

## S 2611

### Comprehensive Immigration Reform Act of 2006

**Congress:** 109 (2005–2007, Ended)

**Chamber:** Senate

**Policy Area:** Immigration

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### Sponsor

**Name:** Sen. Specter, Arlen [R-PA]

**Party:** Republican • **State:** PA • **Chamber:** Senate

### Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Brownback, Sam [R-KS]	R · KS		Apr 7, 2006
Sen. Graham, Lindsey [R-SC]	R · SC		Apr 7, 2006
Sen. Hagel, Chuck [R-NE]	R · NE		Apr 7, 2006
Sen. Kennedy, Edward M. [D-MA]	D · MA		Apr 7, 2006
Sen. Martinez, Mel [R-FL]	R · FL		Apr 7, 2006
Sen. McCain, John [R-AZ]	R · AZ		Apr 7, 2006

### Committee Activity

*No committee referrals or activity are recorded for this bill.*

### Subjects & Policy Tags

#### Policy Area:

Immigration

### Related Bills

Bill	Relationship	Last Action
109 S 2612	Identical bill	<b>Apr 24, 2006:</b> Read the second time and ordered referred to the Committee on the Judiciary.
109 S 2454	Related bill	<b>Apr 7, 2006:</b> Cloture on the bill not invoked in Senate by Yea-Nay Vote. 36 - 62. Record Vote Number: 90. (consideration: CR S3358; text: CR S3358)
109 HR 4437	Related bill	<b>Jan 27, 2006:</b> Read twice and referred to the Committee on the Judiciary.

Comprehensive Immigration Reform Act of 2006 - **Title I: Border Enforcement - Subtitle A: Assets for Controlling United States Borders** - (Sec. 101) Directs the Secretary of Homeland Security (Secretary), for each of FY2007-FY2011, to: (1) increase by not less than 500 the number of full-time active duty port of entry inspectors and provide related training, equipment, and support (authorizes FY2007-FY2011 appropriations); and (2) increase by not less than 200 the number of Department of Homeland Security (DHS) positions assigned to investigate alien smuggling.

Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to increase the number of DHS full-time active duty immigration and enforcement personnel from 800 to 1,000 for each of the fiscal years through FY2011.

Directs the Attorney General, for each of FY2007-FY2011, to increase by not less than 50 the number of full-time active duty Deputy U.S. Marshals that investigate immigration-related criminal matters. Authorizes FY2007-FY2011 appropriations.

Directs: (1) the Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense, to establish a program to recruit former Armed Forces members; and (2) the Commissioner to report on such program's implementation to the Senate Committee on the Judiciary and the House Committee on the Judiciary (Committees).

Directs the Secretary to: (1) increase the number of full-time active duty Border Patrol agents by 2,000 in FY2006, and by 2,400 for each of FY2007-FY2011; and (2) assign at least 20% of additional personnel for each fiscal year to the northern border. Authorizes FY2007-FY2011 appropriations.

(Sec. 102) Directs the Secretary to procure additional technological assets, including unmanned aerial vehicles (UAVs), to achieve operational U.S. border control and to establish a border security perimeter (virtual fence) to provide a barrier to illegal immigration.

Directs the Secretary and the Secretary of Defense to: (1) develop a plan to increase the use of Department of Defense (DOD) surveillance equipment to prevent illegal immigration along the U.S. international land borders; and (2) report to Congress. Authorizes FY2007-FY2011 appropriations.

Directs the Secretary to conduct a one-year UAV test surveillance program along the U.S.-Canadian border.

States that nothing in this section may be construed as altering the prohibition on posse comitatus use of the Army or Air Force.

(Sec. 103) Directs the Secretary to construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational border control. Authorizes FY2007-FY2011 appropriations.

(Sec. 104) Authorizes the Secretary to maintain temporary or permanent checkpoints on roadways in border patrol sectors located near the U.S.-Mexico border.

(Sec. 105) Authorizes the Secretary to: (1) construct additional ports of entry along the U.S. international land borders; and (2) improve existing ports of entry.

(Sec. 106) Directs the Secretary to provide for: (1) fencing, vehicle barrier, and road construction and improvements in the Yuma and Tucson, Arizona, sectors; and (2) fencing and vehicle barrier construction in other high trafficked areas

along the southern border. Requires: (1) construction completion within two years; and (2) a report to the Committees. Authorizes appropriations.

**Subtitle B: Border Security Plans, Strategies, and Reports** - (Sec. 111) Directs the Secretary to: (1) develop a systematic surveillance plan for the U.S. international land and maritime borders; and (2) report to Congress.

