to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1212. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1213. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1214. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1215. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1216. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1217. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1218. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1219. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1220. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1221. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1222. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1223. Mr. SANDERS 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 1224. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1225. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1226. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1227. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1228. Mr. LEVIN (for himself, Mr. OBAMA, Mr. MENENDEZ, Mr. COLEMAN, Mr. REID, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. VOINOVICH) 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 1229. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1230. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1231. Mr. DURBIN (for himself and Mr. GRASSLEY) 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 1232. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1233. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1234. Mr. SESSIONS 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 1235. Mr. SESSIONS 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 1236. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1237. Mr. BINGAMAN 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 1238. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1239. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1240. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1241. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1242. Mr. LIEBERMAN (for himself, Mr. HAGEL, Ms. CANTWELL, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1243. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1244. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1245. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1246. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1247. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1249. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, and Mr. HATCH) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1250. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1251. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1252. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1253. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1254. Mr. SESSIONS 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 1190. Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. BURR, and Mr. SPECTER) 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 292 redesignate paragraphs (3) as (4) and (4) as (5).

On page 292, between lines 33 and 34, insert the following:

''(3) PAYMENT OF INCOME TAXES.—

''(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all outstanding liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

''(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

''(i) no such tax liability exists;

''(ii) all outstanding liabilities have been met; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

SA 1191. Mr. LIEBERMAN 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:

Subtitle ____—Asylum and Detention Safeguards

SEC. ____01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ____02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term ''asylum seeker'' means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3)) or an alien who

indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under either such section has been entered.

(2) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(3) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(4) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(7) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers.

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, done at New York, December 10, 1994.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 114 Stat. 1464), including applicants for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(G) Unaccompanied alien children (as defined in 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. ___03. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(d) EXEMPTION AUTHORITY.—

(1) Subsections (b) and (c) shall not apply to interviews that occur at facilities exempted by the Secretary pursuant to this subsection.

(2) The Secretary or the Secretary's designee may exempt any facility based on a determination by the Secretary or the Secretary's designee that compliance with subsections (b) and (c) at that facility would impair operations or impose undue burdens or costs.

(3) The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(4) The exercise of the exemption authority granted by this subsection shall not give rise to a private cause of action.

(e) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

SEC. ___04. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''but'' at the end; and

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (h), respectively;

(3) by inserting after subsection (a) the following new subsections:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (d), the following shall apply:

''(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

''(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible fear of persecution or a reasonable fear of persecution or torture in order to proceed in immigration court, within 72 hours of a positive credible fear of persecution or reasonable fear of persecution or torture determination.

''(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

''(A) whether the alien poses a risk to public safety or national security;

''(B) whether the alien is likely to appear for immigration proceedings; and

''(C) any other relevant factors.

''(3) CUSTODY REDETERMINATION.—An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (d) request a redetermination of that decision by an immigration judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an immigration judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

''(c) EXCEPTION FOR MANDATORY DETENTION.—Subsection (b) shall not apply to any alien who is subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who has a final order of removal and has no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (d), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (e), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (f), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security'';

(7) by inserting after subsection (f), as redesignated, the following new subparagraph:

''(g) ADMINISTRATIVE REVIEW.—If an immigration judge's custody decision has been stayed by the action of an officer or employee of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (h), as redesignated—

(A) by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(B) by striking ''Attorney General'' and inserting ''Secretary''.

SEC. ___05. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this

section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear of persecution interview, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ___06. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. ___07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, and each detention facility found to be in noncompliance; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Administrator of the Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees, or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Civil Rights Division of the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___08. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—The secure alternatives program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(e)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program.

(5) OTHER CONSIDERATIONS.—In designing such program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program.

SEC. ___09. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department's detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall, to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) an asylum seeker;

(2) part of a family with minor children;

(3) a member of a vulnerable population; or

(4) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

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

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 6 months after the date of enactment of this Act.

SA 1192. Mrs. HUTCHISON submitted an amendment intended to 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 end of title IV, insert the following:

SEC. 427. ENHANCED ROLE FOR NON-GOVERNMENTAL ENTITIES.

(a) IN GENERAL.—In carrying out the provisions of this title, or any of the amendments made by this title, the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of State are authorized to enter into contractual agreements with nongovernmental entities—

(1) to assist with the implementation, processing, and operation of the temporary worker programs established under subtitles A and B;

(2) to maximize the effectiveness of such operations; and

(3) to reduce expenditures and increase efficiencies related to such operations.

(b) REQUIRED CONSIDERATIONS.—To the extent that any Secretary acts under the authority granted under subsection (a), that Secretary shall give priority consideration to non-governmental entities with—

(1) experience or competence in the business of evaluation, recruitment, and placement of employees with employers based in the United States;

(2) the ability to ensure the security and placement of its processes and operations; and

(3) the ability to meet other any other requirements determined to be appropriate by that Secretary.

SA 1193. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1423, to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act; which was referred to the Committee on Finance; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''Kansas Disaster Tax Relief Assistance Act''.

SEC. 2. TEMPORARY TAX RELIEF.

(a) IN GENERAL.—Subchapter Y of the Internal Revenue Code of 1986 (relating to short-term regional benefits) is amended by adding at the end the following new part:

''PART III—TAX BENEFITS FOR OTHER DISASTER AREAS

''SEC. 1400U. TAX BENEFITS FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

''The following provisions of this subchapter shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act:

''(1) Suspension of certain limitations on personal casualty losses.—Section 1400S(b)(1), by substituting 'May 4, 2007' for 'August 25, 2005'.

''(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 1400L(g), by substituting 'storms on May 4, 2007' for 'terrorist attacks on September 11, 2001'.

''(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS.—Section 1400R(a)—

''(A) by substituting 'May 4, 2007' for 'August 28, 2005' each place it appears,

''(B) by substituting 'January 1, 2008' for 'January 1, 2006' both places it appears, and

''(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

''(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d)—

''(A) by substituting 'qualified Recovery Assistance property' for 'qualified Gulf Opportunity Zone property' each place it appears,

''(B) by substituting 'May 5, 2007' for 'August 28, 2005' each place it appears,

''(C) by substituting 'December 31, 2008' for 'December 31, 2007' in paragraph (2)(A)(v),

''(D) by substituting 'December 31, 2009' for 'December 31, 2008' paragraph (2)(A)(v),

''(E) by substituting 'May 4, 2007' for 'August 27, 2005' in paragraph (3)(A),

''(F) by substituting 'January 1, 2009' for 'January 1, 2008' in paragraph (3)(B), and

''(G) determined without regard to paragraph (6) thereof.

''(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e), by substituting 'qualified section 179 Recovery Assistance property' for 'qualified section 179 Gulf Opportunity Zone property' each place it appears.

''(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

''(A) by substituting 'qualified Recovery Assistance clean-up cost' for 'qualified Gulf Opportunity Zone clean-up cost' each place it appears, and

''(B) by substituting 'beginning on May 4, 2007, and ending on December 31, 2009' for 'beginning on August 28, 2005, and ending on December 31, 2007' in paragraph (2) thereof.

''(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o).

''(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k)—

''(A) by substituting 'qualified Recovery Assistance loss' for 'qualified Gulf Opportunity Zone loss' each place it appears,

''(B) by substituting 'after May 3, 2007, and before on January 1, 2010' for 'after August 27, 2005, and before January 1, 2008' each place it appears,

''(C) by substituting 'May 4, 2007' for 'August 28, 2005' in paragraph (2)(B)(ii)(I) thereof,

''(D) by substituting 'qualified Recovery Assistance property' for 'qualified Gulf Opportunity Zone property' in paragraph (2)(B)(iv) thereof, and

''(E) by substituting 'qualified Recovery Assistance casualty loss' for 'qualified Gulf Opportunity Zone casualty loss' each place it appears.

''(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n).

''(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

''(A) by substituting 'qualified Recovery Assistance distribution' for 'qualified hurricane distribution' each place it appears,

''(B) by substituting 'on or after May 4, 2007, and before January 1, 2009' for 'on or after August 25, 2005, and before January 1, 2007' in subsection (a)(4)(A)(i),

''(C) by substituting 'qualified storm distribution' for 'qualified Katrina distribution' each place it appears,

''(D) by substituting 'after November 4, 2006, and before May 5, 2007' for 'after February 28, 2005, and before August 29, 2005' in subsection (b)(2)(B)(ii),

''(E) by substituting 'beginning on May 4, 2007, and ending on November 5, 2007' for 'beginning on August 25, 2005, and ending on February 28, 2006' in subsection (b)(3)(A),

''(F) by substituting 'qualified storm individual' for 'qualified Hurricane Katrina individual' each place it appears,

''(G) by substituting 'December 31, 2007' for 'December 31, 2006' in subsection (c)(2)(A),

''(H) by substituting 'beginning on June 4, 2007, and ending on December 31, 2007' for 'beginning on September 24, 2005, and ending on December 31, 2006' in subsection (c)(4)(A)(i),

''(I) by substituting 'May 4, 2007' for 'August 25, 2005' in subsection (c)(4)(A)(ii), and

''(J) by substituting 'January 1, 2008' for 'January 1, 2007' in subsection (d)(2)(A)(ii).''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter Y of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Part III. Tax benefits for other disaster areas.''.

