lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1479

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 2266

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2266, a bill to establish a fellowship program for the congressional hiring of disabled veterans.

S. 2278

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2312

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2312, a bill to require the Secretary of Health and Human Services to change the numerical identifier used to identify Medicare beneficiaries under the Medicare program.

S. 2314

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2314, a bill to suspend the application of any provision of Federal law under which persons are relieved from the requirement to pay royalties for production of oil or natural gas from Federal lands in periods of high oil and natural gas prices, to require the Secretary to seek to renegotiate existing oil and natural gas leases to similarly limit suspension of royalty obligations under such leases, and for other purposes.

S. RES. 379

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 379, a resolution recognizing the creation of the NASCAR-Historically Black Colleges and Universities Consortium.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 2322. A bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to introduce the Consumer Assurance of Radiologic Excellence Act of 2006. This bill would improve the quality and value of diagnostic medicine. If the RadCARE Act is enacted, patients and providers alike will benefit from more efficient and accurate diagnoses and safer, more appropriate therapies, all afforded at a substantially decreased cost to the taxpayer.

Most of us feel anxious when we see the doctor, regardless of whether the evaluation reveals a problem. That is particularly true when we are concerned about cancer. How reassuring it is for us to believe that our physicians have available to them the full range of diagnostic tests and therapeutic procedures necessary to manage our care in the best way possible. We expect, too, that everyone who participates in our care is highly qualified to perform the services they provide. It is an expectation that each of us deserves to have but, all too often, is unrealistic.

Effective treatments are predicated on accurate diagnoses, and every treatment has the potential to cause harm. Missed, inaccurate, or delayed diagnoses can lead to unnecessary or dangerous therapies, with avoidable medical costs the least of the consequences. Physicians and patients should be able to trust that the technical providers such as the radiologic technologists, ultrasonography technologists, and medical radiation technologists who actually perform these tests are well qualified to do their jobs and have the appropriate credentials help to provide this assurance.

Cancer of many different types has become much more common; indeed, cancer is the second leading cause of death in America, behind only heart disease. Medical imaging tests play an increasingly important role in diagnosing a wide variety of malignant diseases and in determining the results of treatment. Radiation therapy is a common form of cancer therapy and used in more than half of all cancer cases. As our population ages, we should anticipate that such procedures and therapies will be performed with greater frequency on older Americans, with the cost borne more and more often by federally financed health care programs. For example, in 2004, Medicare paid over $1 billion for radiation therapy.

Improvements in health care often occur through technological innovations. For example, today's providers depend much more on diagnostic medical imaging than they did in the past, which has led to a rapid increase in the number of procedures performed, procedures that are not limited just to patients with cancer. Over 300 million radiologic procedures are performed annually in the United States, with 70 percent of Americans undergoing some type of medical imaging exam or radiation therapy treatment annually.

These innovations, while of undeniable potential benefit, come with substantial costs. Radiology costs are reaching over $100 billion annually; diagnostic imaging is one of the fastest growing cost areas in American health care. These costs are not limited to charges alone. Sedation, administered to facilitate a diagnostic imaging study, may compromise breathing or heart function. Therapeutic interventions based, in part, on these studies are fraught with potential complications, and the risk increases if the diagnostic information is incomplete or inaccurate. Similarly, a decision not to intervene carries its own risks, especially if the facts on which the decision is made are in error.

Congress has already taken some steps to assure the public that those who provide these services meet sufficient standards of technical proficiency. The Mammography Quality Standards Act of 1992 established standards for technologists performing one crucial diagnostic test; substantial quality improvement has been the result. The Consumer-Patient Radiation Health and Safety Act of 1981 encouraged the States to set standards for the technical competence of those who provide diagnostic imaging or radiation therapy services to patients but left compliance with those standards optional. Unfortunately, to date, nine States and the District of Columbia have enacted no regulatory statutes at all while, in a further six States, those regulations remain incomplete. Some provider disciplines have no specified standards of education, training, and experience at all. In fact, a provider with only a few hours of course work or a couple of weeks of on-the-job training may be responsible for obtaining the image a physician uses to diagnose your cancer or to deliver the radiation that is crucial to the treatment of your tumor. One doesn't have to be a doctor to recognize that this is not good medicine to rely solely on the good intentions of those who employ these providers.

In its report to Congress this March, MedPAC—the Medicare Payment and Advisory Commission—recognized that, while the issue is complex, technical excellence in diagnostic imaging and radiation therapy plays a central role in improving the public health and lowering costs of care. The RadCARE Act seeks to implement those recommendations that speak to credentialing of technical providers and brings to completion work begun with the Consumer-Patient Radiation Health and Safety Act.

Many will benefit if we pass the RadCARE Act. Better diagnostic images will help physicians to make faster, more accurate diagnoses or, alternatively, to exclude problems from further consideration. Risks such as sedation-related complications and radiation exposure will decrease. Patients will receive therapies that are more considered, precise, and safe. Provider and consumer confidence in the health care process will rise. Qualified technologists will be recognized for their professional achievements and motivated to improve their practice. Taxpayers, even if they are fortunate enough not to require diagnostic or therapeutic radiologic services, will appreciate that their tax dollars are not being wasted on poor quality, repetitive diagnostic examinations or unsafe therapies.

Could the RadCARE Act have unintended, adverse consequences? Some argue that meaningful credentialing of these technical providers will decrease access to care—that it is better to have non-credentialed providers than none at all. Certainly, establishing and maintaining a health care workforce that is adequate in size is an important goal for us to achieve. I would make the case, though, for quality—that bad information is worse than no information at all. It is reassuring to note that, in those States that do regulate this type of technical practice, the number of practitioners has remained stable. To further address this concern, the RadCARE Act gives the Secretary of Health and Human Services the flexibility necessary to modify regulations promulgated under this legislation, so that access to services is not compromised but standards are preserved.

Some fear that credentialing technical providers will increase health care expenses by inflating personnel costs. Again, in those jurisdictions that regulate this type of technical practice, wage inflation has not occurred. Regardless, while I believe that workers should be compensated, fairly and proportionately, for the work that they do, the cost savings from delivering care correctly far outweigh any potential cost increase that might result from higher salaries.

Others are concerned that the RadCARE Act could infringe on the States' right to regulate health care practice or that Congress lacks the capacity to define the standards of practice that should apply. The Act does not codify any particular State action; rather, it provides a substantial economic incentive to the States to establish, at least, minimum standards, an action for which there is precedent in the Mammography Quality Standards Act and one that is consistent with current public and private sector initiatives, such as ''pay for performance,'' that tie reimbursement to recognized best practices. Similarly, the RadCARE Act does not specify what standards should be followed but gives the Secretary the opportunity to derive those standards from those most qualified to provide them: the professional community. Indeed, the Act is supported by the Alliance for Quality Medical Imaging and Radiation Therapy, a consortium of over 275,000 technical professionals.

I invite my colleagues to join me and Senator KENNEDY as sponsors of this bill to increase the quality and value of these important diagnostic procedures and lessen the possibility of life-threatening medical mistakes.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consumer Assurance of Radiologic Excellence Act of 2006''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.

SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

''Subpart 4—Medical Imaging and Radiation Therapy

''SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

''(a) ESTABLISHMENT OF STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.

''(2) EXPERTS.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.

''(3) LIMITATION.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.

''(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation therapy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.

''(2) MISCELLANEOUS PROVISIONS.—The standards established under subsection (a)—

''(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;

''(B) may vary in form for each of the covered disciplines; and

''(C) may exempt individual providers from meeting certain standards based on their scope of practice.

''(3) RECOGNITION OF INDIVIDUALS WITH EXTENSIVE PRACTICAL EXPERIENCE.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.

''(d) APPROVED BODIES.—

''(1) IN GENERAL.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

''(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.

''(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

''(A) be a nonprofit organization;

''(B) comply with the standards described in paragraph (2);

''(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and

''(D) provide such other information as the Secretary may require.

''(4) WITHDRAWAL OF APPROVAL.—

''(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

''(B) EFFECT OF WITHDRAWAL.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.

''(e) EXISTING STATE STANDARDS.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section.

''(g) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

''(h) DELIVERY OF AND PAYMENT FOR SERVICES.—Not later than the date described in subsection (j)(3), the Secretary shall promulgate regulations to ensure that all programs under the authority of the Secretary that involve the performance of or payment for medical imaging or radiation therapy, are performed in accordance with the standards established under this section.