(Sec. 112) Directs the Secretary to: (1) develop a National Strategy for Border Security that describes actions to achieve operational control over all U.S. ports of entry and the U.S. land and maritime borders; (2) consult with appropriate state, local, tribal, and private entities; and (3) submit such Strategy to Congress within one year of enactment of this Act.

Requires that such Strategy be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13 (December 21, 2004).

(Sec. 113) Requires the Secretary of State to report annually to Congress respecting the exchange of North American security information, including provisions respecting: (1) security clearance and document security; (2) immigration and visa management; (3) visa policy coordination and immigration security; (4) terrorist watch lists; (5) money laundering and currency and alien smuggling; and (6) law enforcement cooperation.

(Sec. 114) Directs the Secretary of State to work with Canada and Mexico to establish a program to: (1) assess the border security needs of Guatemala and Belize, and determine the necessary financial and technical support from Canada, Mexico, and the United States; (2) provide secure travel document technical assistance to Guatemala and Belize; and (3) encourage Guatemala and Belize to control alien smuggling and trafficking, prevent fraudulent travel document use and manufacture, and share information with Mexico, Canada, and the United States.

Directs the Secretary to provide: (1) border control and anti-human smuggling law enforcement assistance to Guatemala and Belize; and (2) equipment, technical assistance, and vehicles to manage and patrol the borders between Mexico and Guatemala and between Mexico and Belize.

Subjects funds made available to carry out this section to certain limits under the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006.

(Sec. 115) Directs the Secretary to: (1) implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement (BICE) and the Bureau of Customs and Border Protection of DHS and any other federal, state, local, or tribal authorities to improve efforts to combat human smuggling; and (2) report to Congress.

States that nothing in this section may be construed to provide additional immigration enforcement authority to any state or local entity.

(Sec. 116) Directs the Commissioner of the Bureau of Customs and Border Protection to: (1) collect statistics relating to the number and causes of deaths occurring at the U.S.-Mexico border; and (2) report to Congress.

(Sec. 117) Directs the Secretary of State to: (1) work with Mexico to improve coordination concerning border security, immigration law education, and circular migration; and (2) report to Congress annually.

**Subtitle C: Other Border Initiatives** - (Sec. 121) Directs the Secretary, by October 1, 2007, to: (1) enhance connectivity between DHS' Automated Biometric Fingerprint Identification System (IDENT) and the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS); and (2) collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system.

(Sec. 122) Directs the Secretary to implement a plan to ensure clear and secure two-way communication capabilities, including the specific use of satellite communications, among Border Patrol agents conducting operations between ports of entry, between Border Patrol agents and their respective Border Patrol stations, and between all appropriate border security agencies of DHS and state, local, and tribal law enforcement agencies.

(Sec. 123) Directs the Government Accountability Office (GAO) to review Border Patrol agent basic training to ensure that it is provided as efficiently and cost-effectively as possible, including a description of curriculum changes since September 11, 2001, and an evaluation of language and cultural diversity training.

(Sec. 124) Directs the Secretary, within six months of enactment of this Act, to submit to Congress a schedule for: (1) equipping all U.S. land border ports of entry with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system; (2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and (3) making interoperable all DHS immigration screening systems.

(Sec. 125) Directs the Secretary to: (1) provide all Customs and Border Protection officers with travel document fraud identification training, which shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement; and (2) provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

Directs the Inspector General of DHS to: (1) assess the accuracy and reliability of the Forensic Document Laboratory; and (2) report to Congress.

Authorizes FY2007-FY2011 appropriations.

(Sec. 126) Amends the Enhanced Border Security and Visa Entry Reform Act of 2002 to require that by October 26, 2007, every non-interim document issued by DHS which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier.

(Sec. 127) Amends the Immigration and Nationality Act (INA) to make any nonimmigrant visa in the possession of an alien who has overstayed his or her nonimmigrant visa void. (Currently, such provision refers only to the overstayed visa as being void.)

(Sec. 128) Authorizes the Secretary to require departing aliens to provide biometric data and other immigration-status information.

Authorizes immigration officers to collect biometric data from: (1) any applicant for admission or alien seeking to transit through the United States; (2) any lawful permanent resident entering the United States who is not subject to questions of illegal activity or removal, relinquishment of status, length of absence, or other than designated place of entry; and (3) alien crewmen.

Makes the knowing withholding of biometric data a grounds for inadmissibility.

Authorizes FY2007-FY2008 appropriations to implement the automated biometric entry and exit data system at all land border ports of entry.

(Sec. 129) Directs the Secretary to: (1) conduct a study on the construction of a physical barrier system along the southern U.S. international land and maritime border; and (2) report to Congress. Includes in such study feasibility, cost,

environmental, diplomatic, economic, property rights, immigration, and security assessments.