SA 1194. Mr. MENENDEZ (for himself Mr. HAGEL, Mr. DURBIN, Mrs. CLINTON, Mr. DODD, Mr. OBAMA, Mr. AKAKA, Mr. LAUTENBERG, and Mr. INOUYE) 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:

In paragraph (1) of subsection (c) of the quoted matter under section 501(a), strike ''567,000'' and insert ''677,000''.

In the fourth item contained in the second column of the row relating to extended family of the table contained in subparagraph (A) of paragraph (1) of the quoted matter under section 502(b)(1), strike ''May 1, 2005'' and insert ''January 1, 2007''.

In paragraph (3) of the quoted matter under section 503(c)(3), strike ''May 1, 2005'' and insert ''January 1, 2007''.

In paragraph (3) of the quoted matter under section 503(c)(3), strike ''440,000'' and insert ''550,000''.

In subparagraph (A) of paragraph (3) of the quoted matter under section 503(c)(3), strike ''70,400'' and insert ''88,000''.

In subparagraph (B) of paragraph (3) of the quoted matter under section 503(c)(3), strike ''110,000'' and insert ''137,500''.

In subparagraph (C) of paragraph (3) of the quoted matter under section 503(c)(3), strike ''70,400'' and insert ''88,000''.

In subparagraph (D) of paragraph (3) of the quoted matter under section 503(c)(3), strike ''189,200'' and insert ''236,500''.

In paragraph (2) of section 503(e), strike ''May 1, 2005'' each place it appears and insert ''January 1, 2007''.

In paragraph (1) of section 503(f), strike ''May 1, 2005'' and insert ''January 1, 2007,''.

In paragraph (6) of the quoted matter under section 508(b), strike ''May 1, 2005'' and insert ''January 1, 2007''.

In paragraph (5) of section 602(a), strike ''May 1, 2005'' and insert ''January 1, 2007''.

In subparagraph (A) of section 214A(j)(7) of the quoted matter under section 622(b), strike ''May 1, 2005'' and insert ''January 1, 2007''.

SA 1195. Mr. ENSIGN (for himself and Mr. THOMAS) 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:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

''(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

SA 1196. Mr. DEMINT 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. _____. CUSTOMS AND BORDER PATROL MANAGEMENT FLEXIBILITY.

Notwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Patrol may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Commissioner determines to be necessary to carry out the functions of the U.S. Customs and Border Patrol. The Commissioner shall establish levels of compensation and other benefits for individuals so employed.

SA 1197. Mr. DEMINT 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 subsection (e) of section 601, add the following:

(9) HEALTH COVERAGE.—The alien shall establish that the alien will maintain a minimum level of health coverage through a qualified health care plan (within the meaning of section 223(c) of the Internal Revenue Code of 1986).

SA 1198. Mrs. BOXER 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 end of title IV, insert the following:

SEC. 427. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

SA 1199. Mr. DODD (for himself and Mr. MENENDEZ) proposed an amendment SA 1150 proposed by Mr. REID (for himself and Mr. SPECTER) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Beginning on page 270, line 15, strike ''not to exceed 40,000'' and all that follows through ''Y-1 nonimmigrant status terminated.'' on page 280, line 2, and insert the following: ''not to exceed 90,000, plus any visas not required for the classes specified in paragraph (3), or''.

(2) By striking paragraph (2) and inserting the following:

''(2) Spouses or children of an alien lawfully admitted for permanent residence or a national. Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States as defined in section 101(a)(22)(B) of this Act who is resident in the United States shall be allocated visas in a number not to exceed 87,000, plus any visas not required for the class specified in paragraph (1).''.

(3) By striking paragraph (3) and inserting the following:

''(3) Family-sponsored immigrants who are beneficiaries of family-based visa petitions filed before May 1, 2005. Immigrant visas totaling 440,000 shall be allotted visas as follows:

''(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (D).

''(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas totaling 110,000 immigrant visas, plus any visas not required for the class specified in (A).

''(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated

visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (A) and (B).

''(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas totaling 189,200 immigrant visas, plus any visas not required for the class specified in (A), (B), and (C).''.

(4) By striking paragraph (4).

(d) PETITION.—Section 204(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(i)) is amended by striking '', (3), or (4)'' after ''paragraph (1)''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

(2) PENDING AND APPROVED PETITIONS.—Petitions for a family-sponsored visa filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) which were filed before May 1, 2005, regardless of whether the petitions have been approved before May 1, 2005, shall be treated as if such provision remained in effect, and an approved petition may be the basis of an immigrant visa pursuant to section 203(a)(3).

(f) DETERMINATIONS OF NUMBER OF INTENDING LAWFUL PERMANENT RESIDENTS.—

(1) SURVEY OF PENDING AND APPROVED FAMILY-BASED PETITIONS.—The Secretary of Homeland Security may require a submission from petitioners with approved or pending family-based petitions filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) filed on or before May 1, 2005 to determine that the petitioner and the beneficiary have a continuing commitment to the petition for the alien relative under the classification. In the event the Secretary requires a submission pursuant to this section, the Secretary shall take reasonable steps to provide notice of such a requirement. In the event that the petitioner or beneficiary is no longer committed to the beneficiary obtaining an immigrant visa under this classification or if the petitioner does not respond to the request for a submission, the Secretary of Homeland Security may deny the petition if the petition has not been adjudicated or revoke the petition without additional notice pursuant to section 205 if it has been approved.

(2) FIRST SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—The Secretary shall establish procedures by which nonimmigrants described in section 101(a)(15)(Z) who seek to become aliens lawfully admitted for permanent residence under the merit-based immigrant system shall establish their eligibility, pay any applicable fees and penalties, and file their petitions. No later than the conclusion of the eighth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be 20 percent of the total number of qualified applicants. The Secretary will calculate the number of visas needed per year.

(3) SECOND SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—No later than the conclusion of the thirteenth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants not described in paragraph (2) who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be the lesser of:

(A) the number of qualified applicants, as determined by the Secretary pursuant to this paragraph; and

(B) the number calculated pursuant to paragraph (2).

(g) CONFORMING AMENDMENTS.—

(1) Section 212(d)(12)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking ''201(b)(2)(A)'' and inserting ''201(b)(2)''.

(2) Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)(2)''.

(3) Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by striking ''201(b)(2)(A)(i)'' each place it appears and inserting ''201(b)(2)''.

(4) Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)(2)''.

SEC. 504. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding a new section 203A reading:

''SEC. 203A. IMMIGRANT VISAS FOR HARDSHIP CASES.

''(a) IN GENERAL.—Immigrant visas under this section may not exceed 5,000 per fiscal year.

''(b) DETERMINATION OF ELIGIBILITY.—The Secretary of Homeland Security may grant an immigrant visa to an applicant who satisfies the following qualifications:

''(1) FAMILY RELATIONSHIP.—Visas under this section will be given to aliens who are:

''(A) the unmarried sons or daughters of citizens of the United States;

''(B) the unmarried sons or the unmarried daughters of aliens lawfully admitted for permanent residence;

''(C) the married sons or married daughters of citizens of the United States; or

''(D) the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age.

''(2) NECESSARY HARDSHIP.—The petitioner must demonstrate to the satisfaction of the Secretary of Homeland Security that the lack of an immigrant visa under this clause would result in extreme hardship to the petitioner or the beneficiary that cannot be relieved by temporary visits as a nonimmigrant.

''(3) INELIGIBILITY TO IMMIGRATE THROUGH OTHER MEANS.—The alien described in clause (1) must be ineligible to immigrate or adjust status through other means, including but not limited to obtaining an immigrant visa filed for classification under section 201(b)(2)(A) or section 203(a) or (b) of this Act, and obtaining cancellation of removal under section 240A(b) of this Act. A determination under this section that an alien is eligible to immigrate through other means does not foreclose or restrict any later determination on the question of eligibility by the Secretary of Homeland Security or the Attorney General.

''(c) PROCESSING OF APPLICATIONS.—

''(1) An alien selected for an immigrant visa pursuant to this section shall remain eligible to receive such visa only if the alien files an application for an immigrant visa or an application for adjustment of status within the fiscal year in which the visa becomes available, or at such reasonable time as the Secretary may specify after the end of the fiscal year for petitions approved in the last quarter of the fiscal year.

''(2) All petitions for an immigrant visa under this section shall automatically terminate if not granted within the fiscal year in which they were filed. The Secretary may in his discretion establish such reasonable application period or other procedures for filing petitions as he may deem necessary in order to ensure their orderly processing within the fiscal year of filing.

''(3) The Secretary may reserve up to 2,500 of the immigrant visas under this section for approval in the period between March 31 and September 30 of a fiscal year.