''(i) ALTERNATIVE STANDARDS FOR RURAL AND UNDERSERVED AREAS.—The Secretary shall determine whether the standards established under subsection (a) must be met in their entirety for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a 'rural area' or that is designated as a health professional shortage area. If the Secretary determines that alternative standards for such rural areas or health professional shortage areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards.

''(j) APPLICABLE TIMELINES.—

''(1) GENERAL IMPLEMENTATION REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement all standards in this section except those provided for in subsection (d)(2).

''(2) MINIMUM STANDARDS FOR CERTIFICATION OF APPROVED BODIES.—Not later than 24 months after the date of enactment of this section, the Secretary shall establish the standards regarding approved bodies referred to in subsection (d)(2) and begin certifying approved bodies under such subsection.

''(3) REGULATIONS FOR DELIVERY OF OR PAYMENT FOR SERVICES.—Not later than 36 months after the date of enactment of this section, the Secretary shall promulgate the regulations described in subsection (h). The Secretary may withhold the provision of Federal assistance as provided for in subsection (h) beginning on the date that is 48 months after the date of enactment of this section.

''(k) DEFINITIONS.—In this section:

''(1) APPROVED BODY.—The term 'approved body' means an entity that has been certified by the Secretary under subsection (d)(1) to accredit the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a) with respect to performing, planning, evaluating, or verifying patient dose for medical imaging or radiation therapy.

''(2) MEDICAL IMAGING.—The term 'medical imaging' means any procedure used to visualize tissues, organs, or physiologic processes in humans for the purpose of diagnosing illness or following the progression of disease. Images may be produced utilizing ionizing radiation, radiopharmaceuticals, magnetic resonance, or ultrasound and image production may include the use of contrast media or computer processing. For purposes of this section, such term does not include routine dental diagnostic procedures.

''(3) PERFORM.—The term 'perform', with respect to medical imaging or radiation therapy, means—

''(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation, to ultrasound, or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

''(B) the act of positioning a patient to receive such an exposure.

''(4) PLAN.—The term 'plan', with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

''(5) RADIATION THERAPY.—The term 'radiation therapy' means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation.''.

SEC. 4. REPORT ON THE EFFECTS OF THIS ACT.

(a) Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the effects of this Act. Such report shall include the types and numbers of providers for whom standards have been developed, the impact of such standards on diagnostic accuracy and patient safety, and the availability and cost of services. Entities reimbursed for technical services through programs operating under the authority of the Secretary of Health and Human Services shall be required to contribute data to such report.

By Mr. DOMENICI:

S. 2326. A bill to provide for immigration reform, and for other purposes; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill regarding immigration: the Welcoming Immigrants to a Secure Homeland Act of 2006.

As a border State Senator and the son of immigrants, I have a unique perspective on immigration. I understand the need to provide a secure homeland for my constituents who see the problems caused by illegal entries into our country every day. I also understand the need to welcome immigrants to our country, so that America remains a country where hardworking, entrepreneurial, and intelligent immigrants can prosper. My perspective is the basis for the WISH Act.

I believe we can welcome immigrants to a secure homeland by addressing five areas.

First, we must improve security at our international borders. On November 17, 2005, I introduced the Border Security and Modernization Act of 2005, S. 2049. That bill calls for improvements to our port of entry infrastructure, increased Department of Homeland Security, DHS, and Department of Justice personnel, new technologies and assets for border security, increased detention capacity, and additional Federal assistance for States. I believe these actions will provide the necessary increased security at our borders.

Second, we must improve enforcement of our immigration laws. The WISH Act addresses this situation by increasing the number of DHS personnel who investigate human smuggling laws, employment of immigrants, and immigration fraud. My bill also increases penalties for violations of immigration laws and provides for a system to verify a worker's employment eligibility.

Third, we must create a new guest worker visa that is easier to obtain and lets individuals who want to come to the United States to work know that if they are hardworking and industrious, we want them in America. The WISH Act creates such a visa, which is valid for up to 9 years if the guest worker remains employed. After the applicant has worked in the United States for 6 of those years, he or she may apply for permanent resident status. An applicant's spouse and unmarried minor children may be admitted to the United States with the guest worker. To ensure that such visas are issued only to legitimate guest workers, my bill requires applicants to provide information on his or her criminal history, gang membership, immigration history, and involvement with groups that have engaged in terrorist acts, genocide, persecution, or plans to overthrow the United States. It also provides for the completion of all necessary background checks.

Fourth, we must account for the millions of undocumented aliens residing in the United States. I believe that the vast majority of these aliens are honest, hard-working individuals who are contributing to our country in positive ways, so the WISH Act allows them to obtain the guest worker visa I just mentioned without leaving the United States if he or she pays a fine. This will allow for these aliens, and their immediate families, to remain in the country doing the work they already do. In order to provide for their timely and orderly transition into legal guests, my bill requires undocumented aliens to apply for this visa or leave the United States. Failure to take one of those actions means they will be removed from the United States and will be unable to return. For aliens who have been working in the United States for at least 5 years before enactment of the WISH Act, my bill allows them to apply for any visa, adjustment of status, or immigration benefit except adjustment of status to that of a permanent resident after they have worked as legal guests for 5 years. However, such applications may not be granted until the alien has returned to his home country.

Lastly, we must create a more welcoming environment for students and visitors to our country. Before the horrific events of September 11, 2001, the United States was a preferred place for foreign students to attend school. This

was beneficial to our country because students came to the United States to study, but they stayed here to work. They did business with colleagues they met at U.S. schools. Our country was obtaining some of the most brilliant minds not only from within our borders but from across the world. Unfortunately, restrictions and limitations put on visas in recent years have forced many of the business leaders of the next generation to attend school in other more welcoming countries. To reverse this trend, the WISH Act allows full-time foreign college and graduate students to work and travel while studying in the United States and provides for foreign students who graduate from a U.S. college with honors to stay in the United States to work after graduation.

I am personally involved in this issue both because I represent a border State and because I remember the day, when I was 5 or 6 years old, that my parents learned that the lawyer who advised them about citizenship was wrong and my mother was an illegal alien. Federal officials came to our house to arrest my mother while my father was at work. It was a frightening situation for my entire family that occurred through no fault of my mother, who had lived in America for more than 30 years as an exemplary citizen and who was told by an attorney that she was an American.

I believe that we can, and must, do our best to prevent situations like this from occurring in the future. I believe that the measures in the WISH Act, together with the measures in my Border Security and Modernization Act, will play an important role in that effort, and I am pleased to introduce this bill today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Welcoming Immigrants to a Secure Homeland Act of 2006'' or ''WISH Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—IMPROVING ENFORCEMENT

Subtitle A—Increased Enforcement Resources and Penalties

SEC. 101. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—During each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000 the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) for such fiscal year.

(b) FRAUD DETECTION.—During each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for Immigration Enforcement Agents dedicated to immigration fraud detection for such fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 102. PENALTIES FOR UNAUTHORIZED EMPLOYMENT AND FALSE CLAIMS OF CITIZENSHIP.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in paragraphs (1)(A), (2), and (4) of subsection (a), by striking ''knowing'' each place it appears and inserting ''if the person or entity knows or should have known''; and

(2) in subsection (b)(2)—

(A) by striking ''The individual'' and inserting the following:

''(A) IN GENERAL.—The individual''; and

(B) by adding at the end the following:

''(B) PENALTIES.—Any individual who falsely represents that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized by the Attorney General or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment for purposes of obtaining employment shall, for each such violation, be subject to a fine of not more than $5,000 and a term of imprisonment not to exceed 3 years.''; and

(3) in subsection (f)(1), by striking ''$3,000'' and inserting ''$5,000''.

SEC. 103. PENALTIES FOR MISUSING SOCIAL SECURITY NUMBERS OR FILING FALSE INFORMATION WITH THE SOCIAL SECURITY ADMINISTRATION.

(a) MISUSE OF SOCIAL SECURITY NUMBERS.—

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

(A) in paragraph (7), by adding after subparagraph (C) the following:

''(D) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 205(c)(2) to establish and maintain records), to any person; or;'';

(B) in paragraph (8), by adding ''or'' at the end; and

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

''(9) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number that purports to be a Social Security account number;''.

(2) EFFECTIVE DATES.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act, as added by paragraph (1), shall apply with respect to each violation occurring after the date of the enactment of this Act.

(b) REPORT ON ENFORCEMENT EFFORTS CONCERNING EMPLOYERS FILING FALSE INFORMATION RETURNS.—The Commissioner of Internal Revenue and the Commissioner of Social Security shall submit an annual report to Congress on efforts taken to identify employers that file incorrect information returns and impose appropriate penalties on such employers.