(Sec. 130) Directs the Inspector General of DHS to: (1) review the compliance of each Secure Border Initiative contract above \$20 million with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned businesses, and timelines; and (2) report improper conduct to the Secretary or other appropriate DHS official. Directs the Secretary to report to the Committees respecting each review.

Directs the Secretary to report to the Committees within 60 days respecting Initiative contracts with foreign companies.

Directs the Committee on Foreign Investment in the United States, within 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a U.S. port by a foreign entity, to report to Congress describing: (1) the proposed purchase; and (2) any related security concerns and how such concerns have been addressed.

Authorizes additional FY2007-FY2009 appropriations to the Office of Inspector General of DHS.

(Sec. 131) Requires mandatory detention of an alien apprehended illegally seeking to enter the United States at a U.S. port of entry or land or maritime border as of October 1, 2007, unless such alien is: (1) paroled into the United States for humanitarian or public benefit reasons; or (2) permitted to withdraw an admission application and immediately departs from the United States. Provides that during the period 60 days after enactment of this Act and prior to October 1, 2007, an apprehended alien may be released with notice to appear only if: (1) the Secretary determines that the alien is not a national security risk; and (2) the alien provides a bond of not less than \$5,000.

Exempts from mandatory detention an alien who is a native or citizen of a Western Hemisphere country with whose government the United States does not have full diplomatic relations (currently, Cuba).

States that nothing in such provision shall be construed as limiting: (1) an alien's right to apply for asylum or for relief or deferral of removal based on a fear of persecution; and (2) the Secretary's authority to determine whether an alien claiming asylum shall be detained or released after a finding of a credible fear of persecution.

(Sec. 132) Amends federal criminal law to make it unlawful for a person to elude customs, immigration, or agriculture inspection or fail to stop at the command of a U.S. enforcement officer or employee at a port of entry or customs or immigration checkpoint.

States that a person who commits such an offense shall be: (1) fined; (2) imprisoned for not more than three years, or both; (3) imprisoned for not more than ten years, or both, if he or she attempts to inflict or inflicts bodily injury; (4) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or (5) both fined and imprisoned.

States that: (1) if two or more persons conspire to commit such offense, and one or more of such persons do any act to effect the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed; and (2) for the purposes of seizure and forfeiture of a vehicle or other conveyance in the commission of such offense, or in the case of disregarding the lawful authority or command of any U.S. officer or employee, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.

Subjects a person who fails to obey the lawful orders of a border enforcement officer to fine and/or up to five years' imprisonment.

(Sec. 133) Authorizes a state (including the District of Columbia, Puerto Rico, Guam, and the Virgin Islands), with DOD approval, to use National Guard personnel or units of such state for up to 21 days annually to perform the following border security activities in Arizona, California, New Mexico, and Texas: (1) ground or airborne reconnaissance; (2) logistical support; (3) translation services and training; (4) administrative support; (5) technical training; (6) emergency medical assistance; (7) communications services; (8) alien rescue; (9) construction of roadways, patrol roads, fences, barriers, and other facilities; and (10) ground and air transportation.

Prohibits direct law enforcement participation. States that National Guard personnel or units may perform such activities in another state only pursuant to: (1) an agreement between the state governors; and (2) DOD approval.

Terminates such authority on January 1, 2009.

(Sec. 134) Directs the Secretary and the Secretary of Defense to report to the appropriate congressional committees respecting incentives to encourage certain Armed Forces members and former members to serve in the Bureau of Customs and Border Protection.

(Sec. 135) Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to extend the implementation date for the Western Hemisphere Travel Initiative to the later of June 1, 2009, or three months after the Secretary and the Secretary of State make a required certification under this Act.

Directs the Secretary of State to develop a Passport Card for U.S. citizen travel from the United States to Canada, Mexico, the Caribbean countries, and Bermuda. States that such Card shall be deemed to be a U.S. passport for U.S. passport laws and valid for the same period as a U.S. passport. Sets forth related fee and technology requirement provisions.

Directs the Secretary and the Secretary of State to enter into a state enrollment demonstration program with at least one state under which: (1) a state may include (but not require) an individual's citizenship status on a driver's license; (2) the Secretary of State shall develop a mechanism to communicate with a participating state to verify the citizenship status of an applicant who voluntarily seeks to have citizenship status included on his or her driver's license; (3) all information collected about the individual shall be managed in the same manner as passport application information with no further distribution of such information; and (4) a complying driver's license shall be sufficient to permit the bearer to enter the United States from Canada or Mexico through at least one designated international border crossing in each participating state. Requires a related GAO study.

Provides that if the Secretary and the Secretary of State certify that certain Canadian identity documents meet specified security and citizenship standards the Secretary may determine that such documents are sufficient for U.S. entry.

