AMENDMENTS SUBMITTED AND PROPOSED

SA 1948. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1949. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1950. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1951. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1952. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1953. Mr. SCHUMER (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1954. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1955. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1957. Mrs. FEINSTEIN proposed an amendment to amendment SA 1934 (Division I) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

SA 1958. Mr. SPECTER proposed an amendment to amendment SA 1934 (Division II) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

SA 1959. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1960. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1961. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1962. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1963. Mr. COLEMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1964. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1965. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1966. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1967. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1968. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1969. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1970. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1971. Mr. NELSON of Florida (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1972. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1973. Mr. DODD (for himself, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1974. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1975. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1976. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1906 submitted by Mr. CHAMBLISS and intended to be proposed to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1977. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1934 (Division XI) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1978. Mr. KENNEDY proposed an amendment to amendment SA 1934 (Division VII) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

TEXT OF AMENDMENTS

SA 1948. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 452, strike line 11 and all that follows through page 454, line 16, and insert the following:

''(D) under section 101(a)(15)(Y)(ii), may not exceed—

''(i) 100,000 for the first fiscal year in which the program is implemented;

''(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) 300,000 for any fiscal year.'';

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

''(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii) and (D)(ii) of paragraph (1)—

''(A) if the total number of visas allocated for that fiscal year are issued during the first 6 months that fiscal year, an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

''(B) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

''(C) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.'';

(4) in paragraph (10), as redesignated by paragraph (2) of this section, by amending subparagraph (A) to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(D) during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''; and

(5) in paragraph (11), as redesignated by paragraph (2) of this section—

(A) by inserting ''(A)'' after ''(11)''; and

(B) by adding at the end the following:

''(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.''.

SA 1949. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, 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 1950. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 11 and 12, insert the following:

(e) AGREEMENT OF BORDER GOVERNORS.—The programs described in subsection (a) shall not become effective until at least 3 of the 4 governors of the States that share a land border with Mexico agree that the border security and other measures described in subsection (a) are established, funded, and operational.

(f) DEFINED TERM.—In this section, the term ''operational control'' means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SA 1951. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 580 between lines 7 and 8, insert the following:

(6) ENGLISH AND CIVICS.—An alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

SA 1952. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 582, strike line 11 and all that follows through page 584, line 4, and insert the following:

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(II) EXCEPTION.—The requirement under subclause (I) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable to comply because of physical or developmental disability or mental impairment to comply with such requirement; or

(bb) is older than 65 years of age and has been living in the United States for periods totaling not less than 20 years.

SA 1953. Mr. SCHUMER (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, after line 17, insert the following:

SEC. 716. CLARIFYING AMENDMENTS REGARDING THE USE OF SOCIAL SECURITY CARDS.

(a) USE OF SOCIAL SECURITY CARDS TO ESTABLISH IDENTITY AND EMPLOYMENT AUTHORIZATION.—Section 274A of the Immigration and Nationality Act, as amended by section 302, is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(III), by striking ''; or'' and inserting a semicolon;

(ii) in clause (iii), by striking the end period and inserting ''; or''; and

(iii) by adding at the end the following:

''(iv) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 716(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 716(f)(1) of such Act.''; and

(B) in subparagraph (D)(i), by striking ''may'' and inserting ''shall, not later than the date on which the report described in section 716(f)(1) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, is submitted,''; and

(2) in subsection (d)(9)(B)(v)(I), by striking ''as specified in (D)'' and inserting ''as specified in subparagraph (D), including photographs and any other biometric information as may be required''.

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2)(I)(i) of the Social Security Act, as added by section 308, is further amended by inserting at the end of the flush text at the end the following new sentence: ''As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act, the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.''

(c) INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.—Notwithstanding any other provision of this Act, section 305 of this Act is repealed.

(d) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(e) ADDITIONAL DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—In accordance with the responsibilities of the Commissioner of Social Security under section 205(c)(2)(I) of the Social Security Act, as added by section 308, the Commissioner—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) in consultation with the Secretary of Homeland Security, shall issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(f) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(c)(1) of the Immigration and Nationality Act, should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (d)(1), and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SA 1954. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1639, 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.—

(1) IN GENERAL.—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 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).