''(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the unreviewable discretion of the Secretary.''.

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking ''(a), (b), or (c),'' and inserting ''(a) or (b),'';

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and

(5) in subsection (g), by striking ''(a), (b), and (c)'' and inserting ''(a) and (b)''.

(c) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I);

(2) by redesignating subparagraphs (J), (K), and (L) of subsection (a)(1) as subparagraphs (I), (J), and (K), respectively; and

(3) in subsection (e), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''.

(d) REPEAL OF TEMPORARY REDUCTION IN VISAS FOR OTHER WORKERS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105–100; 8 U.S.C. 1153 note), is repealed.

(e) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on October 1, 2008.

(2) No alien may receive lawful permanent resident status based on the diversity visa program on or after the effective date of this section.

(f) CONFORMING AMENDMENTS.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and (g), respectively.

SEC. 506. FAMILY VISITOR VISAS.

(a) Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

''(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he or she has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure. The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;''.

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(s) PARENT VISITOR VISAS.—

''(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

''(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

''(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

''(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeited if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

''(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

''(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

''(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

''(B) must, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

''(C) may not be issued employment authorization by the Secretary or be employed.

''(4) PERMANENT BARS FOR OVERSTAYS.—

''(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

''(i) asylum under section 208(a);

''(ii) withholding of removal under section 241(b)(3); or

''(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

''(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

''(ii) the alien has not otherwise violated his or her nonimmigrant status.

''(5) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y-1 nonimmigrant sponsor of an alien—

''(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

''(B) who remains in the United States beyond his or her authorized period of admission, shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y–1 nonimmigrant sponsor, shall have his Y–1 nonimmigrant status terminated.

SA 1200. Mr. GREGG 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:

Strike subsection (c) of section 418 and all that follows through subsection (d) of section 420, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(A) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 150,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 215,000 for any fiscal year; or'';

(B) in paragraph (6), as redesignated by section 409—

(i) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C), by striking ''until the number of aliens who are exempted from such numerical limitation during such fiscal year exceeds 20,000.'' and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.''; and

(C) in paragraph (9), as redesignated by section 409—

(i) in subparagraph (B)—

(I) in clause (iii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(iii) by striking subparagraph (D).

(2) APPLICABILITY.—The amendments made by paragraph (1)(B) shall apply with respect to any petition or visa application pending on the date of the enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(b) REQUIRING A DEGREE.—Paragraph (2) of section 214(i) (8 U.S.C. 1184(i)) is amended—

(1) in subparagraph (A), by striking the comma at the end and inserting ''; and'';

(2) in subparagraph (B), by striking '', or'' and inserting a period; and

(3) by striking subparagraph (C).

(c) PROVISION OF W-2 FORMS.—Section 214(g)(5), as redesignated by section 409, is amended to read as follows:

''(5) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b)—

''(A) the period of authorized admission as such a nonimmigrant may not exceed 6 years (except for a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence);

''(B) if the alien is granted an initial period of admission less than 6 years, any subsequent application for an extension of stay for such alien shall include the Form W-2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security, in the discretion of the Secretary, may specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien; and

''(C) notwithstanding section 6103 of the Internal Revenue Code of 1986, or any other law, the Commissioner of Internal Revenue or the Commissioner of the Social Security Administration shall upon request of the Secretary confirm whether the Form W-2 Wage and Tax Statement filed by the employer under subparagraph (B) matches a Form W-2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be.''.

(d) EXTENSION OF H–1B STATUS FOR MERIT–BASED ADJUSTMENT APPLICANTS.—

(1) IN GENERAL.—Section 214(g)(4), as redesignated by section 409, is amended—

(A) by inserting ''(A)'' after ''(4)'';

(B) by striking ''If an alien'' and inserting the following:

''(B) If an alien''; and

(C) by adding at the end the following:

''(C) Subparagraph (B) shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by a qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence.''.

(2) REPEAL.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note) is amended by striking subsections (a) and (b).

SEC. 420. H–1B EMPLOYER REQUIREMENTS.

(a) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(b) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO

H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the flush text at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(c) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (b)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

SA 1201. 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; as follows:

At the end of subtitle A of title VII, insert the following:

SEC. 704. LOSS OF NATIONALITY.

(a) IN GENERAL.—Section 349(a)(3) (8 U.S.C. 1481(a)(3)) is amended to read as follows:

''(3) entering, or serving in, the armed forces of a foreign state if—

''(A) such armed forces are engaged in, or attempt to engage in, hostilities or acts of terrorism against the United States; or

''(B) such person is serving or has served as a general officer in the armed forces of a foreign state; or''.

(b) SPECIAL RULE AND DEFINITIONS.—Such section 349 is amended by adding at the end the following new subsections:

''(c) SPECIAL RULE.—Any person described in subsection (a), who commits an act described in such subsection, shall be presumed to have committed such act with the intention of relinquishing United States nationality, unless such presumption is overcome by a preponderance of evidence.

''(d) DEFINITIONS.—In this section:

''(1) ARMED FORCES OF A FOREIGN STATE.—The term 'armed forces of a foreign state' includes any armed band, militia, organized force, or other group that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

''(2) FOREIGN STATE.—The term 'foreign state' includes any group or organization (including any recognized or unrecognized quasi-government entity) that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

''(3) HOSTILITIES AGAINST THE UNITED STATES.—The term 'hostilities against the United States' means the enticing, preparation, or encouragement of armed conflict against United States citizens or businesses or a facility of the United States Government.

''(4) TERRORISM.—The term 'terrorism' has the meaning given that term in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))''.

SA 1202. Mr. OBAMA (for himself and Mr. MENENDEZ) 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 V, insert the following:

SEC. 509. TERMINATION.

(a) IN GENERAL.—The amendments described in subsection (b) shall be effective during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

''(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

''(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

''(4) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

''(5) LIMITATION.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

SA 1203. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for othr purposes; which was ordered to lie on the table as follows;

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

SEC. 2___. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A) (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) by inserting ''or the Secretary of Homeland Security'' after ''if the Attorney General''; and

(2) by amending clause (v) to read as follows:

''(v) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in section 212(a)(3)(B)(i)(IX), the Secretary of Homeland Security or the Attorney General determines, in the discretion of the Secretary or the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or''.

(b) CONFORMING AMENDMENT.—Section 212(a)(3)(B)(ii) (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking ''(VII)'' and inserting ''(IX)''.

(c) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended by—

(1) by striking ''inadmissible under'' and inserting ''described in''; and

(2) by striking ''deportable under'' and inserting ''described in''.

(d) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking ''deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)'' and inserting ''described in paragraph (2)(A)(iii) or (4) of section 237(a)''.

(e) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' each place such term appears;

(2) in clause (iii), by striking ''or'' at the end;

(3) in clause (iv), by striking the period at the end and inserting ''; or'';

(4) by inserting after clause (iv) the following:

''(v) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in subclause (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in his discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States.''; and

(5) in the undesignated matter at the end, by striking ''For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.''.

(f) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

''SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES BEFORE JULY 1, 1924 OR JANUARY 1, 1972.

''(a) IN GENERAL.—The Secretary of Homeland Security, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

''(1) entered the United States before January 1, 1972;

''(2) has continuously resided in the United States since such entry;

''(3) has been a person of good moral character since such entry;

''(4) is not ineligible for citizenship;

''(5) is not described in section 212(a)(1)(A)(iv), 212(a)(2), 212(a)(3), 212(a)(6)(C), 212(a)(6)(E), or 212(a)(8); and

''(6) did not, at any time, without reasonable cause fail or refuse to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability.

''(b) EFFECTIVE DATE.—A recordation under subsection (a) shall be effective—

''(1) as of the date of approval of the application; or

''(2) if such entry occurred before July 1, 1924, as of the date of such entry.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the

date of the enactment of this Act. Sections 208(b)(2)(A), 212(a), 240A, 240B, 241(b)(3), and 249 of the Immigration and Nationality Act, as amended by this section, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2), acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SA 1204. Mr. CORNYN 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 th table; as follows:

Strike section 203 and insert the following:

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, or in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements, and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (A), by striking ''murder, rape, or sexual abuse of a minor;'' and inserting ''murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;'';

(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) in subparagraph (U), by striking ''an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ''attempting or conspiring to commit an offense described in this paragraph, or aiding, abetting, counseling, procuring, commanding, inducing, or soliciting the commission of such an offense.''; and

(6) by striking the undesignated matter following subparagraph (U).

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.''.

(c) 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.

SA 1205. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for the comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

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—

(1) 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;'';

(2) in paragraph (8), by inserting '', regardless whether the crime was classified as an aggravated felony at the time of conviction, provided that, the Secretary of Homeland Security or Attorney General may in the unreviewable discretion of the Secretary or the Attorney General, determine that this paragraph shall not apply in the case of a single aggravated felony conviction (other than murder, manslaughter, homicide, rape, or any sex offense when the victim of such sex offense was a minor) for which completion of the term of imprisonment or the sentence (whichever is later) occurred 10 or more years before the date of application;'' after ''(as defined in subsection (a)(43))'';

(3) by striking the first sentence of the flush language after paragraph (9) and inserting following:

'' ''The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good character. The Secretary or the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.''.