Subtitle B—Information Integrity and Security

SEC. 111. SOCIAL SECURITY CARDS.

(a) MACHINE-READABLE, TAMPER-RESISTANT CARDS.—

(1) ISSUANCE.—

(A) IN GENERAL.—Not later than 3 months after the date of the enactment of this Act, the Commissioner of Social Security shall initiate a program to develop and issue machine-readable, tamper-resistant social security cards.

(B) COMPLETION.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall—

(i) only issue machine-readable, tamper-resistant social security cards; and

(ii) begin a program to replace existing social security cards with machine-readable, tamper-resistant social security cards.

(2) AMENDMENT.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended—

(A) by inserting ''(i)'' after ''(G)''; and

(B) by striking ''The social security card shall be made of banknote paper,'' and inserting the following:

''(ii) The social security card shall be machine-readable and tamper-resistant;''.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by paragraph (2).

(b) MULTIPLE CARDS.—Section 205(c)(2)(G) of such Act, as amended by subsection (a)(2), is further amended by adding at the end the following:

''(iii) The Commissioner of Social Security shall not issue a replacement social security card to any individual unless the Commissioner of Social Security determines that the purpose for requiring the issuance of the replacement document is legitimate.''.

(c) REPORT ON INCORPORATION OF BIOMETRIC IDENTIFIERS.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Social Security, in cooperation with the Secretary of Homeland Security, shall submit to Congress a report on the viability of using biometric authentication with employment authorization documents.

(d) EFFECTIVE DATE.—The amendments made by subsections (a)(2) and (b) shall take effect 1 year after the date of the enactment of this Act and shall only apply to social security cards issued after such date.

SEC. 112. ELECTRONIC INFORMATION.

(a) CONFIDENTIALITY.—

(1) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than individuals responsible for the enforcement of immigration laws or for the evaluation of an employment verification program at the Social Security Administration, the Department of Homeland Security, or the Department of Labor, may have access to any information contained in a database maintained pursuant to the Employment Eligibility Verification System described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note), as amended by section 121 of this Act.

(2) PROTECTION FROM UNAUTHORIZED DISCLOSURE.—Information contained in a database maintained pursuant to the Employment Eligibility Verification System shall be adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security and the Secretary of Labor.

(b) IMPROVEMENTS TO INFORMATION INTEGRITY.—

(1) IN GENERAL.—The Commissioner of Social Security shall identify the sources of false, incorrect, or expired Social Security numbers and take steps to eliminate such numbers from the Social Security system.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall submit to Congress a report that—

(A) identifies the sources of false, incorrect, or expired Social Security numbers;

(B) describes the actions carried out by the Commissioner to identify and eliminate the numbers described in paragraph (1); and

(C) describes the actions that the Commissioner plans to take to ensure the removal of the numbers described in paragraph (1) from the Social Security system during the 1-year period beginning on the date that the report is submitted.

Subtitle C—Mandatory Electronic Employment Verification of All Workers in the United States

SEC. 121. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) RENAMING OF BASIC PILOT PROGRAM.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended—

(1) in section 401(c)(1), by striking ''basic pilot program'' and inserting ''Employment Eligibility Verification System''; and

(2) in section 403(a), by striking ''(a)'' and all that follows through ''agrees to conform'' and insert the following:

''(a) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—A person or other entity that participates in the Employment Eligibility Verification System shall agree to conform''.

(b) MANDATORY PARTICIPATION.—

(1) LARGE EMPLOYERS.—Beginning not later than 2 years after the date of the enactment of this Act and notwithstanding any other provision of law, any person or other entity that hires 50 or more individuals for employment in the United States shall participate in the Employment Eligibility Verification System described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act, as amended by subsection (a).

(2) MIDSIZED EMPLOYERS.—Beginning not later than 4 years after the date of the enactment of this Act and notwithstanding any other provision of law, any person or other entity that hires 25 or more individuals for employment in the United States shall participate in such Employment Eligibility Verification System.

(3) SMALL EMPLOYERS.—Beginning not later than 6 years after the date of the enactment of this Act and notwithstanding any other provision of law, any person or other entity that hires 1 or more individuals for employment in the United States shall participate in such Employment Eligibility Verification System.

(4) PARTICIPATION OF EMPLOYERS NOT SUBJECT TO REQUIREMENT.—Nothing in this subsection shall be construed to prevent any person or other entity that is not required to participate in such Employment Eligibility Verification System under this subsection from voluntarily participating in such Employment Eligibility Verification System.

(5) CONFORMING AMENDMENT.—Section 402(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended in the second sentence by striking the comma after ''(e)'' and inserting ''or section 121(b) of the Welcoming Immigrants to a Secure Homeland Act of 2006,''.

(c) AFFORDABILITY OF SYSTEM.—The Secretary of Homeland Security shall work in cooperation with the Secretary of Labor and the Commissioner of Social Security to make such Employment Eligibility Verification System affordable to any person or entity that hires individuals for employment in the United States.

(d) ELECTRONIC FILING.—Any employer participating in such Employment Eligibility Verification System may complete and allow for newly hired individuals to complete employment verification documents electronically.

(e) REPORT ON IMPROVEMENT OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in cooperation with the Secretary of Labor and the Commissioner of Social Security, shall submit to Congress a report on ways to improve such Employment Eligibility Verification System.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be required to carry out such Employment Eligibility Verification System in every State and to allow every employer in the United States to participate.

SEC. 122. GOOD FAITH COMPLIANCE.

Any employer that complies with the requirements of this subtitle, the amendments made by this subtitle, and title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) has established an affirmative defense that the employer has not violated the employment verification requirements under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

TITLE II—NONIMMIGRANT GUEST WORKERS

SEC. 201. NONIMMIGRANT GUEST WORKER CATEGORY.

(a) NEW GUEST WORKER CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

''(W) an alien having a residence in a foreign country who is coming to the United States to perform labor or service and who meets the requirements of section 218A.''.

(b) TECHNICAL AMENDMENTS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking ''or'' at the end; and

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semicolon and ''or''.

SEC. 202. GUEST WORKER PROGRAM.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218 the following new section:

''SEC. 218A. GUEST WORKER PROGRAM.

''(a) IN GENERAL.—The Secretary of Homeland Security may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(W) who demonstrates an intent to perform labor or services in the United States and who meets the requirements of this section.

''(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(W), an alien shall meet the following requirements:

''(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(W).

''(2) EVIDENCE OF EMPLOYMENT.—The alien shall establish that the alien has a job offer from an employer that utilizes the Employment Management System described in section 218C.

''(3) APPLICATION FEE.—The alien shall pay a $250 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

''(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

''(5) APPLICATION CONTENT AND WAIVER.—

''(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of being admitted as a nonimmigrant under section 101(a)(15)(W).

''(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for admission as a nonimmigrant under section 101(a)(15)(W), the Secretary shall require an alien to provide information concerning the alien's criminal history and gang membership, immigration history, and involvement with groups or individuals that have

engaged in terrorism, genocide, persecution, or who seek the overthrow of the Government of the United States.

''(C) WAIVER OF RIGHTS.—

''(i) AUTHORITY TO REQUEST.—The Secretary may request that an alien include with the application a waiver of rights that states that the alien, in exchange for the discretionary benefit of admission as a nonimmigrant under section 101(a)(15)(W), agrees to waive any right—

''(I) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

''(II) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W).

''(ii) REFUSAL TO WAIVE.—The Secretary may not refuse to grant nonimmigrant status under section 101(a)(15)(W) because an alien does not submit the waiver described in clause (i).

''(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection.

''(d) ADMISSIBILITY.—

''(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(W)—

''(A) the Secretary of Homeland Security may waive paragraphs (5), (6)(A), (7), or (9)(B) or (C) of section 212(a) for conduct that occurred on a date prior to the date of the enactment of the Welcoming Immigrants to a Secure Homeland Act of 2006; and

''(B) the Secretary of Homeland Security may not waive—

''(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

''(ii) section 212(a)(3) (relating to security and related grounds); or

''(iii) subparagraphs (A), (C), or (D) of section 212(a)(10) (relating to polygamists, child abductors, and illegal voters); and

''(C) for conduct that occurred prior to the date that the Welcoming Immigrants to a Secure Homeland Act of 2006 was introduced in the Senate, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest.

''(2) CONSTRUCTION.—No provision in paragraph (1) shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a) under any other provision of law.