(2) MAINTAINING BORDER SECURITY.—The Secretary shall take any appropriate measures to ensure that the Peace Garden Pass does not weaken border security or otherwise pose a threat to national security, including—

(A) including biographic data on the Peace Garden Pass; and

(B) using databases to verify the identity and other relevant information of holders of the Peace Garden Pass upon re-entry into the United States.

(b) ADMITTANCE.—The Peace Garden Pass shall be issued for the sole purpose of traveling to the International Peace Garden from the United States and returning from the International Peace Garden to the United States without having been granted entry into Canada.

(c) CHARACTERISTICS OF THE PEACE GARDEN PASS.—The Peace Garden Pass shall be—

(1) machine-readable;

(2) tamper-proof; and

(3) not valid for certification of citizenship for any other purpose other than admission into the United States from the Peace Garden.

(d) IDENTIFICATION.—The Secretary shall—

(1) determine what form of identification (other than a passport or passport card) 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).

(e) LIMITATION.—The Peace Garden Pass shall not grant entry into Canada.

(f) 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.

(g) COST.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 1955. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 529, strike line 13 and all that follows through line 22, and insert the following:

''(2) redesignating paragraph (4) as paragraph (2);

''(3) redesignating paragraph (5) as paragraph (3);

''(4) redesignating paragraph (6) as paragraph (4).

SA 1956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 595, strike lines 19 through 23 and insert the following:

(B) ADJUSTMENT OF STATUS; PREFERENTIAL TREATMENT PROHIBITED.—The status of any Z–1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence if the Z–1 nonimmigrant meets the requirements under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255). Nothing in this Act may be construed to provide aliens who were unlawfully present in the United States before the date of the enactment of this Act with any preferential treatment over other aliens who are seeking to obtain legal permanent residence or United States citizenship.

SA 1958. Mrs. FEINSTEIN proposed an amendment to amendment SA 1934 (Division I) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1958. Mr. SPECTER proposed an amendment to amendment SA 1934 (Division II) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1959. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 11 and 12, insert the following:

(7) US–VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 1960. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 617, strike line 1 and all that follows through page 618, line 22, and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(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 subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) 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; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(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).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(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).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1961. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

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

(a) ELIGIBILITY TO ENLIST IN THE UNITED STATES ARMED FORCES.—Notwithstanding section 504(b) of title 10, United States Code, an alien who receives Z nonimmigrant status shall be eligible to enlist in the United States Armed Forces.

SA 1962. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 268, line 13, strike ''.'', and insert ''and''

''requires, as a condition of conducting, continuing, or expanding a business, that, a business entity—

''(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority; or

''(ii) shall carry out any other activity to facilitate the employment by others of—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority.''.

SA 1963. Mr. COLEMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 1639, 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. ___. LANGUAGE TRAINING PROGRAMS.

(a) ACCREDITATION REQUIREMENT.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i) is amended by striking ''a language'' and inserting ''an accredited language''.

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations that—

(1) except as provided under paragraphs (3) and (4), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), be accredited by the Commission on English Language Program Accreditation, the Accrediting Council for Continuing Education

and Training, or under the governance of an institution accredited by 1 of the 6 regional accrediting agencies;

(2) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary of Education with documentation regarding the specific subject matter for which the program is accredited;

(3) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program, during the 3-year period beginning on the date of the enactment of this Act, if such program is not accredited under paragraph (1); and

(4) permit a language training program established after the date of the enactment of this Act, which is not accredited under paragraph (1), to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 3-year period beginning on the date on which such program is established.

SA 1964. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 711. WESTERN HEMISPHERE TRAVEL INITIATIVE IMPROVEMENT.