(b) AGGRAVATED FELONS.—Section 509(b) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended by striking ''convictions'' and all that follows and inserting ''convictions occurring before, on or after such date.''.

(c) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 5504 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—

(1) in paragraph (1), by inserting ''immediately preceding the flush language beginning 'The fact that' '' after ''the period at the end of paragraph (8)''; and

(2) in paragraph (2), by striking ''adding at the end'' and inserting ''inserting immediately following paragraph (8) as amended by this section and immediately preceding the flush language beginning ''The fact that' ''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after the date of enactment, and shall apply to 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. The amendments made by subsection (c) shall take effect as if included in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

(e) NATURALIZATION OF PERSONS ENDANGERING NATIONAL SECURITY.—

(1) IN GENERAL.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING NATIONAL SECURITY.—No person may be naturalized if the Secretary of Homeland Security determines, in the discretion of the Secretary, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and shall be binding upon, and unreviewable by, any court exercising jurisdiction, under the immigration laws of the United States, over any application for naturalization, regardless of the applicable standard of review.''.

(2) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking '': and no application'' and all that follows and inserting the following: ''. No application for naturalization shall be considered by the Secretary of Homeland Security or by any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or in canceling the removal of an alien under this Act shall not be binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established his eligibility for naturalization under this title.''.

(3) PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(4) CONDITIONAL PERMANENT RESIDENTS.—Section 216(e) and 216A(e) (8 U.S.C. 1186a(e) and 1186b(e)) are amended by inserting '', if the alien has had the conditional basis removed pursuant to this section.'' before the period at the end of each subsection.

(5) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section (as such terms are defined by the Secretary in regulation), the applicant may apply to the district court for the district in which the applicant resides for a hearing on

the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary's determination on the application.''.

(6) CONFORMING AMENDMENT.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(A) by inserting '', not later than 120 days after the Secretary of Homeland Security's final determination,'' before ''seek''; and

(B) by striking the second sentence and inserting the following: ''The burden shall be upon the petitioner to show that the Secretary's denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, and 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, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, whether, for purposes of an application for naturalization, an alien—

''(1) is a person of good moral character;

''(2) understands and is attached to the principles of the Constitution of the United States; or

''(3) is well disposed to the good order and happiness of the United States.''.

(7) EFFECTIVE DATE.—The amendments made by this subsection—

(A) shall take effect on the date of the enactment of this Act;

(B) shall apply to any act that occurred before, on, or after such date of enactment; and

(C) shall apply to any application for naturalization or any other case or matter under the immigration laws of the United States that is pending on, or filed after, such date of enactment.

SA 1206. Mr. CORNYN 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. ___. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

(a) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6) (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (A), by striking ''Justice'' and inserting ''Homeland Security'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(4) by inserting after subparagraph (B) the following:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in the discretion of the Secretary, or at the request of the Attorney General, information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may, in the discretion of the Secretary, use, publish, or release information furnished under this section to support any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence, or the national security.''; and

(5) in subparagraph (D), as redesignated, by striking ''Service'' and inserting ''Department of Homeland Security''.

(b) ADJUSTMENT OF STATUS UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (A), by striking ''Justice'' and inserting ''Homeland Security'';

(3) by amending subparagraph (C) to read as follows:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in the discretion of the Secretary, information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may, in the discretion of the Secretary, use, publish, or release information furnished under this section to support any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence, or the national security.''; and

(4) in subparagraph (D), by striking ''Service'' and inserting ''Department of Homeland Security''.

SA 1207. Mr. CORNYN 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. ___. DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking ''section 1542'' and all that follows through ''section 1546 (relating to fraud and misuse of visas, permits, and other documents)'' and inserting ''sections 1541 through 1548 (relating to passport, visa, and immigration fraud)''.

SA 1208. Mr. CORNYN 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. ___ SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPATRIATION OF THEIR NATIONALS.

Sec. 243(d) (8 U.S.C. 1253(d)) is amended to read as follows:

''(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES THAT DENY OR DELAY ACCEPTING ALIENS.—Notwithstanding section 221(c), if the Secretary of Homeland Security determines that the government of a foreign country denies or unreasonably delays accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary asks whether the government will accept an alien under this section, or after a determination that the alien is inadmissible under paragraph (6) or (7) of section 212(a)—

''(1) the Secretary of State, upon notification from the Secretary of Homeland Security of such denial or delay to accept aliens under circumstances described in this section, shall order consular officers in that foreign country to discontinue granting immigrant visas, nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the aliens;

''(2) the Secretary of Homeland Security may deny admission to any citizens, subjects, nationals, and residents from that country; and

''(3) the Secretary of Homeland Security may impose limitations, conditions, or additional fees on the issuance of visas or travel from that country and any other sanctions authorized by law.''.

SA 1209. Mr. CORNYN 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. ___. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) LIMITATION ON CIVIL ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of the enactment of this Act pertaining to the administration or enforcement of the immigration laws of the United States.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be—

(A) discussed and explained in writing in the order granting prospective relief; and

(B) sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court remands a decision on a motion subject to this section to a lower court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the Government's motion.

(E) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) PENDING MOTIONS.—

(A) 45 DAYS OR LESS.—Any motion pending for 45 days or less on the date of the enactment of this Act shall be treated as if it had been filed on the date of the enactment of this Act for purposes of this subsection.

(B) MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, which has been pending for more than 45 days on the date of enactment of this Act, and remains pending on the 10th day after such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of any such motion. An automatic stay pursuant to this subsection shall continue until the court enters an order granting or denying the Government's motion. No further postponement of any such automatic stay pursuant to this subsection shall be available under subsection (2)(C).

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (b) shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(d) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JUDICIAL REVIEW.—Except as expressly provided under section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas provision, and sections 1361 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of such Act (8 U.S.C. 1225(b)(1)).

(2) GOVERNMENT MOTION.—Upon the Government's filing of a motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in a civil action identified in subsection (b), the court shall promptly—

(A) decide whether the court continues to have jurisdiction over the matter; and

(B) vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to the extent that an order granting prospective relief was entered before the date of the enactment of this Act and such prospective relief is necessary to remedy the violation of a right guaranteed by the United States Constitution.

(e) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (b).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (b) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(f) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree''—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(g) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(h) APPLICATION OF AMENDMENT.—This Act shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(i) SEVERABILITY.—If any provision of this title or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this title and the application of the provisions of such to any person or circumstance shall not be affected by such finding.

SA 1210. Mr. CORNYN 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 49, lines 3 and 4, strike '', which is punishable by a sentence of imprisonment of five years or more''.

SA 1211. Mr. CORNYN 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. ___. 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) in subsection (a)(2)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by striking '', or'' and inserting a semicolon;

(ii) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(iii) by inserting after subclause (II) the following:

''(III) 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 documents, authentication features, and information),''; and

(B) by inserting after subparagraph (J), as redesignated by section 205(b)(A), the following:

''(K) CITIZENSHIP FRAUD.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, section 1425(a) or (b) of title 18 (relating to the procurement of citizenship or naturalization unlawfully), is inadmissible.

''(L) 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.

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

''(N) 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. In 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. In 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 a independent order in another proceeding.''; and

(2) in subsection (h)—

(A) by inserting ''or the Secretary of Homeland Security'' after ''the Attorney General'' each place such term appears;

(B) in the matter preceding paragraph (1), 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 waive the application of subparagraphs (A)(i)(I), (A)(i)(III), (B), (D), (E), (K), and (M) of subsection (a)(2)'';

(C) in the matter following paragraph (2)—

(i) by striking ''torture.'' and inserting ''torture, or has been convicted of an aggravated felony.''; and

(ii) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' and inserting ''if since the date of such admission the alien''.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (i), by striking the comma at the end and inserting a semicolon;

(2) in clause (ii), by striking '', or'' at the end and inserting a semicolon;

(3) in clause (iii), by striking the comma at the end and inserting ''; or''; and

(4) by inserting after clause (iii) the following:

''(iv) of a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18 (relating to the procurement of citizenship or naturalization unlawfully),''.

(c) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) IDENTIFICATION FRAUD.—Any alien who is 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), is deportable.''.

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

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

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(e) CONSTRUCTION.—The amendments made by subsection (a) may 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 such amendments became effective.

SA 1212. Mr. CORNYN 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. ___. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking ''notify the Attorney General in writing'' and inserting ''submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,'';

(B) by striking ''the Attorney General may require by regulation'' and inserting ''the Secretary may require''; and

(C) by adding at the end the following: ''If the alien is involved in a proceeding before an immigration judge or in an administrative appeal of such proceeding, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.'';

(2) in subsection (b), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(3) in subsection (c), by striking ''given to such parent'' and inserting ''given by such parent''; and

(4) by adding at the end the following:

''(d)(1) Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section—

''(A) shall be the alien's current residential mailing address; and

''(B) may not be a post office box, another nonresidential mailing address, or the address of an attorney, representative, labor organization, or employer.

