendations made by the applicable SSA and the Division of Immigration Health Services about alien detainees who should be released on humanitarian grounds, including alien detainees who—

(A) have a medical condition that requires special attention;

- (B) are pregnant women;
- (C) are nursing mothers;
- (D) are the sole caretakers of their minor children or elderly relatives;
- (E) function as the primary contact between the family and those outside the home due to language barriers;
- (F) are needed to support their spouses in caring for sick or special needs children;
- (G) have spouses who are ill or otherwise unable to be sole caretaker; or
- (H) are younger than 18 years of age.

(6) PUBLICITY.—The Department shall provide, and advertise in the mainstream and foreign language media, a toll-free number through which family members of alien detainees may report such relationships to operators who speak English and the majority language of the target population of the enforcement operation and will convey such information to the Department and the applicable SSA.

(b) DETENTION PROCEDURES.—

(1) IN GENERAL.—In order to maximize full and fair visitation by children, immediate family members, and counsel, an alien should be detained, to the extent space is available, in facilities within the physical jurisdiction or catchment area of the local field office of United States Immigration and Customs Enforcement.

(2) RELEASE.—

(A) IN GENERAL.—Not later than 72 hours of an alien's apprehension, the alien shall be released from Department custody, in accordance with subparagraph (B), if the alien—

(i) is not subject to mandatory detention under section 235(B)(iii)(IV), 236(c), or 236A of the Immigration and Nationality Act (8 U.S.C. 1225(B)(iii)(IV), 1226(c), and 1226a);

(ii) does not pose an immediate flight risk; and

(iii) meets any of the criteria set forth in subsection (a)(5).

(B) TYPE OF RELEASE.—An alien shall be released under this paragraph—

- (i) on the alien's own recognizance;
- (ii) by posting a minimum bond under section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a));

- (iii) on parole in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)); or

- (iv) through the Intensive Supervision Appearance Program or another comparable alternative to detention program.

(c) LEGAL ORIENTATION PRESENTATIONS.—Any alien arrested in an immigration enforcement operation that is reasonably calculated to apprehend, or results in the apprehension of, at least 50 aliens shall have access to legal orientation presentations provided by independent, nongovernmental agencies through the Legal Orientation Program administered by the Executive Office for Immigration Review.

(d) REGULATIONS CONCERNING THE TREATMENT OF ALIENS IN A VULNERABLE POPULATION IN THE UNITED STATES.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement this section, in accordance with the notice and comment requirements under subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).

(e) REPORT TO CONGRESS.—The Secretary shall submit an annual report that describes all the actions taken by the Department to implement this section to—

- (1) the Committee on the Judiciary of the Senate;

- (2) the Committee on the Judiciary of the House of Representatives;

- (3) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(4) the Committee on Homeland Security of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SA 1179.** Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mrs. CLINTON, Mr. DODD, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of Title VII, insert the following:

**Subtitle —Humanitarian Relief**

**SEC. 1. SHORT TITLE.**

This subtitle may be cited as the "September 11 Family Humanitarian Relief and Patriotism Act".

**SEC. 2. DEFINITIONS.**

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—In this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

**SEC. 3. ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.**

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The Secretary shall adjust the status of any alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary establishes procedures to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

- (i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

- (ii) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be re-

quired, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to section 5, the benefits under subsection (a) shall apply to any alien who—

- (1) was lawfully present in the United States as a nonimmigrant alien under the immigration laws of the United States on September 10, 2001;

- (2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

- (A) was lawfully present in the United States as a nonimmigrant under the immigration laws of the United States on such date; and

- (B) died as a direct result of a specified terrorist activity; and

- (3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), unless the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

- (1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

- (2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

**SEC. 4. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.**

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and section 5 of this Act, the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

- (1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(C) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish a process to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(D) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this Act and shall extend for a period not to exceed 240 days.

#### SEC. 5. EXCEPTIONS.

Notwithstanding any other provision of this subtitle, an alien may not be provided relief under this subtitle if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

#### SEC. 6. EVIDENCE OF DEATH.

For purposes of this subtitle, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

#### SEC. 7. AUTHORITY OF THE ATTORNEY GENERAL.

The requirements and authorities under this subtitle pertaining to the Secretary, other than the authority to grant work authorization, shall apply to the Attorney General with respect to cases otherwise within the jurisdiction of the Executive Office for Immigration Review.

#### SEC. 8. PROCESS FOR IMPLEMENTATION.

The Secretary and the Attorney General—

(1) shall carry out this subtitle as expeditiously as possible;

(2) are not required to promulgate regulations before implementing this subtitle; and

(3) shall promulgate procedures to implement this subtitle not later than 180 days after the date of the enactment of this subtitle.