(a) CERTIFICATIONS.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking ''process'' and inserting ''read''; and

(ii) inserting ''at all ports of entry'' after ''installed'';

(B) in clause (vi), by striking ''and'' at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(viii) a pilot program in which not fewer than 1 State has been initiated and evaluated to determine if an enhanced driver's license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual's driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

''(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

''(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

''(xi) sufficient passport adjudication personnel have been hired or contracted—

''(I) to accommodate—

''(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

''(bb) a surge in such demand during seasonal peak travel times; and

''(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks.''; and

(2) by adding at the end the following:

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

''(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses;

''(vi) recommendations for improving the pilot program; and

''(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver's license program as compared with participating in an alternative program.''.

(b) SPECIAL RULE FOR MINORS.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MINORS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

''(A)(i) is less than 16 years old;

''(ii) is accompanied by the individual's legal guardian;

''(iii) is entering the United States from Canada or Mexico;

''(iv) is a citizen of the United States or Canada; and

''(v) provides a birth certificate; or

''(B)(i) is less than 18 years old;

''(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization, or team associated with a youth athletics organization; and

''(iii) provides a birth certificate.''.

(c) TRAVEL FACILITATION INITIATIVES.—Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsections:

''(e) STATE DRIVER'S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

''(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

''(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver's license or identity card meets the requirements of this paragraph if—

''(A) the license or card—

''(i) was issued by a State that is participating in the Program; and

''(ii) is tamper-proof and machine readable; and

''(B) the State that issued the license or card—

''(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

''(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

''(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

''(4) ADMISSION OF CITIZENS OF CANADA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

''(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

''(5) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

''(A) from a country other than Canada; or

''(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

''(6) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

''(7) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

''(f) WAIVER FOR INTRASTATE TRAVEL.—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a noncontiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

''(g) WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a

final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

''(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

''(B) develop not fewer than 6 mobile enrollment teams that—

''(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

''(ii) are operated along the northern and southern borders of the United States; and

''(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

''(2) DESIGNATION OF CITIES AND PORTS OF ENTRY.—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

''(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

''(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

''(h) COST-BENEFIT ANALYSIS.—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

''(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

''(2) any potential savings that would result from the implementation of the State Driver's License and Identity Card Enrollment Program established under subsection (e) as an alternative to passports and passport cards.

''(i) REPORT.—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

''(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

''(A) the average delay at border crossings; and

''(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

''(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

''(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

''(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.''.

(d) SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.—The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

(e) PASSPORT PROCESSING STAFF AUTHORITIES.—

(1) REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(A) in paragraph (1), by striking ''To facilitate'' and all that follows through '', the Secretary'' and inserting ''The Secretary''; and

(B) in paragraph (2), by striking ''2008'' and inserting ''2010''.

(2) REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(A) in paragraph (1)(B), by striking ''to facilitate'' and all that follows through ''Afghanistan,''; and

(B) in paragraph (2), by striking ''2008'' and inserting ''2010''.

(f) REPORT ON BORDER INFRASTRUCTURE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(A) the ability of frequent travelers to access dedicated lanes for such travel;

(B) the total time required for border crossing, including time spent prior to ports of entry;

(C) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(D) the adequacy of readers to rapidly read identity documents of such individuals.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SA 1965. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, 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 IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of this Act, the Secretary shall permit an employee of United States Customs and Border Protection or United States Immigration and Customs Enforcement who carries out a function of such agencies in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area before the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SA 1966. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, 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. ___. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal such sums as may be necessary to carry out this section.

SA 1967. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, between lines 17 and 18, insert the following:

SEC. 716. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15) of the Immigration and Nationality Act, as added by section 715 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if'';

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

''(C) Of the amounts collected under this paragraph—

''(i) 85.72 percent shall be deposited in the Treasury in accordance with section 286(aa); and

''(ii) 14.28 percent shall be deposited in the Treasury in accordance with section 286(bb).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 714 of this Act, as subsection (aa) and moving the redesignated subsection to the end of section 286; and

(2) by inserting after subsection (aa), as redesignated by paragraph (1), the following:

''(bb) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1968. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an

amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, between lines 17 and 18, insert the following:

SEC. 716. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15) of the Immigration and Nationality Act, as added by section 715 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if an employer seeks to hire a merit-based, employer-sponsored immigrant described in section 203(b)(5), or if'';

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

''(C) Of the amounts collected under this paragraph—

''(i) 85.72 percent shall be deposited in the Treasury in accordance with section 286(aa); and

''(ii) 14.28 percent shall be deposited in the Treasury in accordance with section 286(bb).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 714 of this Act, as subsection (aa) and moving the redesignated subsection to the end of section 286; and

(2) by inserting after subsection (aa), as redesignated by paragraph (1), the following:

''(bb) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1969. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC._____. DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING [NELSON].