''(2) The Secretary may provide specific requirements with respect to—

''(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

''(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

''(3) An alien who is being detained by the Secretary under this Act—

''(A) is not required to report the alien's current address under this section while the alien remains in detention; and

''(B) shall notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

''(e)(1) Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

''(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

''(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

''(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

''(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

''(2) The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

''(3) The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).''.

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in section 263(a), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(B) in subsection (f)—

(i) by striking ''Attorney General is authorized'' and inserting ''Secretary of Homeland Security and Attorney General are authorized''; and

(ii) by striking ''Attorney General or the Service'' and inserting ''Secretary or the Attorney General''.

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) Any alien or any parent or legal guardian in the United States of a minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

''(2) Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk.

''(3) The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.'';

(2) in subsection (c), by inserting ''or a notice of current address'' before ''containing statements''; and

(3) in subsections (c) and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this

section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SA 1213. Mr. CORNYN 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:

After section 203, insert the following:

SEC. 203A. PRECLUDING REFUGEES AND ASYLEES WHO HAVE BEEN CONVICTED OF AGGRAVATED FELONIES FROM ADJUSTMENT TO LEGAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—Section 209(c) (8 U.S.C. 1159(c)) is amended—

(1) by inserting ''(1)'' before ''The provisions''; and

(2) by adding at the end the following:

''(2) An alien who is convicted of an aggravated felony, as defined in section 101(a)(43), is not eligible for a waiver under paragraph (1) or for adjustment of status under this section.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to—

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

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

SA 1214. Mr. CORNYN 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:

After section 305, insert the following:

SEC. 305A. ADDITIONAL CRIMINAL PENALTIES FOR MISUSE OF SOCIAL SECURITY ACCOUNT NUMBERS.

(a) IN GENERAL.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) by amending paragraph (7) to read as follows:

''(7) for any purpose—

''(A) knowingly possesses or uses a social security account number or social security card knowing that such number or card was obtained from the Commissioner of Social Security by means of fraud or false statement;

''(B) knowingly and falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to the person or to another person, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to such person or to such other person;

''(C) knowingly buys, sells, or possesses with intent to buy or sell a social security account number or a social security card that is or purports to be a number or card issued by the Commissioner of Social Security;

''(D) knowingly alters, counterfeits, forges, or falsely makes a social security account number or a social security card; or

''(E) knowingly possesses, uses, distributes, or transfers a social security account number or a social security card knowing the number or card to be altered, counterfeited, forged, falsely made, or stolen; or'';

(2) in paragraph (8)—

(A) by inserting ''knowingly'' before ''discloses'';

(B) by inserting ''account'' after ''security''; and

(C) by striking the semicolon and inserting ''; or'';

(3) by inserting after paragraph (8) the following:

''(9) without lawful authority, knowingly produces or acquires for any person a social security account number, a social security card, or a number or card that purports to be a social security account number or social security card;''; and

(4) in the flush text, by striking ''five'' and inserting ''10''.

(b) CONSPIRACY AND DISCLOSURE.—Section 208 of the Social Security Act (42 U.S.C. 408) is further amended by adding at the end the following:

''(f) Whoever attempts or conspires to violate any criminal provision under this section shall be punished in the same manner as a person who completes a violation of such provision.

''(g)(1) Notwithstanding any other provision of law and subject to paragraph (3), the Commissioner of Social Security shall disclose to any Federal law enforcement agency the records described in paragraph (2) if such law enforcement agency requests such records for the purpose of investigating a violation of this section or any other felony offense.

''(2) The records described in this paragraph are records of the Social Security Administration concerning—

''(A) the identity, address, location, or financial institution accounts of the holder of a social security account number or social security card;

''(B) the application for and issuance of a social security account number or social security card; and

''(C) the existence or nonexistence of a social security account number or social security card.

''(3) The Commissioner of Social Security may not disclose any tax return or tax return information pursuant to this subsection except as authorized by section 6103 of the Internal Revenue Code of 1986.''.

SA 1215. Mr. CORNYN 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. ___. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) (8 U.S.C. 1201) is amended by striking the last sentence and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or 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.''.

SA 1216. Mr. CORNYN 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. ___. WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) (8 U.S.C. 1231(b)(3)) is amended—

(1) in subparagraph (A), by adding at the end the following: ''The alien has the burden of proof to establish that the alien's life or freedom would be threatened in such country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least 1 central reason for such threat.''; and

(2) in subparagraph (C), by striking ''In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A)'' and inserting ''For purposes of this paragraph''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

SA 1217. Mr. CORNYN 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. ___. JUDICIAL REVIEW OF DISCRETIONARY DETERMINATIONS AND REMOVAL ORDERS RELATING TO CRIMINAL ALIENS.

(a) DENIAL OF RELIEF.—Section 242(a)(2)(B) (8 U.S.C. 1252(a)(2)(B)) is amended to read as follows:

''(B) DENIAL OF DISCRETIONARY RELIEF AND CERTAIN OTHER RELIEF.—Except as provided under subparagraph (D), and notwithstanding any other provision of law, including section 2241 of title 28, any other habeas corpus provision, and sections 1361 and 1651 of such title, and regardless of whether the individual determination, decision, or action is made in removal proceedings, no court shall have jurisdiction to review—

''(i) any individual determination regarding the granting of status or relief under section 212(h), 212(i), 240A, 240B, or 245; or

''(ii) any discretionary decision or action of the Attorney General or the Secretary of Homeland Security under this Act or the regulations promulgated under this Act, other than the granting of relief under section 208(a), regardless of whether such decision or action is guided or informed by standards or guidelines, regulatory, statutory, or otherwise.''.

(b) FINAL ORDER OF REMOVAL.—Section 242(a)(2)(C) (8 U.S.C. 1252(a)(2)(C)) is amended to read as follows:

''(C) Except as provided under subparagraph (D), and notwithstanding any other provision of law, including section 2241 of title 28, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any final order of removal (regardless of whether relief or protection was denied on the basis of the alien's having committed a criminal offense) against an alien who is removable for committing a criminal offense under section 208(a)(2) or subparagraph (A)(iii), (B), (C), or (D) of section 237(a)(2), or any offense under section 237(a)(2)(A)(ii) for which both predicate offenses are, without regard to their date of commission, described in section 237(a)(2)(A)(i).''.

SA 1218. Mr. CORNYN 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. _____. ACCESS TO NATIONAL CRIME INFORMATION CENTER'S INTERSTATE IDENTIFICATION INDEX.

(a) CRIMINAL JUSTICE ACTIVITIES.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

''(f) CRIMINAL JUSTICE ACTIVITIES.—Notwithstanding any other provision of law, any Department of State personnel with authority to grant or refuse visas or passports may carry out activities that have a criminal justice purpose.''.

(b) LIAISON WITH INTERNAL SECURITY OFFICERS; DATA EXCHANGE.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended by striking subsections (b) and (c) and inserting the following:

''(b) ACCESS TO NCIC-IIII.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General and the Director of the Federal Bureau of Investigation shall provide to the Department of Homeland Security and the Department of State access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III) and the Wanted Persons File and to any other files maintained by the National Crime Information Center for the purpose of determining whether an applicant or petitioner for a visa, admission, or any benefit, relief, or status under the immigration laws, or any beneficiary of an application or petition under the immigration laws, has a criminal history record indexed in the file.

''(2) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State—

''(i) shall have direct access, without any fee or charge, to the information described in paragraph (1) to conduct name-based searches, file number searches, and any other searches that any criminal justice or other law enforcement officials are entitled to conduct; and

''(ii) may contribute to the records maintained by the National Crime Information Center.

''(B) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall receive, on request by the Secretary of Homeland Security, access to the information described in paragraph (1) by means of extracts of the records for placement in the appropriate database without any fee or charge.

''(c) CRIMINAL JUSTICE AND LAW ENFORCEMENT PURPOSES.—Notwithstanding any other provision of law, adjudication of eligibility for benefits under the immigration laws and other purposes relating to citizenship and immigration services, shall be considered to be criminal justice or law enforcement purposes with respect to access to or use of any information maintained by the National Crime Information Center or other criminal history information or records.''.

SA 1219. Mr. CORNYN 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 subsections (e)(2) and (f)(1) of section 503, strike ''May 1, 2005'' each place it appears and insert ''January 1, 2007''.

SA 1220. Mr. GREGG 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:

Strike subsection (c) of section 418 and all that follows through subsection (d) of section 420, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(A) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 150,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 215,000 for any fiscal year; or'';

(B) in paragraph (6), as redesignated by section 409—

(i) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C), by striking ''until the number of aliens who are exempted from such numerical limitation during such fiscal year exceeds 20,000.'' and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.''; and

(C) in paragraph (9), as redesignated by section 409—

(i) in subparagraph (B)—

(I) in clause (iii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(iii) by striking subparagraph (D).