''(3) WAIVER FEE.—An alien who is granted a waiver under subparagraph (1) shall pay a $100 fee upon approval of the alien's visa application.

''(4) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—Notwithstanding paragraph (1), an alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(W) shall establish that the alien is not inadmissible under section 212(a).

''(e) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and shall not issue a visa to, an alien seeking admission under section 101(a)(15)(W) until all appropriate background checks, including any that the Secretary, in the Secretary's discretion, may require, have been completed.

''(f) DURATION.—

''(1) INITIAL ADMITTANCE.—An alien may be admitted as a nonimmigrant under section 101(a)(15)(W) for a period of 3 years.

''(2) SUBSEQUENT ADMITTANCE.—

''(A) ADDITIONAL PERIODS.—The period described in paragraph (1) may be extended for 2 additional 3-year periods if the alien establishes that the alien is employed by an employer that utilizes the Employment Management System described in section 218C.

''(B) RENEWAL APPLICATION.—An alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking an additional period of admittance shall submit a renewal application no more than 90 days and no less than 45 days before the end of the alien's 3-year period of admissibility under such section. Such application shall include evidence of the alien's employment with an employer that utilizes the Employment Management System described in section 218C.

''(C) FEE.—An alien shall submit a fee of $100 along with the renewal application described in subparagraph (B).

''(3) REQUIREMENT TO RETURN HOME.—Unless an alien is granted a change of status pursuant to section 245 (as described in subsection (l)), an alien admitted as a nonimmigrant under section 101(a)(15)(W) shall, upon the expiration of a period of authorized admittance, leave the United States and be ineligible to reenter as an alien under section 101(a)(15)(W) or receive any other immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, until the alien has resided continuously in the alien's home country for a period of not less than 3 years.

''(g) STANDARDS FOR DOCUMENTATION.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the documents issued to provide evidence of nonimmigrant status under section 101(a)(15)(W) are machine-readable and tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into such documents.

''(2) CONSULTATION.—The Secretary of Homeland Security shall consult with the head of the Forensic Document Laboratory and such other Federal agencies as may be appropriate in designing the document.

''(3) USE OF DOCUMENTATION.—The document may serve as a travel, entry, and work authorization document during the period that the document is valid.

''(h) FAILURE TO DEPART.—

''(1) INADMISSIBILITY FOR FAILURE TO DEPART.—Subject to paragraph (2), an alien admitted as a nonimmigrant under section 101(a)(15)(W) who fails to depart the United States prior to the date that is 10 days after the date that the alien's authorized period of admission under this section ends is not eligible for and may not receive any immigration relief or benefit under this Act or any other law for a period of 10 years.

''(2) EXCEPTION.—The prohibition in paragraph (1) may not be applied to prohibit the admission of an alien under section 208 or 241(b)(3), or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(i) FAMILY MEMBERS.—

''(1) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted to the United States—

''(A) as a nonimmigrant for the same amount of time, and on the same terms and conditions, as the alien admitted as a nonimmigrant under section 101(a)(15)(W); or

''(B) under any other provision of law, if such family member is otherwise eligible for admission.

''(2) APPLICATION FEE.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking to be admitted pursuant to this subsection shall submit, in addition to any other fee authorized by law, an additional fee of $100.

''(j) TRAVEL OUTSIDE THE UNITED STATES.—

''(1) IN GENERAL.—An alien admitted as a nonimmigrant under section 101(a)(15)(W) and the spouse or child of such alien admitted pursuant to subsection (i)—

''(A) may travel outside of the United States; and

''(B) may be readmitted to the United States without having to obtain a new visa if the period of authorized admission under section 101(a)(15)(W) has not expired.

''(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) may not extend the period of authorized admission in the United States permitted for an alien admitted under section 101(a)(15)(W) or for the spouse or child of such alien admitted under subsection (i).

''(k) EMPLOYMENT.—

''(1) PORTABILITY.—An alien admitted as a nonimmigrant under section 101(a)(15)(W) may be employed by any United States employer that utilizes the Employment Management System described in section 218C.

''(2) CONTINUOUS EMPLOYMENT.—

''(A) REQUIREMENT FOR EMPLOYMENT.—An alien admitted under section 101(a)(15)(W) shall be employed while in the United States. An alien who fails to be employed for 30 consecutive days is ineligible for employment in the United States unless the alien departs the United States and thereafter provides evidence of an offer of employment with any United States employer that utilizes the Employment Management System described in section 218C.

''(B) WAIVER.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) for an alien and authorize the alien for employment without requiring the alien to depart the United States.

''(l) ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—

''(1) ELIGIBILITY.—An alien admitted as a nonimmigrant under section 101(a)(15)(W) shall be eligible for an adjustment of status pursuant to section 245 after such alien has completed a period of employment in the United States of not less than 6 years.

''(2) FAMILY ELIGIBILITY.—The spouse or child of an alien granted an adjustment of status as described in paragraph (1) shall be eligible as a derivative beneficiary for adjustment of status.

''(m) NUMERICAL LIMIT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Homeland Security may not admit more than 500,000 aliens as nonimmigrants pursuant to section 101(a)(15)(W) during a fiscal year.

''(2) AUTHORITY TO INCREASE LIMITATION.—The Secretary of Homeland Security may waive the numerical limitation described in paragraph (1) for a fiscal year if the Secretary determines that businesses in the United States would benefit from such waiver.''.

(b) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for nonimmigrant status under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 201, not later than 6 months after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking ''or (S)'' and inserting ''(S), or (W)''.

SEC. 203. SPECIAL RULE FOR MEXICO.

(a) IN GENERAL.—No alien who is a citizen or national of Mexico shall be eligible for status as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 201, a change of status under section 218B of the Immigration and Nationality Act, as added by section 301, an exemption from numerical limitations under section 201(b)(1)(F) of the Immigration and Nationality Act, as added by section 602, or for an immigration benefit described in section 603, 604, or 605 until the date that Government of Mexico enters into a bilateral agreement with the Government of the United States, as described in subsection (b).

(b) REQUIREMENTS FOR BILATERAL AGREEMENT.—The bilateral agreement referred to in subsection (a) shall require the Government of Mexico—

(1) to accept the return of a citizen or national of Mexico who is ordered removed from the United States not later than 5 days after such order is issued;

(2) to cooperate with the Government of the United States—

(A) to identify, track, and reduce—

(i) gang membership and violence in the United States and Mexico;

(ii) human trafficking and smuggling between the United States and Mexico; and

(iii) drug trafficking and smuggling between the United States and Mexico; and

(B) to control illegal immigration from Mexico into the United States;

(3) to provide the Government of the United States with—

(A) the passport information and criminal record of any citizen or national of Mexico who is seeking admission to the United States or is present in the United States; and

(B) admission and entry data maintained by the Government of Mexico to facilitate the entry-exit data systems maintained by the United States; and

(4) to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 201, or a change of status under section 218B of the Immigration and Nationality Act, as added by section 301 of this Act, to ensure that such citizens and nationals are not exploited while working in the United States.

(c) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to Congress a report on the bilateral agreement described in this section and the activities of the Government of Mexico to carry out such agreement.

SEC. 204. STATUTORY CONSTRUCTION.

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

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for facilities, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this title.

TITLE III—NONIMMIGRANT GUEST WORKER STATUS FOR UNAUTHORIZED ALIENS

SEC. 301. NONIMMIGRANT GUEST WORKER STATUS FOR UNAUTHORIZED ALIENS.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218A, as added by section 202, the following new section:

''SEC. 218B. CHANGE OF STATUS OF UNAUTHORIZED ALIENS.

''(a) IN GENERAL.—The Secretary of Homeland Security shall grant nonimmigrant status under section 101(a)(15)(W) to an alien who is in the United States illegally if such alien meets the requirements of this section.

''(b) GENERAL REQUIREMENTS.—An alien may be eligible for a change of status under this section if the alien meets the following requirements:

''(1) PRESENCE.—An alien must establish that the alien was physically present in the United States prior to the date of introduction of the Welcoming Immigrants to a Secure Homeland Act of 2006 in the Senate and was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

''(2) EMPLOYMENT.—An alien must establish that the alien was employed in the United States prior to the date of introduction of such Act in the Senate, and has not been unemployed in the United States for 30 or more consecutive days since that date.

''(3) MEDICAL EXAMINATION.—An alien shall, at the alien's expense, undergo a medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

''(c) APPLICATION CONTENT AND WAIVER.—

''(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining a change of status under this section.