Directs the Secretary to expand expedited processing for repeat travelers to all ports of entry at the Canadian and Mexican borders. States that the identities of such travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists.

Directs the Commissioner of Customs and Border Patrol to conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of U.S. citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. States that one such program shall be conducted in Florida and modeled on the Canadian Border Boat Landing (I-68) program.

Directs the Secretary to establish: (1) a program to permit U.S. citizens lacking appropriate travel documents to cross the international border and return to the United States for not more than 72 hours; or (2) a process to make admissibility determinations respecting such persons.

Directs the Secretary to develop a procedure for groups of children traveling by land across an international border under adult supervision without requiring a government-issued identity and citizenship document.

Directs the Secretary of State to implement an outreach plan to inform U.S. citizens about the Western Hemisphere Travel Initiative, facilitate acquisition of appropriate travel documentation for travel to Canada, Mexico, the Caribbean countries, and Bermuda, and educate U.S. citizens about the requirements for such travel.

Authorizes appropriations.

**Subtitle D: Border Tunnel Prevention Act** - Border Tunnel Prevention Act - (Sec. 142) Amends federal criminal law to prohibit the construction or financing of an unauthorized tunnel or subterranean passage that crosses an international border between the United States and another country. Imposes a 20-year prison term for such offense. Doubles penalties for persons who use such a tunnel or passage to unlawfully smuggle an alien, illegal goods, controlled substances, weapons of mass destruction, or members of a terrorist organization.

Imposes a ten-year prison term on any person who recklessly permits the construction or use of such a tunnel or passage on land that such person owns or controls.

Subjects to forfeiture any property involved in, or traceable to, the construction or financing of such a tunnel or passage.

(Sec. 143) Directs the U.S. Sentencing Commission to promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of criminal offenses related to the construction or financing of such a tunnel or passage.

**Subtitle E: Border Law Enforcement Relief Act** - Border Law Enforcement Relief Act of 2006 - (Sec. 153) Authorizes the Secretary to award FY2007-FY2011 grants to a tribal, state, or local law enforcement agency located in a county within 100 miles of a U.S. border with Canada or Mexico, or in a county beyond 100 miles that has been certified by the Secretary as a high impact area (as defined by this Act), to provide assistance in addressing: (1) criminal activity that occurs by virtue of proximity to the border; and (2) the impact of any lack of border security.

Authorizes FY2007-FY2011 appropriations. Allocates two-thirds of such funds for use in the six states with the largest number of undocumented aliens, and one-third of such funds for high impact areas.

(Sec. 154) States that nothing in this subtitle shall be construed to authorize state or local law enforcement of federal immigration enforcement authority.

**Subtitle F: Rapid Response Measures** - (Sec. 161) Authorizes the Secretary, if the governor of a border state declares an international border security emergency and requests additional Border Patrol agents, to provide such state with up to 1,000 additional agents. Directs the Secretary to ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to raise from 2,000 to 3,000 the annual increase in the number of full-time Border Patrol agents for FY2006. (Supersedes Sec. 101(b) of this Act which increases the number

of such agents by 2,000 in FY2006.)

(Sec. 162) States that the Border Patrol shall have complete and exclusive administrative and operational control over all assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all associated personnel.

Directs the Secretary to: (1) increase the number of Border Patrol helicopters by 100, and the number of power boats by 250; (2) establish a motor vehicle fleet appropriate for Border Patrol use, including portable computer-equipped police-type vehicles; (3) augment the existing radio communications system so that all law enforcement personnel working in areas of Border Patrol operations have clear and encrypted two-way radio communication capabilities; and (4) ensure that agents have global positioning and night vision equipment and appropriate body armor, weapons, and uniforms.

Authorizes FY2007-FY2011 appropriations.

**Title II: Interior Enforcement** - (Sec. 201) Amends INA to expand the scope of terrorist and security-related activities for which asylum, cancellation of removal, voluntary departure, permanent residence registry for certain aliens entering the United States before 1972, and exceptions to restrictions on removal will be denied.

Applies such provisions to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of enactment of this Act.

(Sec. 202) Revises provisions respecting detention and removal of aliens under order of removal.

Permits extension of the 90-day detention period for an alien under order of removal if the alien fails to: (1) make all reasonable efforts to comply with the removal order; or (2) cooperate with DHS efforts to establish the alien's identity and carry out the removal order, including failing to make timely application for travel or departure documents, or acting to prevent such removal.

States that the removal period shall: (1) not begin until the alien is in DHS custody; and (2) if the alien is transferred to another federal or state agency, be tolled until return to DHS custody.