**SA 1180.** Mr. HAGEL (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehen-

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

In section 616, strike subsection (a) and insert the following:

(a) RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.—

(1) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(2) EFFECTIVE DATE.—The repeal under paragraph (1) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

**SA 1181.** Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 401, add the following:

(d) SUNSET OF Y-1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y-1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) after the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y-2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, or any visa program other than the Y-1 visa program.

**SA 1182.** Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 101 of the amendment, insert the following:

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the "Secretary"), to establish new units of Customs Patrol Officers (commonly known as "Shadow Wolves") during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2008 through 2013.

**SA 1183.** Mrs. CLINTON (for herself, Mr. HAGEL, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 13, strike "567,000" and insert "480,000".

On page 238, line 19, strike "127,000" and insert "40,000".

On page 247, line 1, insert "or the child or spouse of an alien lawfully admitted for permanent residence" after "United States".

On page 247, line 5, insert "or lawful permanent resident" after "citizen".

On page 247, line 6, insert "or lawful permanent resident" after "citizen's".

On page 247, line 7, insert "or lawful permanent resident" after "citizen".

On page 247, line 8, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 9, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 15, insert "or lawful permanent resident's" after "citizen's".

On page 247, line 24, insert "or lawful permanent resident" after "citizen".

On page 248, strike lines 2 through 11.

On page 248, line 13, strike the first "(3)" and insert "(2)".

On page 249, line 1, strike "(4)" and insert "(3)".

On page 250, between lines 42 and 43, insert the following:

(5) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking "paragraphs (2) and (3)," and inserting "paragraph (2);"; and

(ii) by striking "(b)(2)(A)(i)" and inserting "(b)(2);"

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking "(b)(2)(A)" and inserting "(b)(2)".

(6) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)";

(ii) in subparagraph (A), by striking "becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)", and inserting "became available for the alien's parent"; and

(iii) in subparagraph (B), by striking "applicable";

(B) in paragraph (2), by striking “The petition” and all that follows through the period and inserting “The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b).”; and

(C) in paragraph (3), by striking “subsections (a)(2)(A) and (d)” and inserting “subsection (d).”

(8) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting “or legal permanent resident” after “citizen” each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting “or legal permanent resident” after “citizenship”;

(II) in clause (iv)—

(aa) by inserting “or legal permanent resident” after “citizen” each place that term appears; and

(bb) by inserting “or legal permanent resident” after “citizenship”;

(III) in clause (v)(I), by inserting “or legal permanent resident” after “citizen”; and

(IV) in clause (vi)—

(aa) by inserting “or legal permanent resident status” after “renunciation of citizenship”; and

(bb) by inserting “or legal permanent resident” after “abuser’s citizenship”;

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking “subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)” and inserting “clause (iii) or (iv) of subparagraph (A)”; and

(v) in subparagraph (I), as so redesigned—

(I) by striking “or clause (ii) or (iii) of subparagraph (B)”; and

(II) by striking “under subparagraphs (C) and (D)” and inserting “under subparagraphs (B) and (C)”;

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking “or a petition filed under subsection (a)(1)(B)(ii)”; and

(D) in subsection (j), by striking “subsection (a)(1)(D)” and inserting “subsection (a)(1)(C).”

**SA 1184.** Mr. CORNYN (for himself, Mr. NELSON of Nebraska, and Mr. DEMINT) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 47, line 25, insert “, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements,” after “15 years”.

On page 47, beginning with line 34, strike all through page 48, line 10, and insert:

(3) in subparagraph (N), by striking “paragraph (1)(A) or (2) of”;

(4) in subparagraph (O), by striking “section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph” and inserting “section 275 or 276 for which the term of imprisonment is at least 1 year”;

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting “,(c),” after “924(b)” and by striking “or” at the end, and

(B) by adding at the end the following new clauses:

“(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

“(v) section 521(d) of title 18, United States Code ( relating to penalties for offenses committed by criminal street gangs);”; and

(7) by amending subparagraph (F) to read as follows:

“(F) either—

“(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

“(ii) a third conviction for driving while intoxicated ( including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law, for which the term of imprisonment is at least one year.”

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

**SEC. 204. TERRORIST BAR TO GOOD MORAL CHARACTER.**

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

“(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

“(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

“(B) shall be binding upon any court regardless of the applicable standard of review.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after the date of enactment of this Act.

**SEC. 204A. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.**

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS: WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

“(J) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

“(K) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

“(L) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

“(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term ‘crime of domestic violence’ means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual’s acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

“(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term ‘protection order’ means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.”; and

(2) in subsection (h)—

(A) by striking “The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)” and inserting “The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (J), and (L) of subsection (a)(2)”;

(B) by striking “if either since the date of such admission the alien has been convicted of an aggravated felony or the alien” in the next to last sentence and inserting “if since the date of such admission the alien”; and

(C) by inserting “or Secretary of Homeland Security” after “the Attorney General” each place it appears.