''(2) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for a change of status under this section, the Secretary shall require that the alien—

''(A) provide answers to questions concerning the alien's criminal history and gang membership, immigration history, and involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the Government of the United States;

''(B) provide any Social Security account number or card in the possession of the alien or relied upon by the alien; and

''(C) provide any false or fraudulent documents in the alien's possession.

''(3) WAIVER OF RIGHTS.—

''(A) AUTHORITY TO REQUEST.—The Secretary may request that an alien include with the application a waiver of rights that states that the alien, in exchange for the discretionary benefit of obtaining a change of status under this section, agrees to waive any right—

''(i) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

''(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W).

''(B) REFUSAL TO WAIVE.—The Secretary may not refuse to grant nonimmigrant status under section 101(a)(15)(W) because an alien does not submit the waiver described in subparagraph (A).

''(C) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions, statements, and terms of the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(4) APPLICATION FEE AND FINES.—

''(A) REQUIREMENT TO PAY.—An alien applying for a change of status under this section shall pay—

''(i) a $250 visa issuance fee in addition to the cost of processing and adjudicating such application; and

''(ii) a fine of $1000.

''(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

''(d) ADMISSIBILITY.—

''(1) IN GENERAL.—In determining an alien's eligibility for a change of status under this section—

''(A) the alien shall establish that the alien—

''(i) except as provided as in subparagraph (B), is admissible to the United States; and

''(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(B) paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply to the admissibility of such alien;

''(C) the Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

''(2) WAIVER FEE.—An alien who is granted a waiver under subparagraph (C) shall pay a $100 fee upon approval of the alien's visa application.

''(e) INELIGIBLE.—An alien is ineligible for the change of status provided by this section if the alien—

''(1) is subject to a final order or removal under section 240;

''(2) failed to depart the United States during the period of a voluntary departure order under section 240B;

''(3) has been issued a Notice to Appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

''(4) fails to comply with any request for information made by the Secretary of Homeland Security;

''(5) commits an act that makes the alien removable from the United States.

''(f) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process for an adjustment of status

under this section is secure and incorporates antifraud protection.

''(2) APPLICATION.—An alien must submit an initial application for a change of status under this section not later than 3 years after the date of the enactment of the Welcoming Immigrants to a Secure Homeland Act of 2006. An alien that fails to comply with this requirement is ineligible for a change of status under this section.

''(3) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for a change of status under this section are processed not later than 3 years after the date of the application.

''(4) LOCATION.—An alien applying for a change of status under this section need not depart the United States in order to apply for such a change of status.

''(g) FAILURE TO ACT.—An alien unlawfully in the United States who fails to apply for a change of status pursuant to this section or fails to depart from the United States prior to the date that is 6 years after the date of the enactment of the Welcoming Immigrants to a Secure Homeland Act of 2006 is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(h) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(1) BIOMETRIC DATA.—An alien may not be granted a change of status under this section unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security.

''(2) BACKGROUND CHECKS.—The Secretary of Homeland Security may not grant a change of status under this section until all appropriate background checks, including any that the Secretary, in the Secretary's discretion may require, are completed to the satisfaction of the Secretary of Homeland Security.

''(i) DURATION, EXTENSION, AND REENTRY.—

''(1) DURATION AND EXTENSION.—The period of authorized admission for an alien granted a change of status under this section shall be 3 years, and may be extended for 2 additional 3-year periods if the alien establishes that the alien has a job with an employer that utilizes the Employment Management System described in section 218C.

''(2) APPLICATION FOR EXTENSION.—

''(A) IN GENERAL.—An alien granted a change of status for a 3-year period under this section who is seeking an extension of such status shall submit an application for such extension no more than 90 days and no less than 45 days before the end of such 3-year period. The application shall provide evidence of employment with an employer that utilizes the Employment Management System described in section 218C.

''(B) FEE.—An alien who submits an application for an extension described in subparagraph (A), shall pay a $100 fee with such application.

''(3) REENTRY.—Unless an alien is granted a change of status or adjustment of status pursuant to subsection (n), an alien granted a change of status pursuant to this section shall, upon the expiration of the time period for authorized admission under this section, leave the United States and be ineligible to reenter the United States as a nonimmigrant under section 101(a)(15)(W), or receive any other immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, until the alien has resided continuously in the alien's home country for a period of not less than 3 years.

''(j) STANDARDS FOR DOCUMENTATION.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the document issued to provide evidence of status under this section shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document.

''(2) CONSULTATION.—The Secretary of Homeland Security shall consult with the head of the Forensic Document Laboratory and such other Federal agencies as may be appropriate in designing the document.

''(3) USE OF DOCUMENT.—The document may serve as a travel, entry, and work authorization document during the period of its validity.

''(k) FAILURE TO DEPART.—

''(1) INADMISSABILITY FOR FAILURE TO DEPART.—Subject to paragraph (2), an alien who fails to depart the United States prior to the date that is 10 days after the date that the alien's authorized period of admission under this section ends is not eligible for and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years.

''(2) EXCEPTION.—The prohibition in paragraph (1) may not be applied to prohibit the admission of an alien under section 208 or 241(b)(3) of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

''(l) TRAVEL OUTSIDE THE UNITED STATES.—

''(1) IN GENERAL.—An alien granted a change of status under this section and the spouse or child of such alien admitted pursuant to subsection (o)—

''(A) may travel outside of the United States; and

''(B) may be readmitted without having to obtain a new visa if the period of authorized admission under this section has not expired.

''(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) may not extend the period of authorized admission in the United States permitted for an alien under this section or for the spouse or child of such alien admitted under subsection (o).

''(m) EMPLOYMENT.—

''(1) IN GENERAL.—An alien granted a change of status under this section shall be employed by an employer that utilizes the Employment Management System described in section 218C not more than 3 months after the date the alien applies for a change of status under this section.

''(2) LIABILITY FOR PENALTIES OR FEES.—The employer of an alien granted a change of status under this section shall not be liable for any civil or criminal penalties or fees for hiring the alien prior to such change of status if the employer begins to utilize such Employment Management System pursuant to this subsection.

''(3) PORTABILITY.—An alien may be employed by any other United States employer who utilizes the Employment Management System established by section 218C.

''(4) CONTINUOUS EMPLOYMENT.—

''(A) REQUIREMENT FOR EMPLOYMENT.—An alien granted a change of status under this section who fails to be employed for 30 consecutive days is ineligible for reentry or employment in the United States unless the alien departs the United States and is admitted for reentry under a provision of this Act or any other provision of law.

''(B) WAIVER.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) for an alien and authorize the alien for employment without requiring the alien to depart the United States.

''(n) LIMITATION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

''(1) IN GENERAL.—An alien described in paragraph (2) may apply for a visa, an adjustment of status, or other immigration benefit, other than for adjustment of status to lawful permanent resident, after the alien has resided lawfully in the United States pursuant to a change of status granted as described in this section for a period of not less than 5 years, but such application shall not be granted until the alien has returned to the alien's home country.

''(2) REQUIREMENTS TO APPLY.—An alien described in this paragraph is an alien who—

''(A) has been granted a change of status under this section; and

''(B) during the 5-year period ending on the date of the enactment of the Welcoming Immigrants to a Secure Homeland Act of 2006—

''(i) was physically present in the United States; and

''(ii) unemployed for no more than 30 consecutive days.

''(o) FAMILY MEMBERS.—

''(1) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under this section may be admitted to the United States—

''(A) as a nonimmigrant for the same amount of time, and on the same terms and conditions, as the alien granted a change of status under this section; or

''(B) under any other provision of law, if such family member is otherwise eligible for admission.

''(2) APPLICATION FEE.—The spouse or child of an alien admitted under this section who is seeking to be admitted pursuant to this subsection shall submit, in addition to any other fee authorized by law, an additional fee of $100.

''(p) NUMERICAL LIMIT.—There shall be no numerical limitation on the number of aliens granted a change of status under this section.

''(q) PENALTIES FOR FALSE STATEMENTS.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for a change of status under this section and knowingly or willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).''.

(b) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for a change of status under section 218B of the Immigration and Nationality Act, as added by subsection (a), not later than 6 months after the date of the enactment of this Act.

SEC. 302. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any

party against the United States or its agencies or officers or any other person.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this title.

TITLE IV—EMPLOYMENT MANAGEMENT SYSTEM

SEC. 401. EMPLOYMENT MANAGEMENT SYSTEM.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218B, as added by section 301, the following new section:

''SEC. 218C. EMPLOYMENT MANAGEMENT SYSTEM.