Authorizes the Secretary to detain an alien subject to an administrative final order of removal who has been granted a stay of removal during the pendency of such stay.

Authorizes the Secretary to parole an alien ordered removed and provide that such alien not be detained unless: (1) the alien violates parole conditions; or (2) removal becomes reasonably foreseeable.

Requires that a detention review process be established for aliens under order of removal who have effected an entry and are cooperating with removal. Sets forth evidence provisions.

Authorizes the Secretary to detain an alien for 90 days beyond the original removal (and extension) period. Authorizes the Secretary to detain an alien beyond such 90-day period until removal if the Secretary certifies in writing that: (1) it is likely that the alien will be removed in the foreseeable future; or (2) the alien has a highly contagious disease that poses a public safety threat, release of the alien would have serious adverse foreign policy consequences or would threaten U.S. national security, or the alien's release would threaten the community or an individual because of the alien's criminal history.

Authorizes the Secretary to: (1) renew detention by certification every six months (provides that the alien shall be



released from detention if certification is not renewed); (2) condition an alien's release; and (3) re-detain persons on supervised release.

Directs the Secretary to detain an alien who has effected an entry and is not cooperating with removal or if the Secretary has certified the detention.

Restricts judicial review of detention to habeas corpus petitions in U.S. district court after exhaustion of all administrative remedies.

Amends federal criminal law to permit a judicial officer to consider a person's immigration (and removal) status or whether such person has committed specified felonies in bail determinations.

(Sec. 203) Revises the definition of "aggravated felony" to: (1) provide that sexual abuse of a minor will be considered an aggravated felony whether or not the victim's minority is established by evidence contained in the record of conviction or by extrinsic evidence; (2) include all smuggling offenses, and illegal entry and reentry crimes where the sentence is a year or more; and (3) include certain accessory roles.

Makes the provisions of this section effective on the date of enactment of this Act, and applicable to acts occurring on or after such date.

States that specified amendments made by of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to the definition of aggravated felony shall continue to apply whether the conviction was entered before, on, or after September 30, 1996.

(Sec. 204) Amends the definition of "good moral character" to: (1) exclude any alien inadmissible for terrorism and security-related reasons; (2) provide that the aggravated felony bar to good moral character applies regardless of when the crime was classified as an aggravated felony unless the term of imprisonment was completed no later than ten years before the naturalization application date; and (3) provide the Secretary and the Attorney General with discretionary authority to find an alien not to be of good moral character.

Prohibits approval of an immigrant visa petition if there is a pending proceeding against the petitioner that could result in denaturalization or the loss of permanent resident status.

Requires that specified conditional permanent residents have the conditions on their residence removed before they can be naturalized.

Revises provisions respecting district court review of denied naturalization applications. Sets a 120-day time limit to seek review.

Bars an alien: (1) removable on terrorist or security grounds from becoming naturalized; and (2) from being naturalized while in removal or denaturalization proceedings.

Limits district court jurisdiction in cases of delay to a review of the delay's basis and remand of the matter with instructions to the Secretary.

Makes the provisions of this section effective on the date of enactment of this Act, and applicable to acts occurring on or after such date.

(Sec. 205) Makes an alien inadmissible or deportable (provides the Secretary and the Attorney General with waiver

authority) if the Attorney General or the Secretary (or a consular officer regarding inadmissibility) knows or has reason to believe that such alien: (1) is or has been a member of a criminal street gang; or (2) has participated in a criminal street gang's activities, knowing or having reason to know that such activities furthered the criminal gang's illegal activity.

Authorizes the Secretary to: (1) terminate or modify temporary protected status for any reason, including national security, immediately upon publication of notice in the Federal Register; and (2) detain an alien provided temporary protected status whenever appropriate under any other provision of law.

Increases penalties and sets mandatory minimum sentences for an alien who fails to depart when ordered removed, hampers removal, or fails to present himself or herself for removal.

Authorizes the Secretary to instruct the Department of State to deny visas to individuals from a country that has denied or unreasonably delayed acceptance of a citizen, national, or resident of that country who has been ordered removed from United States until the country accepts such individual.

Revises alien smuggling and related offense provisions to expand the scope of activities included in such offense, including transporting or harboring a person outside the United States under circumstances in which such person is seeking to unlawfully enter the United States.

Sets forth revised penalties for the following revised offenses if the activity: (1) was not for commercial advantage or private financial gain; (2) was for such purposes, and depending upon whether a first or subsequent violation; (3) furthered any other state or federal offense punishable by more than one year's imprisonment; (4) created a substantial and foreseeable risk of death, serious injury, or inhumane conditions; (5) created serious injury; (6) resulted in death; or (7) involved an alien who the person knew or had reason to believe was engaged or intended to engage in terrorist activity.