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

''(i) VISA APPLICATION INTERVIEWS.—

''(1) VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' includes an interview conducted by videoconference or similar technology after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies to the appropriate committees of Congress that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview using videoconference or similar technology are those of the visa applicant.

''(2) MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews using mobile teams of consular officials after the date on which the Secretary of State, in consultation with Secretary of Homeland Security, certifies to the appropriate committees of Congress that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process or the safety and security of consular officers.

''(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection the term 'appropriate committees of Congress' means—

''(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

''(B) the Committee on Foreign Affairs, Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.''.

SA 1970. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1639, 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 602, add the following:

(b) SPECIAL RULE FOR HAITIAN CHILDREN.—

(1) ADJUSTMENT OF STATUS.—The status of an alien described in paragraph (2) shall be adjusted by the Secretary of Homeland Security under this subsection, if the alien—

(A) applies for such adjustment prior to the date that is the later of—

(i) 2 years after the date of the enactment of this Act; or

(ii) 1 year after the date on which final regulations implementing this section are promulgated; and

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

(2) ELIGIBLE ALIENS.—An alien described in this paragraph is an alien—

(A) who is a national of Haiti;

(B) who—

(i) was on October 21, 1998 the child of an alien who—

(I) was a national of Haiti;

(II) was present in the United States on December 31, 1995;

(III) filed for asylum before December 31, 1995; and

(IV) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest; or

(ii) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(I) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival;

(II) became orphaned subsequent to arrival in the United States; or

(III) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(IV) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days; and

(C) applies for such adjustment and is physically present in the United States on the date the application is filed.

(3) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraphs (1) and (2), an application under such paragraph filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.

SA 1971. Mr. NELSON of Florida (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the table on page 526, after line 5, strike ''Employment'' and all that follows through ''Worker's age: 25–39—3 pts'' and insert the following:

Employment		**47**
Occupation	U.S. employment in Specialty Occupation (DoL definition) or professional nurse—**20 pts**	
	U.S. employment in High Demand Occupation (BLS largest 10-yr job growth, top 30)	
National interest/ critical infrastructure	**16 pts.**	
	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of LPR application fee either 1) offers a job, or 2) attests for a current employee—**6 pts**	
Experience	Years of work for U.S. firm or as a licensed professional nurse for any employer—**2 pts/year (max 10 points)**	
Age of worker	Worker's age: 25–39—**3 pts**	

SA 1972. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 3 and 4, insert the following new subsection:

(f) ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.—

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

(2) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of any alien described in paragraph (3) to that of an alien lawfully admitted for permanent residence, if the alien—

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

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

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (3) who is applying for adjustment of status under this subsection—

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

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

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

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or granted voluntary departure from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order or grant of voluntary departure, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants an application under clause (i), the Secretary shall cancel the order. If the Secretary 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.

(3) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to paragraph (7), the benefits under paragraph (2) shall apply to any alien who—

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

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

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

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

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

(4) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (2).

(B) DURING CERTAIN PROCEEDINGS.—The Attorney General may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (2), unless the Secretary or Attorney General has rendered a final administrative determination to deny the application.

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

(5) AVAILABILITY OF ADMINISTRATIVE REVIEW.—Applicants for adjustment of status under paragraph (2) shall have the same right to, and procedures for, administrative review as are provided to—

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

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

(6) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(A) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and paragraph (7) of this subsection, the Attorney General shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subparagraph (B), if the alien applies for such relief.