(2) APPLICABILITY.—The amendments made by paragraph (1)(B) shall apply with respect to any petition or visa application pending on the date of the enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(b) REQUIRING A DEGREE.—Paragraph (2) of section 214(i) (8 U.S.C. 1184(i)) is amended—

(1) in subparagraph (A), by striking the comma at the end and inserting ''; or'';

(2) in subparagraph (B), by striking '', or'' and inserting a period; and

(3) by striking subparagraph (C).

(c) PROVISION OF W-2 FORMS.—Section 214(g)(5), as redesignated by section 409, is amended to read as follows:

''(5) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b)—

''(A) the period of authorized admission as such a nonimmigrant may not exceed 6 years (except for a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence);

''(B) if the alien is granted an initial period of admission less than 6 years, any subsequent application for an extension of stay for such alien shall include the Form W-2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security, in the discretion of the Secretary, may specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien; and

''(C) notwithstanding section 6103 of the Internal Revenue Code of 1986, or any other law, the Commissioner of Internal Revenue or the Commissioner of the Social Security Administration shall upon request of the Secretary confirm whether the Form W-2 Wage and Tax Statement filed by the employer under subparagraph (B) matches a Form W-2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be.''.

(d) EXTENSION OF H–1B STATUS FOR MERIT–BASED ADJUSTMENT APPLICANTS.—

(1) IN GENERAL.—Section 214(g)(4), as redesignated by section 409, is amended—

(A) by inserting ''(A)'' after ''(4)'';

(B) by striking ''If an alien'' and inserting the following:

''(B) If an alien''; and

(C) by adding at the end the following:

''(C) Subparagraph (B) shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by a qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence.''.

(2) REPEAL.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note) is amended by striking subsections (a) and (b).

SEC. 420. H–1B EMPLOYER REQUIREMENTS.

(a) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(b) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the flush text at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(c) LIMIT ON PERCENTAGE OF H-1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (b)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

SA 1221. Mr. CARDIN 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. ___. SSI EXTENSION FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(M) SSI EXTENSION THROUGH FISCAL YEAR 2010.—

''(i) IN GENERAL.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during the period that begins on the date of enactment of this subparagraph and ends on September 30, 2010.

''(ii) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

''(I) IN GENERAL.—Beginning on the date of enactment of this subparagraph, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to the fiscal year in which such subparagraph is enacted solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this subparagraph, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

''(II) PAYMENT OF BENEFITS.—Benefits paid under subclause (I) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.''.

SA 1222. Mr. CORNYN 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:

Strike section 604 (relating to mandatory disclosure of information) and insert the following:

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section 601 and 602 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

SA 1223. Mr. SANDERS 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 end of title VII, insert the following:

Subtitle C—American Competitiveness Scholarship Program

SEC. 711. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the ''Director'') shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(c) AMOUNT OF SCHOLARSHIP; RENEWAL.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(d) FUNDING.—The Director shall carry out this section only with funds made available under section 286(x) of the Immigration and Nationality Act (as added by section 712) (8 U.S.C. 1356).

(e) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Director shall publish in the Federal

Register a list of eligible programs of study for a scholarship under this section.

SEC. 712. SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) (as amended by this Act) is further amended by inserting after subsection (w) the following:

''(x) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(15).

''(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 711 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.''.

SEC. 713. SUPPLEMENTAL FEES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15)(A) In each instance where the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amount determined under subparagraph (B).

''(B) The amount of the supplemental fee shall be $8,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

''(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(x).''.

SA 1224. Mr. COBURN 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:

Purpose: To prohibit illegal immigrants from receiving welfare.

Section 602(a)(6) is amended by adding at the end the following: ''In no event shall a Z nonimmigrant or an alien granted probationary benefits under section 601(h) be eligible for assistance under the designated Federal program described in section 402(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(3)(A)) before the date that is 5 years after the date on which the alien's status is adjusted under this section to that of an alien lawfully admitted for permanent residence.''.

SA 1225. Mr. LEVIN 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 601(d)(1), strike subparagraph (I) and insert the following:

(I) The Secretary, in the discretion of the Secretary—

(i) may waive ineligibility under subparagraph (B) or (C) if the alien—

(I) has not been physically removed from the United States; and

(II) demonstrates that the departure of the alien from the United States would result in extreme hardship to the alien or the spouse, parent, or child of the alien; and

(ii) shall, unless the Secretary or the Attorney General determines that a waiver is not in the public interest based on the particular facts of the application for asylum of the alien, waive ineligibility under subparagraph (B) if—

(I) notwithstanding subparagraph (B), the alien is admissible to the United States as an immigrant;

(II) the alien filed an application for asylum before December 31, 2004, which was not found to be frivolous by the Attorney General under section 208(d)(6) of the Immigration and Nationality Act (11 U.S.C. 1158(d)(6));

(III) an immigration judge specifically cited changed country conditions as the basis, in whole or in part, for denying the application of the alien for asylum;

(IV) the alien applies for the adjustment of status;

(V) the alien—

(aa) has been physically present in the United States for at least 3 years; and

(bb) was physically present in the United States on the date the application for the adjustment of status was filed;

(VI) the alien has not returned to the country of nationality or last habitual residence of the alien since the filing of the application for asylum; and

(VII) the alien pays a fee, in an amount determined by the Secretary, for the processing of the application.

SA 1226. Mr. LEVIN 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 264, line 15, strike the end quote and final period and insert the following:

''(G) In addition to any merit points awarded pursuant to the evaluation system described in subparagraph (A), an alien shall receive 20 points if the alien—

''(i) is admissible to the United States as an immigrant (except for any provision under paragraphs (4), (5), and (7)(A) of section 212(a) or any other provision of such section waived by the Secretary of Homeland Security or the Attorney General (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (F) of paragraph (3)) with respect to such alien for humanitarian purposes, to assure family unity, or if otherwise in the public interest);

''(ii) filed an application for asylum before December 31, 2004, which was credible, based on the country conditions that existed at the time the application was file;

''(iii) has been physically present in the United States for not less than 3 years; and

''(iv) was physically present in the United States on the date on which the application described in clause (ii) was filed.''.

SA 1227. Mr. LEVIN 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. _____. ADJUSTMENT OF STATUS FOR ASYLEES.

Section 245 of the Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) ADJUSTMENT OF STATUS FOR ASYLEES.—

''(1) IN GENERAL.—The Secretary of Homeland Security (in this subsection referred to as the 'Secretary') shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

''(A) is admissible to the United States as an immigrant, except as provided under paragraph (2);

''(B) filed an application for asylum before December 31, 2004, which was not found to be frivolous by the Attorney General under section 208(d)(6);

''(C) changed country conditions were specifically cited by an immigration judge as the basis, in whole or in part, for denying the application for asylum;

''(D) applies for such adjustment of status;

''(E) has been physically present in the United States for at least 3 years and was physically present in the United States on the date on which the application for such adjustment was filed;

''(F) has not returned to his or her country of nationality or last habitual residence since the date of filing of the application for asylum; and

''(G) pays a fee, in an amount determined by the Secretary, for the processing of such application.

''(2) APPLICABILITY OF OTHER FEDERAL STATUTORY REQUIREMENTS.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this subsection, and the Secretary or the Attorney General may waive any other provision of such section 212(a) (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (F) of paragraph (3) of that section) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

''(3) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien is the spouse, child, or unmarried son or unmarried daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under paragraph (1).

''(4) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a motion to reopen, reconsider, or vacate such order. If the Secretary or the Attorney General grants the application, the Attorney General shall cancel the order of removal. If the Secretary or the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable, to the same extent as if the application had not been made.

''(5) STAY OF FINAL ORDER OF EXCLUSION, DEPORTATION, OR REMOVAL.—Filing for adjustment of status, as described in this subsection, shall result in a stay of a final order of exclusion, deportation, or removal.''.

SA 1228. Mr. LEVIN (for himself, Mr. OBAMA, Mr. MENENDEZ, Mr. COLEMAN, Mr. REID, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. VOINOVICH) 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:

Strike subsection (c) of section 215 of the amendment and insert the following:

(c) REPORTS ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States, in conjunction with the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the background and security checks conducted by the Federal Bureau of Investigation.

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

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

(B) an analysis of resources devoted to the name check program, including personnel and support;

(C) a statistical analysis of the background and security check delays associated with different types of name check requests, such as those requested by the U.S. Citizenship and Immigration Services or the Office of Personnel Management, including—

(i) the number of background checks conducted on behalf of requesting agencies, by agency and type of requests (such as naturalization or adjustment of status); and

(ii) the average time spent on each type of background check described under subparagraph (A), including the time from the submission of the request to completion of the check and the time from the initiation of check processing to the completion of the check;

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

(E) a description of the obstacles that impede the timely completion of such background checks;

(F) a discussion of the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days; and

(G) a plan for the automation of all investigative records related to the name check process.