Exempts from such provisions: (1) a bona fide nonprofit, religious organization in the United States (or its agents or officers) that encourages, invites, or enables an alien who is present in the United States to serve as a volunteer minister or missionary for such organization in the United States, provided the minister or missionary has been a member of the denomination for at least one year; or (2) an individual or organization, not previously convicted of a violation of such provisions, to provide an alien who is present in the United States with humanitarian assistance or to transport the alien to a location where such assistance can be rendered.

Establishes extraterritorial federal jurisdiction over smuggling offenses.

Subjects a person who knowingly employs ten or more illegal aliens smuggled into the United States to fine and/or up to ten years' imprisonment. Subjects to forfeiture real or personal property used in smuggling, the gross proceeds of such violation, and any property traceable to such property or proceeds.

Authorizes under specified conditions the evidentiary admission of the videotaped deposition of a witness who has been expelled from the United States or is otherwise unavailable to testify.

Directs the Secretary to: (1) implement an outreach program to educate people in and out of the United States about the penalties for illegally bringing in and harboring aliens; and (2) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of federal, state, and local transportation infrastructure to further illegal alien trafficking within the United States. Authorizes FY2007-FY2011 appropriations.

Amends federal criminal law to provide a mandatory minimum sentence for carrying or using a firearm during an alien

smuggling crime.

(Sec. 206) Revises illegal entry provisions. Makes it illegal to knowingly: (1) enter or cross the U.S. border at a time or place other than as designated by DHS; (2) elude examination or inspection; or (3) enter by means of a false or misleading representation or concealment of a material fact.

Sets forth and criminal penalties for: (1) first violations; (2) subsequent violations, or following voluntary departure; and (3) violations after conviction of specified crimes. Subjects an alien, in addition to any criminal penalties, to a civil penalty (between \$50 and \$250) for each attempted illegal entry or border crossing.

(Sec. 207) Revises criminal penalties for reentry of a removed alien. Sets forth provisions respecting: (1) affirmative defense; and (2) limitations on challenging a previous removal order.

Requires that any alien removed prior to completion of a prison term who enters or attempts to enter the United States, or is at any time found in the United States, be incarcerated for the remainder of the pending sentence at the time of deportation without any reduction for parole or supervised release unless the Secretary has consented to the alien's reentry.

States that is not aiding a reentry offense to provide an alien with emergency humanitarian assistance or to transport the alien to a location where such assistance can be rendered without compensation.

(Sec. 208) Amends federal criminal law to revise and set forth provisions respecting passports, visa, and immigration fraud, including provisions respecting: (1) trafficking in passports; (2) schemes to defraud or misrepresentation as an attorney; (3) marriage fraud; (4) alternative penalties for terrorism and offenses against the government; (5) seizure and forfeiture; (6) additional jurisdiction and venue; (7) law enforcement; and (8) exceptions to certain offenses for refugees, asylees, and other vulnerable persons.

(Sec. 209) Amends INA to make passport, visa, and immigration fraud violations of federal criminal law grounds for inadmissibility or deportation.

(Sec. 210) Directs the Secretary to: (1) continue the institutional removal program (IRP), and authorizes its expansion to all states; or (2) implement another plan to identify imprisoned criminal aliens and retain them in prison until removal from the United States.

Authorizes state and local enforcement officers to: (1) hold a removable alien for up to 14 days after state sentence completion to effectuate federal transfer; or (2) issue a detainer to permit state detention of an alien beyond sentence completion until BICE takes the alien into custody.

States that: (1) technology such as video conferencing shall be used to make IRP available in remote locations; and (2) mobile access to federal alien databases and live scan technology shall be used to make these resources available to state and local law enforcement agencies in remote locations.

Requires an annual IRP or alternative program report to Congress.

Authorizes FY2007-FY2011 appropriations for IRP.

(Sec. 211) Revises voluntary departure provisions to: (1) reduce the maximum period of voluntary departure that can be granted before the conclusion of removal proceedings from 120 to 60 days, and reduce such period from 60 to 45 days

after the conclusion of removal proceedings; (2) require (currently, authorizes that such bond be provided) an alien receiving voluntary departure prior to conclusion of removal proceedings to post a bond or show that a bond would create a financial hardship or is unnecessary to guarantee departure; (3) require as part of a voluntary departure agreement that the alien waive all rights to any further motion, appeal, application, or petition for review relating to removal; (4) provide that voluntary departure agreements granted during or after the conclusion of removal proceedings shall be presented on the record before the immigration judge, who shall advise the alien of the agreement's consequences before accepting such agreement; (5) provide that a subsequent appeal would invalidate the voluntary departure grant, as would the alien's failure to depart; (6) provide that failure to depart in violation of such an agreement subjects the alien to a \$3,000 fine, make the alien ineligible for various immigration benefits for ten years after departure, and prohibit the reopening of removal proceedings, except to apply for withholding of or restriction on removal to a country where the alien's life or freedom would be threatened or to seek protection against torture; and (7) authorize the Secretary to reduce the period of inadmissibility for certain aliens previously removed or unlawfully present.