(B) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subparagraph (A) shall apply to any alien who—

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

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

(C) STAY OF REMOVAL; WORK AUTHORIZATION.—

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

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

(D) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(i) IN GENERAL.—On motions to reopen removal proceedings, any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

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

(7) EXCEPTIONS.—Notwithstanding any other provision of this subsection, an alien may not be provided relief under this subsection if the alien is—

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

(B) a family member of an alien described in subparagraph (A).

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

(9) PROCESS FOR IMPLEMENTATION.—The Secretary and the Attorney General—

(A) shall carry out this subsection as expeditiously as possible;

(B) are not required to promulgate regulations before implementing this subsection; and

(C) shall promulgate procedures to implement this subsection not later than 180 days after the date of the enactment of this Act.

(10) IMPLEMENTATION.—No provision of this subsection shall be subject to section 1 of this Act.

SA 1973. Mr. DODD (for himself, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 537, lines 23 and 24, strike ''not to exceed 40,000'' and all that follows through ''terminated.'' on page 555, line 21, 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-BASED VISA PETITIONS FILED BEFORE JANUARY 1, 2007, FOR WHICH VISAS WILL BE AVAILABLE BEFORE JANUARY 1, 2027.—

''(A) IN GENERAL.—The allocation of immigrant visas described in paragraph (4) shall apply to an alien for whom—

''(i) a family-based visa petition was filed on or before January 1, 2007; and

''(ii) as of January 1, 2007, the Secretary of Homeland Security calculates under subparagraph (B) that a visa can reasonably be expected to become available before January 1, 2027.

''(B) REASONABLE EXPECTATION OF AVAILABILITY OF VISAS.—In calculating the date on which a family-based visa can reasonably be

expected to become available for an alien described in subparagraph (A), the Secretary of Homeland Security shall take into account—

''(i) the number of visas allocated annually for the family preference class under which the alien's petition was filed;

''(ii) the effect of any per country ceilings applicable to the alien's petition;

''(iii) the number of petitions filed before the alien's petition was filed that were filed under the same family preference class; and

''(iv) the rate at which visas made available in the family preference class under which the alien's petition was filed were unclaimed in previous years.

''(4) ALLOCATION OF FAMILY-BASED IMMIGRANT VISAS.—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 forfeit 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) CERTIFICATION.—No later than January 1 of each year, the Secretary of Homeland Security shall submit a written report to Congress estimating the percentage of aliens admitted to the United States during the preceding fiscal year as visitors for pleasure under the terms and conditions of this subsection who have remained in the United States beyond their authorized period of admission (except as provided in subparagraph (5)(B)). When preparing this report, the Secretary shall determine which countries, if any, have a disproportionately high rate of nationals overstaying their period of authorized admission under this subsection.

''(5) 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.

''(6) 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 1974. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 574, line 10, strike ''All documentary evidence'' and all that follows through line 13.

SA 1975. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, 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. ____. SOUTHWEST BORDER EASEMENT FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Commissioner of the United States Section, International Boundary and Water Commission, shall conduct a study of the desirability of, and need for, border enforcement easements between the ports of entry along the international border between the United States and Mexico to facilitate the patrolling of such border to deter and detect illegal entry into the United States.

(b) IDENTIFICATION OF SPECIFIC LOCATIONS.—The study conducted under this section shall identify—

(1) the specific locations where agents of the United States Border Patrol lack immediate access to or control of the border, including any location where authorization by a third party is required to patrol the border or carry out the activities described in subsection (c); and

(2) for each such location—

(A) the actions required to create a border enforcement easement;

(B) the optimal distance from the border to which such easement should extend and the geographic size of the easement;

(C) the estimated costs of acquiring the easement and making the improvements described in subsection (c); and

(D) the changes to existing law that would be required to carry out such acquisitions and improvements.

(c) SCOPE AND USE OF EASEMENT.—Easements studied under this section shall be considered to provide the United States Border Patrol with access to and control of land immediately adjacent to the border described in subsection (a) for—

(1) installing detection equipment;

(2) constructing or improving roads;

(3) controlling vegetation;

(4) installing fences or other obstacles; and

(5) carrying out such other activities as may be required to patrol the border and deter or detect illegal entry.