''(a) ESTABLISHMENT.—

''(1) PURPOSE.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commissioner of Social Security, shall develop and implement a program to authorize, manage, and track the employment of aliens described in section 218A or 218B.

''(2) SCHEDULE.—The program required by subsection (a) shall commence prior to any alien being admitted as a nonimmigrant under section 101(a)(15)(W) pursuant to section 218A or granted a change of status under section 218B.

''(3) REQUIREMENTS.—The program required by this subsection shall—

''(A) enable an employer seeking to hire an alien described in section 218A or 218B to apply for authorization to employ such alien;

''(B) be interoperable with Social Security databases and shall provide a means of immediately verifying the identity and employment authorization of an alien described in section 218A or 218B;

''(C) require an employer to utilize readers, scanners, or other affordable technology at the location of employment or at a nearby Federal facility to transmit the biometric and biographic information contained in the alien's evidence of status to the Secretary of Homeland Security;

''(D) require an employer that employs an alien described in section 218A or 218B to notify the Secretary not more than 5 business days after the date of the termination of the alien's employment and prohibit such an employer from hiring another such alien for such employment until the employer provides such notice; and

''(E) collects sufficient information from employers to enable the Secretary of Homeland Security to identify—

''(i) whether an alien described in section 218A or 218B is employed;

''(ii) an employer who has hired an alien described in section 218A or 218B;

''(iii) the number of aliens described in section 218A or 218B that are employed by an employer; and

''(iv) the occupation, industry and length of time that an alien described in section 218A or 218B has been employed in the United States.

''(b) APPLICATION TO EMPLOY ALIENS DESCRIBED IN SECTION 218A OR 218B.—

''(1) REQUIREMENT FOR APPLICATION.—An employer shall submit to the Secretary of Homeland Security an application to request an authorization to employ aliens described in section 218A or 218B. Such application shall—

''(A) establish that such aliens will be employed by a legitimate company;

''(B) include an attestation that the employer will comply with the terms of the program required by subsection (a) and with all other applicable Federal, State, and local laws and regulations, including provisions to protect employees; and

''(C) include the number of such aliens the employer is seeking to employ.

''(2) FORM OF APPLICATION.—The Secretary shall permit an employer to submit the application described in paragraph (1) in a written or electronic form.

''(c) PROTECTION OF UNITED STATES WORKERS.—An employer may not hire an alien described in section 218A or 218B for a vacancy unless the employer submits an attestation to the Secretary of Homeland Security that—

''(1) the employer has advertised the position in a national, electronic job registry maintained by the Secretary of Labor for not less than 30 days;

''(2) the employer has offered the position to any eligible United States worker who applies and is equally or better qualified for the vacancy for which such an alien is sought and who will be available at the time and place of need, and the employer will maintain records for not less than 1 year that describe the reason that a United States worker who applied for such vacancy was not hired;

''(3) the employer shall comply with the terms of the program required by subsection (a), including the terms of any temporary worker monitoring program established by the Secretary of Homeland Security; and

''(4) an alien hired for the vacancy shall be paid not less than the greater of—

''(A) the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); or

''(B) the applicable State minimum wage;

''(5) the employer will pay such alien in a timely manner and accurately maintain all payroll records for such alien; and

''(6) the employment of such alien shall not adversely affect the working conditions of other similarly employed United States workers.

''(d) APPROVAL.—After determining that there are no United States workers who are qualified and willing to obtain the employment for which the employer is seeking an alien described in section 218A or 218B, the Secretary of Homeland Security may approve the application submitted by the employer under subsection (b). Such approval shall be valid for a 10-year period unless the employer violates a term of this section, in which case the Secretary may, in the discretion of the Secretary, revoke the approval.

''(e) PENALTIES.—An employer who employs an alien described in section 218A or 218B without obtaining authorization from the Secretary of Homeland Security pursuant to this section is subject to—

''(1) the same penalties and provisions as an employer who violates paragraph (1)(A) or (2) of section 274(a); and

''(2) any penalties prescribed by the Secretary of Homeland Security by regulation, which may include monetary penalties and ineligibility to employ an alien described in section 218A or 218B.''.

SEC. 402. LABOR INVESTIGATIONS AND PENALTIES.

(a) IN GENERAL.—The Secretary of Homeland Security, in cooperation with the Secretary of Labor, shall conduct random audits of employers who employ aliens described under section 218A or 218B of the Immigration and Nationality Act, as added by section 202 and 301, respectively.

(b) PENALTIES.—The Secretary of Homeland Security shall establish penalties, which may include ineligibility to employ an alien described in section 218A or 218B of the Immigration and Nationality Act, as added by section 202 and 301, respectively, for employers who fail to comply with section 218C of such Act, as added by section 401 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section 218C.

TITLE V—PROTECTION AGAINST IMMIGRATION FRAUD

SEC. 501. GRANTS TO SUPPORT PUBLIC EDUCATION AND TRAINING.

(a) PURPOSE.—The purpose of this title is to provide grants to nonprofit entities, immigrant communities, and other interested entities to provide education and training to appropriate individuals regarding the changes to immigration law made by this Act, and the amendments made by this Act, and to provide support to such entities.

(b) AUTHORITY.—The head of the Office of Justice Programs of the Department of Justice is authorized to award grants to nonprofit entities, immigrant communities, and other interested entities for the purposes described in subsection (c).

(c) USE OF GRANTS.—The grants awarded under this section shall be used to fund public education, training, technical assistance, government liaisons, and related costs (including personnel and equipment) incurred by nonprofit entities that provide services to aliens who may be effected by the changes in immigration law made by this Act, and the amendments made by this Act, and to educate, train and support nonprofit organizations, immigrant communities, and other interested parties regarding such changes. Such grants shall be used for educating—

(1) immigrant communities and other interested entities on the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary of Homeland Security, and on the dangers of securing legal advice and assistance from a person who is not authorized to provide legal representation in immigration matters;

(2) interested entities on the requirements for obtaining nonprofit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary of Homeland Security, and providing nonprofit agencies with training and technical assistance on the recognition and accreditation process; and

(3) nonprofit organizations, immigrant communities and other interested entities on the process for obtaining benefits under this Act, and the amendments made by this Act, and the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act.

(d) IN GENERAL.—The head of the Office of Justice Programs shall ensure, to the extent possible, that the entities awarded grants under this section shall serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act or the amendments made by this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Justice Programs at the Department of Justice $10,000,000 to carry out this section for each of fiscal years 2007 through 2011.

TITLE VI—HIGHLY EDUCATED AND SKILLED WORKERS

SEC. 601. REMOVAL OF NUMERICAL LIMITATIONS FOR NONIMMIGRANTS WITH ADVANCED DEGREES.

(a) IN GENERAL.—Section 214(g)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)(C)) is amended by striking '', until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an alien who—

(1) has submitted an application for a visa that is pending on the date of the enactment of this Act; or

(2) files such an application on or after such date.

SEC. 602. ALIENS NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT-BASED IMMIGRANTS.

(a) IN GENERAL.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Aliens who have earned an advanced degree in science, technology, engineering, or math from an accredited university in the United States and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(G) Aliens described in subparagraph (A) or (B) of section 203(b)(1) or who have received a national interest waiver under section 203(b)(2)(B).

''(H) The spouse and child of an alien who is admitted as an employment-based immigrant under section 203(b).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an alien who—

(1) has submitted an application for a visa that is pending on the date of the enactment of this Act; or

(2) files such an application on or after such date.

SEC. 603. OFF-CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.

(a) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(1) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(2) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(A) has attempted to recruit a citizen of the United States to fill such position for a period of not less than 3 months recruiting United States; and

(B) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(i) the actual wage level for the occupation at the place of employment; or

(ii) the prevailing wage level for the occupation in the area of employment; and

(3) the alien will not be employed more than—

(A) 20 hours per week during the academic term; or

(B) 40 hours per week during vacation periods and between academic terms.

(b) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under subsection (a)(2) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under this section.

SEC. 604. TEMPORARY VISAS FOR GRADUATING STUDENTS.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall grant a temporary nonimmigrant visa to an alien to permit the alien to remain in the United States while awaiting the issuance of an employment based nonimmigrant visa if the alien—

(1) graduated with honors from an established college or university in the United States while admitted to the United States pursuant to a visa issued under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

(2) has a bona fide offer of employment from an employer who utilizes the Employment Management System described in section 218C of the Immigration and Nationality Act, as added by section 401; and

(3) submits to the Secretary an application for such visa.