Applies the provisions of this section, with a specified exception, to voluntary departure orders made on or after 180 days from the date of enactment of this Act.

(Sec. 212) Makes aliens ordered removed from the United States who fail to depart ineligible for discretionary relief from removal pursuant to a motion to reopen during the time they remain in the United States and for a period of ten years after their departure, except for motions to seek withholding of removal to a country where the alien's life or freedom would be threatened or to seek protection against torture.

Makes the provisions of this section effective on the date of enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

(Sec. 213) Amends federal criminal law to prohibit the knowing sale of firearms to, or the possession of firearms by, an alien paroled into the United States for humanitarian or public benefit reasons.

(Sec. 214) Establishes a ten-year statute of limitations for immigration, naturalization, and peonage offenses.

(Sec. 215) Authorizes Department of State and Foreign Service special agents to investigate identity theft and document fraud, peonage and slavery, and federal offenses committed in the special maritime and territorial jurisdiction of the United States.

(Sec. 216) Amends INA to direct the Secretary to allocate at least 40 BICE agents and at least 15 Bureau of Citizenship and Immigration Services (BCIS) agents to each state. Authorizes a waiver for states with less than two million people.

Requires appropriate security checks to be completed and any suspected immigration fraud to be investigated before any immigration benefit may be granted.

Authorizes FY2007-FY2011 appropriations for the FBI for security check improvements conducted on behalf of BCIS.

Requires the FBI to report to the Committees respecting such checks.

(Sec. 217) States that nothing in INA or any other statute shall be construed to require the federal government to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws to noncitizens suspected of having engaged in terrorist or other security-related activities, or with respect to whom a criminal or other investigation or law enforcement check has not been completed.

(Sec. 218) Directs the Secretary to reimburse states and local governments for costs associated with processing undocumented criminal aliens, including: (1) indigent defense; (2) criminal prosecution; (3) autopsies; (4) translators and interpreters; and (5) courts costs. Authorizes FY2007-FY2012 appropriations.

Amends INA to authorize appropriations through FY2012 for state-requested incarceration assistance.

(Sec. 219) Directs the Secretary to provide transportation and officers to take illegal aliens apprehended by state and local law enforcement officers into DHS custody. Authorizes FY2007-FY2011 appropriations.

(Sec. 220) Authorizes the Secretary to make grants to border-adjacent Indian tribes adversely affected by illegal immigration for law enforcement, health care, environmental restoration, and cultural preservation.

Directs the Secretary to report to the Committees respecting: (1) Border Patrol access on tribal lands, the extent to which such access may enhance immigration enforcement, and a strategy for improving cooperation with tribal authorities; and (2) DHS border security grants provided to Indian tribes. Authorizes FY2007-FY2011 appropriations.

(Sec. 221) Directs the Secretary to study detention alternatives.

(Sec. 222) Amends INA to include in the definition of "aggravated felony" specified passport, visa, and immigration fraud offenses (as provided for in section 208 of this Act).

(Sec. 223) Revises address reporting, registration, and related criminal penalty provisions.

(Sec. 224) Directs the Secretary to reimburse state and local governments for training and equipment costs related to federal immigration enforcement. Authorizes appropriations.

(Sec. 225) Includes in the definition of "aggravated felony" a third drunk driving conviction regardless of the states in which the convictions occurred or their felony or misdemeanor classification.

(Sec. 226) Amends the Immigration and Nationality Technical Corrections Act of 1994 to repeal the June 1, 2006, expiration date for the foreign medical graduates working in medically underserved areas (J-1 visa) program.

(Sec. 227) Revises expedited removal provisions to authorize the Secretary to determine deportability and impose expedited removal on an alien who: (1) has not been lawfully admitted to the United States as a permanent resident; and (2) was convicted of an aggravated felony, certain firearm offenses, or specified offenses under INA, federal criminal law (including treason, sedition, sabotage, and espionage), the Military Selective Service Act, or the Trading with the Enemy Act.

Requires that the Secretary place an alien (other than from Mexico or Canada) who has not been admitted or paroled into expedited removal if apprehended within 100 miles of the border and within 14 days of unauthorized entry.

Includes in the exception from expedited removal an alien who is a native or citizen of a Western Hemisphere country with whose government the United States does not have full diplomatic relations (currently, Cuba) who arrives by aircraft at a port of entry or who is present in the United States and arrived in any manner at or between a port of entry (currently, limited to port of entry arrival by aircraft).