(d) REPORT.—Not later than December 1, 2008, the Secretary shall submit a report containing the results of the study conducted under this section to—

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

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the Senate;

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

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

SEC. ____. REGISTRATION OF ALIENS; NOTICES OF CHANGE OF ADDRESS.

(a) REGISTRATION REQUIRED FOR WORK AUTHORIZATION.—Section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) is amended by adding at the end the following:

''(d) The Secretary of Homeland Security shall verify that each alien applying for work authorization under this Act has registered under this section and has complied with the requirements under subsections (a)(1), (a)(2), and (b) of section 265 before approving such application.''.

(b) ANNUAL NOTIFICATION.—Section 265(a) of such Act (8 U.S.C. 1305(a)) is amended by striking ''(a) Each alien'' and inserting the following:

''(a) IN GENERAL.—

''(1) ANNUAL NOTIFICATION.—Each alien required to be registered under this title who is within the United States on the first day of January of any year shall, not later than 30 days following such date, notify the Secretary of Homeland Security in writing of the current address of the alien and furnish such additional information as the Secretary may prescribe by regulation. Failure to comply with this paragraph shall disqualify an alien from being approved for work authorization under this Act.

''(2) NOTIFICATION IF ABSENT ON JANUARY 1.—Each alien required to be registered under this title who is temporarily absent from the United States on the first day of January of any year shall, not later than 10 days after date on which the alien returns to the United States, provide the Secretary of Homeland

Security with the information described in paragraph (1).

''(3) NEW ADDRESS.—Each alien''.

(c) TREATMENT OF CHANGE OF ADDRESS FORM AS REGISTRATION DOCUMENT.—Section 265 of such Act (8 U.S.C. 1305), as amended by subsection (b), is further amended by adding at the end the following:

''(d) TREATMENT AS REGISTRATION DOCUMENT.—For purposes of this chapter, any notice of change of address submitted by an alien under this section shall be treated as a registration document under section 262.''.

(d) TECHNICAL AMENDMENTS.—Section 266 of such Act (8 U.S.C. 1306) is amended—

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

(2) by striking subsection (b); and

(3) by redesignating subsection (c) and (d) as subsections (b) and (c), respectively.

SEC. ___. ADDITIONAL TECHNOLOGICAL ASSETS.

There are authorized to be appropriated such sums as may be necessary to lease 6 additional aircraft and 12 busses for the purpose of achieving operational control of the borders of the United States.

SA 1973. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1906 submitted by Mr. CHAMBLISS and intended to be proposed to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of amendment No. 1906, insert the following:

SEC. 711. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the international registered traveler program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 365 days after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

SA 1977. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1934 (Division XI) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division 11, add the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

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

''(d)(1) Except as provided in paragraph (2)—

''(A) 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; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(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).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(c) 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:

''(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).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1978. Mr. KENNEDY proposed an amendment to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

NOTICES OF INTENT

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1865, as follows:

At the end of section 1, insert the following:

(e) SECURE FENCE ACT OF 2007.—Notwithstanding subsection (a) or any other provision of law, this Act and the amendments made by this Act shall not take effect until the President certifies to the Congress that the Secretary of Homeland Security has taken all actions necessary to comply with the provisions of, and the amendments made by, the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), including completing the installation of all fencing and barriers required by such provisions and amendments.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1886, as follows:

On page 595, between lines 12 and 13, insert the following:

(s) DEFINITION OF AGGRAVATED FELONY AND ADDITIONAL GROUNDS FOR INELIGIBILITY FOR Z NONIMMIGRANT STATUS.—

(1) AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) by striking ''and'' at the end of subparagraph (T);

(B) by striking the period at the end of subparagraph (U) and inserting ''; and'' and

(C) by adding at the end the following:

''(V) a second conviction for driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.''.

(2) GROUNDS FOR INELIGIBILITY.—In addition to the grounds of ineligibility described in subsection (d)(1)(F), an alien shall be ineligible for Z nonimmigrant status if the alien has been convicted of driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.