(3) ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.—Not later than the end of each fiscal year, the Attorney General shall submit to the appropriate congressional committees a report containing, with respect to that fiscal year—

(A) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests received but not yet in process;

(B) the average time taken to complete each type of background check;

(C) a description of efforts made and progress by the Attorney General in addressing any delays in completing such background checks;

(D) a description of progress made in carrying out subsection (d);

(E) a report on the number of name checks extended during the preceding year under subsection (d)(3); and

(F) a description of progress made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

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

(d) ENHANCED SECURITY THROUGH AN EFFECTIVE NATIONAL NAME CHECK PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, subject to paragraph (3), the Director of the Federal Bureau of Investigation shall ensure that all name checks are completed by not later than 180 days after the date of submission.

(2) REPORT.—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 appropriate congressional committees a report that includes a comprehensive plan to meet the requirements of paragraph (1).

(3) EXCEPTIONAL CIRCUMSTANCES.—Notwithstanding paragraph (1), the Director of the Federal Bureau of Investigation may—

(A) extend the timeframe for completion of a name check for not more than 2 additional 180-day periods, if the Director determines that such an extension is necessary to resolve the name check because the check could not reasonably have been completed in the allotted time through due diligence; or

(B) extend the timeframe as the Director determines to be necessary in any case in which the individual who is the subject of the name check is the subject of an ongoing investigation, the completion of which is necessary for a response to the agency at which the name check request originated.

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

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committee on the Judiciary of the Senate.

(2) The Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on the Judiciary of the House of Representatives.

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

SA 1229. Mr. SUNUNU 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 290, line 18, strike ''by the end of the next business day'' and insert '', by the end of the 72-hour period following the completion of those background checks,''.

On page 291, line 1, strike ''next business day'' and insert ''72-hour period described in paragraph (1)''.

SA 1230. Mr. CORNYN 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 601(i)(2)(C) (relating to other documents)—

(1) strike clause (VI) (relating to sworn affidavits);

(2) in clause (V), strike the semicolon at the end and insert a period; and

(3) in clause (IV), add ''and'' at the end.

SA 1231. Mr. DURBIN (for himself and Mr. GRASSLEY) 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:

In section 218B(b) of the Immigration and Nationality Act, as added by section 403(a), strike ''Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment to which the Y nonimmigrant is sought, each'' and insert ''Each''.

In section 218B(c)(1)(G) of the Immigration and Nationality Act, as added by section 403(a), strike ''Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the Y nonimmigrant is sought—'' and insert ''That—''.

SA 1232. 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:

At the end of section 218A of the Immigration and Nationality Act, as added by section 402(a), add the following new subsection:

''(y) SOCIAL SECURITY AND MEDICARE.—

''(1) SOCIAL SECURITY PAYROLL TAX.—

''(A) IN GENERAL.—Notwithstanding whether an agreement under section 233 of the Social Security Act is in effect between the United States and the home country of Y nonimmigrant, upon submission of a request at a United States Consulate in the home country of an alien who has ceased to be a Y nonimmigrant as result of termination of employment in the United States, the Secretary of the Treasury shall pay the alien an amount equal to the total tax imposed under section 3101(a) of the Internal Revenue Code of 1986 on the wages received by the alien and 50 percent of the tax imposed under section 1401(a) of such Code on the self-employment income of such alien while the alien was in such nonimmigrant status (without interest). An alien receiving such a payment shall be—

''(i) ineligible for any future admission to the United States under a Y nonimmigrant status; and

''(ii) prohibited from being credited under title II of the Social Security Act for any quarter of coverage on which such payment is based.

''(B) ADMINISTRATION.—Not later than 1 year after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of the Treasury and the Commissioner of Social Security shall each issue regulations establishing procedures for carrying out this paragraph, without regard to the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).

''(2) MEDICARE PAYROLL TAX.—Not later than 1 year after such date of enactment, the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall issue regulations establishing procedures for transferring amounts collected from the tax imposed under section 3101(b) of the Internal Revenue Code of 1986 on the wages received by Y nonimmigrant and 50 percent of the tax imposed under section 1401(b) of such Code on the self-employment income of such alien while working in the United States to the Secretary of Health and Human Services for the purpose of making payments to eligible providers for the provision of eligible services to aliens in the same manner as payments are made to such providers in accordance with section 1011 of

the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note).

''(3) APPLICATION OF PROHIBITION ON ELIGIBILITY FOR FEDERAL PUBLIC BENEFITS.—Nothing in this section shall be construed as affecting the application of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) to a Y nonimmigrant and in no event shall an alien be considered a qualified alien under such title while granted such status.''.

SA 1233. 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:

Strike paragraph (2) of section 607(a) and insert the following:

(2) adding at the end the following new subsections:

''(d)(1) Except as provided in paragraphs (2) and (3) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under section 402(b)(2)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)(B))—

''(A) no quarter of coverage shall be credited if, with respect to any individual who is assigned a social security account number after 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) there shall be a rebuttable presumption that an alien who is granted nonimmigrant status under section 101(a)(15)(Z) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Z)) and who was granted a social security account number prior to 2007, has no qualifying quarters of coverage earned prior to the date that the alien is granted such status.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

''(3) The rebuttable presumption described in paragraph (1)(B) may be overcome with appropriate, verifiable documents proving creditable quarters of coverage during a period—

''(A) prior to the date that the alien is granted nonimmigrant status under section 101(a)(15)(Z); and

''(B) that the alien was present in the United States pursuant to a grant of status under a provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual.''.

SA 1234. Mr. SESSIONS submitted 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. _____. LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Any alien who is unlawfully present in the United States, receives adjustment of status under section 601 of this Act (relating to aliens who were illegally present in the United States prior to January 1, 2007), or enters the United States to work on a Y visa under section 402 of this Act, shall not be eligible for the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income) until such alien has his or her status adjusted to legal permanent resident status.

SA 1235. Mr. SESSIONS 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. _____. 5-YEAR LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) is amended by inserting '', including the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income),'' after ''means-tested public benefit''.

SA 1236. Mr. BAUCUS (for himself and Mr. TESTER) 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 3, lines 7 through 9, strike '', biometrics, and/or complies with the requirements for such documentation under the REAL ID Act'' and insert ''and biometrics''.

On page 90, strike lines 22 through 38 and insert the following:

''(i) an individual's driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States if—

On page 92, strike lines 22 through 26.

On page 130, strike line 28 and all that follows through page 133, line 29.

SA 1237. Mr. BINGAMAN 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:

In section 601(f)(2), strike ''12 months'' and insert ''2 years''.

SA 1238. Mr. CORNYN 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 26, line 27, strike ''$50,000,000'' and insert ''$100,000,000''.

SA 1239. Mr. ENSIGN 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 VII, strike the section that requires the Secretary of Education to develop an Internet-based English Learning Program.

SA 1240. Mr. COCHRAN 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:

Strike section 104.

SA 1241. Mr. COCHRAN 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 123, in the matter preceding paragraph (1), insert ''subject to the availability of appropriations,'' after ''shall,''.

SA 1242. Mr. LIEBERMAN (for himself, Mr. HAGEL, Ms. CANTWELL, 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:

On page 265, beginning on line 27, strike all through page 266, line 8, and insert the following:

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—

(1) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by striking subparagraphs (E) and (F).

(2) HIGHLY SKILLED WORKERS.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(6)), as redesignated by section 409, is amended—

(A) in subparagraph (C), by striking ''until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.'' and inserting ''or has been awarded a medical specialty certification based on post-doctoral training and experience in the United States; or''; and

(B) by adding at the end the following:

''(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment, unless such date is less than 270 days after the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—

(A) IN GENERAL.—Petitions for an employment-based visa filed for classification under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) (as such provisions existed prior to the enactment of this section) that were filed prior to the date of the introduction of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and were pending or approved at the time of the effective date of this section, shall be treated as if such provisions remained effective and an approved petition may serve as the basis for issuance of an immigrant visa.

(B) ADJUSTMENT OF STATUS.—The alien with respect to whom a petition was pending or approved as described in subparagraph (A), and any dependent accompanying or following to join such alien, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not

be approved until an immigrant visa becomes available.

(C) LABOR CERTIFICATION.—Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

SA 1243. Mr. OBAMA (for himself and Mr. MENENDEZ) 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 V, add the following:

SEC. 509. EXPIRATION OF PROVISIONS.

On September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted, the following provisions of this Act (and the amendments made by such provisions) shall be repealed and the Immigration and Nationality Act shall be applied as if such provisions had not been enacted:

(1) Section 501, except that this paragraph shall not apply to paragraphs (2) through (4) of section 201(d) of the Immigration and Nationality Act (as added by section 501(b)).

(2) Subsections (a) through (e) of section 502.

(3) Subsections (a), (b), (c), (d), and (e)(1) of section 503.

(4) Section 504.