(b) DEPORTABILITY FOR CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

“(F) CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal,

deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 48, line 36, insert “including a violation of section 924 (c) or (h) of title 18, United States Code,” after “explosives”.

On page 49, lines 7 and 8, strike “, which is punishable by a sentence of imprisonment of five years or more”.

On page 49, beginning with line 44, through page 50, line 2, strike “Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any” and insert “Any”.

On page 50, lines 20 through 22, strike “The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.”.

On page 282, strike lines 32 through 38, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a));

On page 284, strike lines 1 through 7, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi));

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 284, line 21, strike “(9)(C)(i)(I)”,.

On page 284, line 41, strike “section 212(a)(9)(C)(i)(II)” and insert “section 212(a)(9)(C)”,.

On page 285, between lines 2 and 3, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 286, between lines 6 and 7, insert:

(5) GOOD MORAL CHARACTER.—The alien must establish that he or she is a person of good moral character ( within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

**SA 1185.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Section 1(a) is amended by adding at the end the following:

(6) STAFF ENHANCEMENTS FOR THE DEPARTMENT OF LABOR.—The Department of Labor has hired at least 250 compliance investigators and attorneys who are dedicated to the enforcement of labor standards, including those contained in sections 218A, 218B, and 218C of the Immigration and Nationality Act (as added by this Act), the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and

the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), in geographic and occupational areas in which a high percentage of workers who are Y nonimmigrants will be working.

In section 1(c), strike “(a)(1)–(5)” and insert “(a)(1)–(6)”,.

**SA 1186.** Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. BOXER, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. 2. EXEMPTION FROM IMMIGRANT VISA LIMIT.**

Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by inserting after subparagraph (G), as added by section 503 of this Act, the following:

“(H) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and who have a parent who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).”.

**SA 1187.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

**SEC. 6. MANDATORY DISCLOSURE.**

(a) IN GENERAL.—An alien may not be granted Z nonimmigrant status under this title unless the alien fully discloses to the Secretary all the names and Social Security account numbers that the alien has ever used to obtain employment in the United States.

(b) ENFORCEMENT.—If the Secretary determines that a Z nonimmigrant has not complied with the requirement under subsection (a), the Secretary shall revoke the alien's Z nonimmigrant status.

(c) NOTIFICATION OF RIGHTFUL ASSIGNEES.—The Secretary may disclose information received from aliens pursuant to a disclosure under subsection (a) to any Federal or State agency authorized to collect such information to enable such agency to notify each named individual or rightful assignee of the Social Security account number of the alien's misuse of such name or number to obtain employment.

**SA 1188.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, 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. 7. INFORMATION REGARDING EMPLOYMENT AUTHORIZATION.**

(a) IN GENERAL.—The Secretary shall submit to the Commissioner of Social Security, in a format established by the Commissioner and the Secretary—

(1) the name, Social Security number, and date of birth of each alien who the Secretary authorizes, or renews or extends such authorization, to engage in employment in the United States;

(2) the date such authority, or renewal or extension of authority, is granted;

(3) the name, Social Security number, and date of birth of each alien whose authority to engage in employment in the United States expires without renewal, is revoked by the Secretary, or otherwise ceases to be authorized to engage in employment in the United States, and

(4) the effective date of such expiration, revocation, or other cessation.

(b) TIME OF SUBMISSION.—The information described in subsection (a) shall be submitted to the Commissioner after any review or appeal under procedures established by the Secretary.

(c) ADMINISTRATIVE REVIEW.—The information submitted pursuant to subsection (a) shall be the final determination of the Secretary and is not subsequently reviewable by the Commissioner.

(d) STORAGE OF INFORMATION.—The Commissioner shall electronically store the information received pursuant to subsection (a) in a format that facilitates the calculation adjustment described in subsection (e).

(e) EFFECT ON SOCIAL SECURITY BENEFITS.—In calculating benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.), the Social Security Administration shall not count, as a quarter of coverage (as defined in section 213(a)(2)(A) of such Act (42 U.S.C. 413(a)(2)(A))), any quarter after the effective date of this section during which the individual, if not a citizen or national of the United States, was not identified by the Secretary pursuant to subsection (a) as an alien authorized to engage in employment in the United States.

(f) EFFECTIVE DATE.—This section shall be effective with respect to determinations made by the Secretary with regard to authority to engage in employment in the United States beginning 1 year after the date of the enactment of this Act.

**SA 1189.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 203(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(1)(A)), as amended by section 502, in the table in that section, strike the items relating to the Supplemental schedule for Zs.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the sessions of the Senate on Wednesday, May 23, 2007 at 2:30 p.m. in closed session to mark up the national defense authorization act for fiscal year 2008.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. KENNEDY. Mr. President I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, May 23, 2007, at 10:00 a.m., in room 253 of the Russell Senate Office Building.

The purpose of the hearing is to address the current moratorium that bars state and local taxes on Internet access.