SEC. 605. TRAVEL AUTHORIZATION.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an alien attending an established college or university in the United States to travel outside of the United States if—

(1) the alien is admitted to the United States pursuant to a visa issued under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

(2) the purpose of such travel is to attend a meeting, seminar, lecture, or similar event in a field related to the alien's field of study; and

(3) the alien submits to the Secretary a request for authorization for such travel not later than 30 days prior to the alien's proposed date of departure.

SEC. 606. ADDITIONAL EMPLOYEES AND TECHNOLOGIES.

(a) INCREASED EMPLOYEES.—During each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 100 the number of Homeland Security personnel dedicated to processing applications for visas applied for pursuant to subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15).

(b) IMPROVED PROCEDURES.—The Secretary of Homeland Security shall improve technology and automated procedures to enhance visa clearance procedures for visas applied for pursuant to subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated during each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

TITLE VII—TRAVEL RESTRICTIONS FOR TEMPORARY VISITORS

SEC. 701. TRAVEL RESTRICTIONS.

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) The Secretary of Homeland Security—

''(1) may not prohibit an nonimmigrant admitted under section 101(a)(15)(B) from traveling up to 100 miles from an international border of the United States; and

''(2) may permit such a nonimmigrant to travel further from such a border.''.

TITLE VIII—TEMPORARY AGRICULTURAL WORKERS

SEC. 801. SENSE OF THE SENATE ON TEMPORARY AGRICULTURAL WORKERS.

It is the sense of the Senate that consideration of any comprehensive immigration reform during the 109th Congress should include reform for immigration laws related to employment of agricultural workers.

By Mr. ALLEN (for himself, Mr. KERRY, Mr. SUNUNU, and Mrs. BOXER):

S. 2327. A bill to require the FCC to issue a final order regarding white spaces; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise to introduce and present to my colleagues the Wireless Innovation Act of 2006. I am pleased to be the lead sponsor of this legislation, and I want to thank my colleagues Senator KERRY and Senator SUNUNU for working with me on this important issue.

The goal of the Wireless Innovation Act is to unleash the power of advanced technological innovation to facilitate the development of wireless broadband Internet services. Specifically, our legislation allocates certain areas within the broadcast spectrum that are otherwise unassigned and unused, known as white spaces, for wireless broadband services.

Unfortunately today, many people, from rural areas to big cities, either do not have access to broadband Internet service or simply cannot afford it. Our legislation will enable entrepreneurs to provide affordable, competitive high-speed wireless broadband services in areas that otherwise have no connectivity to broadband Internet. Additionally, in areas where broadband access currently is provided, either from a Cable modem or DSL connection, our legislation will allow for a third alternative choice for consumers.

The Wireless Innovation Act encourages the most robust and efficient use of this Nation's spectrum. After the transition to digital television is complete in February of 2009, 64 percent of the spectrum allocated to broadcast television use in the Richmond, VA, area will be vacant. Instead of sitting dormant, this valuable spectrum can be used to provide greater Richmond area residents with affordable wireless broadband, which some estimate to be as low as $10 per month. These white spaces exist in virtually every geographic area of the country, and I believe it is a valuable public resource that should be used for the benefit of all American consumers.

I recognize and fully appreciate the value that our television broadcasters serve in each and every local community. That is why our legislation protects incumbent local television stations from potential interference that may be caused using white spaces. In fact, my legislation ensures that all unlicensed devices must comply with the clear rules established by the Federal Communications Commission so there is no interference to licensed systems. These rules, along with the power of technology, can protect the television broadcast stations from any harmful interference.

Using white spaces to deliver wireless broadband across the country creates a new opportunity for innovators and entrepreneurs to provide a competitive broadband service at extremely low cost. This is especially compelling in rural areas where distance is so frequently the enemy of wire-line networks and the primary reason for the high cost of rural broadband deployment.

At a time when the United States is lagging behind much of the world in broadband penetration—and more than 60 percent of the country does not subscribe to broadband service primarily

because it is either unavailable or unaffordable—our legislation would put this country one step closer to closing the economic digital divide and achieving ubiquitous broadband Internet access throughout the country.

Providing a way to encourage the widespread adoption of broadband Internet access is vital to helping us keep pace with the new global economy. The benefits to Americans will include more jobs, better access to information and commerce, increased productivity, improved healthcare delivery, and more access to education and videoconferencing.

While the foreseeable benefit of this legislation is facilitating the development of wireless broadband services, the true beauty of unlicensed spectrum is that it allows for continued advancement and innovation, yielding benefits that are unimaginable today. A decade ago, no one could have imagined WiFi Internet access and yet, through the use of unlicensed spectrum, it was created. Four years ago, I worked on legislation with Senator BOXER to make more unlicensed spectrum available in the upper spectrum bands for further advancement and deployment of WiFi services. The Federal Communications Commission followed our lead and eventually made this spectrum available. Since then, WiFi has flourished.

Today, WiFi Internet access can be found in consumers' homes, Starbucks Coffee shops, book stores, entire cities such as Alexandria, VA, and even here in the Senate Office buildings. The Telecommunications Industry Association estimates that sales of WiFi equipment reached $4.35 billion in 2004, and predicts spending on WiFi infrastructure will increase to $7 billion in 2008. It is now time to enable the next generation of wireless innovation by allowing these white spaces to be used for next generation wireless broadband services.

A guiding principle I have followed throughout my time in public service is that the Internet should remain as accessible as possible to all people in all parts of the country forever. That is why I sponsored the Internet Tax Nondiscrimination Act, signed by the President in December 2004. That guiding principle is also what leads me, together with Senators KERRY and SUNUNU to introduce the Wireless Innovation Act today. With passage of this legislation, we can move forward to create an alternative that promotes broadband adoption using advances in technology and spectrum efficiency.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wireless Innovation Act of 2006'' or the ''Winn Act''.

SEC. 2. WHITE SPACES.

(a) COMPLETION OF ORDER.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall complete its proceeding and issue a final order regarding white space in the matter of Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04–186.

(b) CONDITIONS.—In completing the requirement described in subsection (a), the Federal Communications Commission shall in such final order—

(1) permit unlicensed, non-exclusive use of unassigned, non-licensed television broadcast channels between 54 MHz and 698 MHz;

(2) establish technical guidelines and requirements for the offering of unlicensed service in such band to protect incumbent licensed services and licensees from harmful interference; and

(3) require unlicensed devices operating in such band to comply with existing certification processes.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2331. A bill to amend the Internal Revenue Code of 1986 to extend the period for which the designation of an area as an empowerment zone is in effect; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce a bill that will help struggling communities, like Aroostook County in my home State of Maine, take full advantage of the special tax incentives for creating economic growth and community revitalization in empowerment zones. The bill enables those economically depressed communities, already taking advantage of these incentives, to secure the full 15 years of targeted growth originally granted to the areas first designated as empowerment zones.

I believe all empowerment zone communities need 15 years to reverse the decades of decline that originally impacted their economies. I have long supported empowerment zone incentives, and I believe that these targeted tax incentives provide struggling communities the best chance for sustained, long lasting economic renewal. In Maine, I have seen first hand empowerment zones' ability to revitalize faltering communities, with new jobs, and the creation of the economic activity needed for vibrant and strong cities and towns.

Empowerment zones are vital to the health of rural Maine. The story of Aroostook County demonstrates how decades of decline can force people to leave rural areas in order to find better, more stable, employment opportunities. Since the 1960s, difficult economic circumstances have caused a continuous decline in Aroostook County's population. In 1994, Loring Air Force Base closed, the major employer in Aroostook County at the time, further decimating the area's already struggling economic base and population. The Pentagon wrote, in their assessment of closure at Loring that, ''closing Loring Air Force Base would result in a population loss of approximately 22,000 persons, (the) direct and indirect employment loss of nearly 9,900 jobs, and regional income loss of just over 92 million dollars.'' Today, over 11 years after the Air Force left Aroostook County, the population hovers near a sparse 73,000 people with 14 percent of these households still living in poverty.

In 1994, Congress designated the first empowerment zones setting 2009, a 15-year timeframe, as the date that these tax incentives would expire. The 2009 expiration date of empowerment zone status was held firm for Round II communities designated in 1997, and the Round III communities designated in 2002; granting communities like Aroostook County, which was designated in 2002, as little as 7 years to use tax incentives to reverse decades of decline and economic neglect.