SA 1244. Mr. CORNYN 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:

Strike 601(e)(6)(E)(ii) and insert the following:

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The fees collected under subparagraph (C) shall be deposited in the State Impact Assistance Account established under section 286(x) of the Immigration and Nationality Act, as added by section 402, and used for the purposes described in such section 286(x).

SA 1245. Mr. CORNYN 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 148, strike lines 3 through 7, and insert the following:

''(B) STATE IMPACT ASSISTANCE FEE.—An alien making an application for a Y–1 nonimmigrant visa shall pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.''.

SA 1246. Mr. CORNYN 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 288, strike lines 4 through 9, and insert the following:

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $750 and an additional $100 fee for each dependent accompanying or following to join the alien.

SA 1247. Mr. CORNYN 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 148, strike lines 3 through 7, and insert the following:

''(B) STATE IMPACT ASSISTANCE FEE.—An alien making an application for a Y–1 nonimmigrant visa shall pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.''.

On page 288, strike lines 4 through 9, and insert the following:

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $750 and an additional $100 fee for each dependent accompanying or following to join the alien.

On page 288, strike lines 22 through 24, and insert the following:

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The fees collected under subparagraph (C) shall be deposited in the State Impact Assistance Account established under section 286(x) of the Immigration and Nationality Act, as added by section 402, and used for the purposes described in such section 286(x).

SA 1248. Mr. ENSIGN 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 292, between lines 33 and 34, strike: ''(D) IN GENERAL.—The alien'' through ''which taxes are owed.'', and insert the following:

''(i) IN GENERAL.—The alien may satisfy such requirement by establishing that—

''(I) no such tax liability exists;

''(II) all outstanding liabilities have been met; or

''(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

''(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.''.

SA 1249. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, and Mr. HATCH) 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:

Strike lines 15 through 25 on page 265 and insert the following:

''section 204(c).

''(G) Notwithstanding any conflicting provisions of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-based, employer-sponsored immigrants described in paragraph (5).

''(H) Notwithstanding any conflicting provisions of this paragraph, any reference in this paragraph to a worldwide level of visas refers to the worldwide level specified in section 201(d)(1).'';

(3) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(4) in paragraph (2) (as redesignated by paragraph (3))—

(A) by striking ''7.1 percent of such worldwide level'' and inserting ''4,200 of the worldwide level specified in section 201(d)(1)''; and

(B) by striking ''5,000'' and inserting ''2,500'';

(5) in paragraph (3) (as redesignated by paragraph (3))—

(A) in subparagraph (A), by striking ''7.1 percent of such worldwide level'' and inserting ''2,800 of the worldwide level specified in section 201(d)(1)''; and

(B) in subparagraph (B)(i), by striking ''3,000'' and inserting ''1,500''; and

(6) by adding at the end the following

''(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) PRIORITY WORKERS.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), to qualified immigrants who are aliens described in any of clauses (i) through (iii):

''(i) ALIENS WITH EXTRAORDINARY ABILITY.—An alien is described in this clause if—

''(I) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

''(II) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

''(III) the alien's entry into the United States will substantially benefit prospectively the United States.

''(ii) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien is described in this clause if—

''(I) the alien is recognized internationally as outstanding in a specific academic area;

''(II) the alien has at least 3 years of experience in teaching or research in the academic area; and

''(III) the alien seeks to enter the United States—

''(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) to teach in the academic area;

''(bb) for a comparable position with an institution of higher education to conduct research in the area, or

''(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field.

''(iii) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

''(i) IN GENERAL.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraph (A), to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

''(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

''(C) PROFESSIONALS.—

''(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

''(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

''(i) there are not sufficient workers who are able, willing, qualified and available at the time such determination is made and at the place where the alien, or a substitute is to perform such skilled or unskilled labor; and

''(ii) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.''.

(c) WORLDWIDE LEVEL OF MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)), as amended by section 501(b), is further amended by adding at the end the following:

''(5) WORLDWIDE LEVEL FOR MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) IN GENERAL.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

''(i) 140,000, plus

''(ii) the number computed under subparagraph (B).

''(B) ADDITIONAL NUMBER.—

''(i) FISCAL YEAR 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

''(ii) FISCAL YEAR 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) for the previous fiscal year and the number of visas issued under section 203(b)(2) during that fiscal year.''.

In section 501, insert after subsection (b) the following:

(c) PROVIDING EXEMPTIONS FROM MERIT-BASED LEVELS FOR VERY HIGHLY SKILLED IMMIGRANTS.—Section 201(b)(1) of the Immigration and Nationality Act (as amended by section 503(a)) (8 U.S.C. 1151(b)(1)) is further amended by inserting after subparagraph (G) the following:

''(H) Aliens who have earned a master's or higher degree from a United States institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(I) Aliens who have earned a master's degree or higher degree in science, technology, engineering, or mathematics and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(J) Aliens who—

''(i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and

''(ii) seek to enter the United States to continue work in the area of extraordinary ability.

''(K) Aliens who—

''(i) are recognized internationally as outstanding in a specific academic area;

''(ii) have at least 3 years of experience in teaching or research in the academic area; and

''(iii) who seek to enter the United States for—

''(I) a tenured position (or tenure-track position) within an institution of higher education to teach in the academic area;

''(II) a comparable position with an institution of higher education to conduct research in the area; or

''(III) a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

''(L) Aliens who—

''(i) in the 3-year period preceding their application for an immigrant visa under section 203(b), have been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof; and

''(ii) who seek to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(M) The immediate relatives of an alien who is admitted as a merit-based employer-sponsored immigrant under subsection 203(b)(2).''.

Strike section 418(c)(1).

Strike section 419(a) and insert the following:

(a) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Section 214(g)(6) (as renumbered by section 409) (8 U.S.C. 21184(g)(6)) is amended—

(A) in subparagraph (B), by striking ''or'' after the semicolon;

(B) in subparagraph (C), by striking '', until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.'' and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

Strike section 419(b).

Strike section 420(a).

SA 1250. Mr. CORNYN 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 601(i)(2)(C) (relating to other documents)—

(1) strike clause (VI) (relating to sworn affidavits);

(2) in clause (V), strike the semicolon at the end and insert a period; and

(3) in clause (IV), add ''and'' at the end.

Strike section 604 (relating to mandatory disclosure of information) and insert the following:

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section 601 and 602 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate

information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

SA 1251. Mr. CONRAD 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. _____. PEACE GARDEN PASS.

(a) AUTHORIZATION.—Notwithstanding section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), the Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the ''Peace Garden Pass'') to allow citizens and nationals of the United States described in subsection (b) to travel to the International Peace Garden on the borders of the State of North Dakota and Manitoba, Canada (and to be readmitted into the United States), without the use of a passport, passport card, or other similar alternative to a passport.

(b) ADMITTANCE.—The Peace Garden Pass shall be issued to, and shall authorize the admittance into the International Peace Garden and readmittance into the United States of, any citizen or national of the United States who enters the International Peace Garden from the United States and exits the International Peace Garden into the United States without having been granted entry into Canada.

(c) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary, shall—

(1) determine what form of identification (other than a passport, passport card, or similar alternative to a passport) will be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(d) LIMITATION.—The Peace Garden Pass shall not grant entry into Canada.

(e) DURATION.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(f) COST.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 1252. Mrs. FEINSTEIN 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 end of section 601, add the following:

(s) PERJURY AND FALSE STATEMENTS.—Any person who willfully submits any materially false, fictitious, or fraudulent statement or representation (including any document, attestation, or sworn affidavit for that person or another person) relating to an application for any benefit under the immigration laws (including for Z nonimmigrant status) will be subject to prosecution for perjury under section 1621 of title 18, United States Code, or for making such a statement or representation under section 1001 of that title.

SA 1253. Mr. SESSIONS 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 281, line 20, strike ''January 1, 2007'' and insert ''May 1, 2005''.

On page 281, line 24, strike ''January 1, 2007'' and insert ''May 1, 2005''.

SA 1254. Mr. SESSIONS 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:

Strike section 602 and insert the following:

SEC. 602. ADJUSTMENT SHALL BE UNAVAILABLE FOR Z STATUS ALIENS.

Notwithstanding any other provision of this Act (or an amendment made by this Act)—

(1) a Z nonimmigrant shall not be adjusted to the status of a lawful permanent resident; and

(2) nothing in this section shall be construed to limit the number of times that a Z nonimmigrant can renew their status.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 5, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2007 wildfire season and to consider recent reports on the agencies' efforts to contain the costs of wildfire management activities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Scott Miller at 202–224–5488 or Rachel Pasternack at (202) 224–0883.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 7, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on Alternate Energy-Related Uses on the Outer Continental Shelf: Opportunities, Issues and Implementation of Section 388 of the Energy Policy Act of 2005.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to gina__weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at 202–224–5451 or Gina Weinstock at (202) 224–5684.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on June 6, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the impacts of climate change on water supply and availability in the United States, and related issues from a water use perspective.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.