Unfortunately, Aroostook's economic problems will not be fixed within the 7 short years this area qualifies for empowerment zone tax incentives. Instead a long-term and lasting commitment of at least 15 years is necessary to help Aroostook communities work their way to stronger economic prosperity. Many communities, like Aroostook County, that were unable to qualify for empowerment zone status until 2002 are in need of the long-term 15-year commitment in which to address their stubborn causes of poverty.

Businesses operating within empowerment zones receive a 20-percent wage credit for the first $15,000 they pay in wages to local residents. Other tax incentives encourage businesses, and industries, to further commit to these communities. Companies with businesses in empowerment zones are eligible for an additional $35,000 worth of 179 business expensing—making these long-term business obligations more attractive, affordable, and likely. Empowerment zones are also eligible for expanded tax exempt financing for building the infrastructure communities need to attract long-term developers and business partners.

To qualify for empowerment zone status, communities develop comprehensive strategic plans that depend on these tax incentives to help them transform their economies. Each community's plan focuses on establishing long-term partnerships between private businesses, nonprofits, State, local, and Federal Government agencies, to help develop the local economy. Together these parties use the community's strategic blueprint to implement interconnected projects that address the factors creating the area's economic sickness. These types of projects focus on building needed business and industrial infrastructure, developing an educated workforce and diversifying local economies away from a reliance on one employer or industry.

In 2002, Aroostook County was designated an empowerment zone based on population loss, one of only two empowerment zones designated because of population decline. The county formed the Aroostook Partnership for Progress to spearhead their empowerment zone strategy, initiatives, and projects.

Since its formation, the Partnership for Progress has steadfastly dedicated their time and resources to create a projected 1,500 new jobs and negotiated over $1.2 million worth of investments into Aroostook County. These numbers indicate the ability of empowerment zone incentives to drive investment and strengthen local businesses in the area.

Through the Aroostook Partnership for Progress, and the businesses working in the empowerment zone, are making significant progress—the factors causing poverty in this rural part of Maine can not be eradicated quickly. Aroostook County's strategic plan will take time to implement as infrastructure, industry, and other projects create greater economic capabilities and diversification. Though Aroostook County is working valiantly to overcome the factors causing their economic decline they will need more than 9 years to overcome 40 years of difficulties. I know that there are many other struggling Round II and Round III empowerment zone communities, like Aroostook, who need the maximum order to reverse the poverty and underdevelopment also plaguing those areas.

I urge my colleagues to recognize the importance of making a long-term commitment to communities using empowerment zone incentives to work their way out of long-term poverty. I hope that each Senator will support the communities in their States, currently undertaking the painful process of economic transformation, by supporting passage of this economic development bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 382—RECOGNIZING KENNETH M. MEAD'S SERVICE AS THE INSPECTOR GENERAL OF THE DEPARTMENT OF TRANSPORTATION

Mr. STEVENS (for himself, Mr. INOUYE, Mr. BURNS, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. LOTT, Mr. LAUTENBERG, Mr. SUNUNU, Mr. PRYOR, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 382

Whereas Kenneth M. Mead has announced his retirement as the Inspector General of the Department of Transportation after nearly 9 years of service in that position;

Whereas, Kenneth M. Mead and his staff conducted investigations independently, impartially, and with rigorous professionalism into myriad issues affecting transportation and transportation policy;

Whereas, Kenneth M. Mead and his staff provided independent, thorough, and relevant commentary and recommendations on a wide-range of Federal transportation policies and programs, including aviation operations and safety, highway, auto and truck operations and safety, transportation security, rail operations and safety, and pipeline and hazardous materials transportation safety;

Whereas, during Kenneth M. Mead's tenure as Inspector General, the events of September 11, 2001, had a dramatic impact on the Federal government's relationship with the aviation industry and posed significant challenges for ensuring the safety and security of public transportation in general and the United States aviation industry in particular;

Whereas Secretary of Transportation Norman Mineta recognized Kenneth M. Mead's contributions by describing him as ''a tireless advocate for setting the highest possible standards of integrity, accountability, and performance'' in the Department's efforts to make the Nation's transportation system as safe and efficient as possible: Now, therefore, be it

Resolved, That the United States Senate commends Kenneth M. Mead for his more than 8 years of faithful and exemplary service to the Nation as the Inspector General of the Department of Transportation, and expresses its deep appreciation and gratitude for his long and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Kenneth M. Mead.

SENATE RESOLUTION 383—CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP IMPROVE THE SECURITY SITUATION IN DARFUR, SUDAN, WITH AN EMPHASIS ON CIVILIAN PROTECTION

Mr. BIDEN (for himself, Mr. BROWNBACK, Mr. OBAMA, Mr. LUGAR, Mr. FEINGOLD, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relation:

S. RES. 383

Whereas, the April 8, 2004, N'Djamena Ceasefire Agreement, calling for an end to hostilities in Darfur, Sudan, has been flagrantly violated by all parties to the agreement;

Whereas the Government of Sudan continues to commit crimes against humanity and engage in genocidal acts in Darfur;

Whereas the signing of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) on January 9, 2005, has not resulted in an improvement of the security situation in Darfur;

Whereas United Nations Secretary-General Kofi Annan has indicated that, ''People in many parts of Darfur continue to be killed, raped, and driven from their homes by the thousands.'';

Whereas United Nations officials have stated that at least 70,000 people have died due to violence and insecurity in Darfur, but that the total may be as high as 400,000 people;

Whereas nearly 2,000,000 people have been internally displaced, 3,000,000 people are dependant on international assistance to survive, and over 200,000 people are refugees in neighboring Chad due to the conflict in Darfur;

Whereas escalating tensions along the border between Chad and Sudan have increased instability in Darfur;

Whereas neither the mandate nor the troop strength of the African Union Mission in Sudan (AMIS) is adequate to protect civilians in Darfur;

Whereas the United States has demonstrated leadership on the Sudan issue by having United States Permanent Representative to the United Nations John Bolton, in his first action as President of the United Nations Security Council, request in February 2006 that Secretary-General Annan initiate contingency planning for a transition from AMIS to a United Nations peacekeeping operation;

Whereas, although the United Nations Security Council has concurred with this recommendation and taken steps toward establishing a United Nations peacekeeping mission for Darfur, it could take up to a year for such a mission to deploy fully;

Whereas, as the deteriorating security situation in Darfur indicates, the people of Darfur cannot wait that long for security to be reestablished;

Whereas the international community currently has no plan to address the immediate security needs of the people of Darfur; and

Whereas all members of the international community must participate in efforts to stop genocide, war crimes, and crimes against humanity in Darfur:

Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns—

(A) the continued attacks on civilians in Darfur by the Government of Sudan and Government-sponsored militias; and

(B) the continued violations of the N'Djamena Ceasefire Agreement by the Government of Sudan and rebels in Darfur, particularly the Sudan Liberation Army;

(2) commends the Africa Union Mission in Sudan (AMIS) for its actions in monitoring the N'Djamena Ceasefire Agreement in Darfur and its role in diminishing some acts of violence;

(3) calls upon all parties to the N'Djamena Ceasefire Agreement—

(A) to abide by the terms of the N'Djamena Ceasefire Agreement; and

(B) to engage in good-faith negotiations to end the conflict in Darfur;

(4) calls upon the Government of Sudan immediately—

(A) to withdraw all military aircraft from the region;

(B) to cease all support for the Janjaweed militia and rebels from Chad; and

(C) to disarm the Janjaweed;

(5) calls on the African Union to request assistance from the United Nations and NATO to strengthen its capacity to deter violence and instability until a United Nations peacekeeping force is fully deployed in Darfur;

(6) calls upon the United Nations Security Council to approve as soon as possible, pursuant to Chapter VII of the Charter of the United Nations, a peacekeeping force for Darfur that is well trained and equipped and has an adequate troop strength;

(7) urges the President to take steps immediately to help improve the security situation in Darfur, including by—

(A) proposing that NATO—

(i) consider how to implement and enforce a declared no-fly zone in Darfur; and

(ii) deploy troops to Darfur to support the African Union Mission in Sudan (AMIS) until a United Nations peacekeeping mission is fully deployed in the region; and

(B) requesting supplemental funding to support a NATO mission in Darfur and the African Union Mission in Sudan (AMIS);

(8) calls upon NATO allies, led by the United States, to support such a mission; and

(9) calls upon NATO headquarters staff to begin prudent planning in advance of such a mission.

Mr. BIDEN. Mr. President, today, with my friend from Kansas, Senator BROWNBACK, I am submitting a resolution urging the President to help stop genocide in Sudan. The killing in Darfur has gone on way too long.