Makes the provisions of this section effective on the date of enactment of this Act, and applicable to aliens apprehended or convicted on or after such date.

(Sec. 228) Prohibits a U.S. citizen or permanent resident alien convicted of murder, rape, sexual abuse of a minor, child pornography, or prostitution or trafficking in persons from petitioning for a family member's admission unless the Secretary determines that such petitioner poses no risk to the alien.

(Sec. 229) Affirms state law enforcement authority to assist (including transfer across state lines to federal custody) the federal government in enforcing U.S. immigration laws during the normal course of law enforcement duties. States that such provision shall not be construed to require state or local law enforcement personnel to assist in immigration law enforcement.

Directs the Secretary upon state law enforcement request to take an apprehended alien into federal custody to: (1) verify and inform state authority of the alien's immigration status; and (2) if the individual is unlawfully in the United States, take such individual into federal custody, or request temporary state or local detention or transfer to a location for transfer to federal custody.

Directs the Secretary to: (1) designate at least one federal, state, or local prison, or a private contracted prison or detention facility within each state as the central facility for transfer of aliens to DHS custody; (2) reimburse state and local authorities for incarceration and related transportation and emergency medical care costs; (3) ensure appropriate detention facility security; and (4) establish a regular circuit for the transportation of apprehended aliens from states and localities which routinely submit federal custody requests.

Authorizes the Secretary to enter into implementing contracts and cooperative agreements with state and local authorities.

Authorizes appropriations.

(Sec. 230) Includes alien smuggling and trafficking in persons to those crimes subject to federal criminal money laundering provisions.

(Sec. 231) Provides for listing of immigration violators in the National Crime Information Center Database.

(Sec. 232) Directs the Secretary, within two years after enactment of this Act, to execute a cooperative enforcement agreement with at least one law enforcement agency in each state to provide alien smuggling-related training.

(Sec. 233) Directs the Secretary to: (1) construct or acquire 20 additional detention facilities (20,000 capacity) for aliens detained pending removal (or a decision on removal); (2) utilize cost-effective alternatives, including federal facilities; (3) consider the transfer of military installations under base closure laws for such purposes; and (4) report annually to Congress. Authorizes appropriations.

(Sec. 234) Requires: (1) the office of the U.S. Attorney that is prosecuting a criminal case in federal court to determine whether each defendant is lawfully present in the United States within 30 days of filing the initial case pleadings, and report such information to the court; (2) courts to make provisions for such reporting; and (3) such information to be included in the Director of the Administrative Office of the United States Courts' annual report to Congress. Authorizes FY2007-FY2011 appropriations.

(Sec. 235) Directs the Attorney General to expand the Justice Prisoner and Alien Transfer System (JPATS), including increasing: (1) bus and air hub use in three geographic areas; and (2) seat allocations for each metropolitan area.

**Title III: Unlawful Employment of Aliens** - (Sec. 301) Amends INA to revise unlawful employment of alien provisions.

Makes it unlawful for an employer to hire or to recruit or refer for a fee for U.S. employment: (1) knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or (2) an individual unless such employer meets document certification and Electronic Employment Verification System requirements.

Makes it unlawful for an employer, after lawfully hiring an alien, to continue to employ the alien knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

Makes it unlawful for an employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard that: (1) the alien is an unauthorized alien with respect to such labor; or (2) the person hiring such alien failed to comply with document certification and Electronic Employment Verification System requirements. Provides that: (1) the person hiring the alien shall provide the employer with his or her employer identification number; and (2) failure to do so shall be a recordkeeping violation.

Makes good faith compliance by an employer with document certification and Electronic Employment Verification System (upon mandatory or discretionary participation) requirements an affirmative defense.

Authorizes the Secretary, upon reasonable cause to believe that an employer has failed to comply with this section, to require that the employer certify within 60 days (with a discretionary extension) that the employer is in compliance or has instituted a compliance program.

Requires that an employer hiring or recruiting or referring for a fee verify a person's employment eligibility by: (1) employer attestation that the employer has verified the identity and eligibility for employment of the individual by examining specified documents (U.S. passport, state driver's license, permanent resident or employment authorization card, or alternative identifying document); (2) employee attestation of U.S. work eligibility (\$5,000 fine and /or three years' imprisonment for false representation of employability); and (3) employer retention of such attestations for five years for recruiting and referrals, and for hiring the later of five years or one year after termination of employment.

Sets forth additional employer document and recordkeeping requirements. Subjects an employer to civil penalties for recordkeeping violations.

States that nothing in this section authorizes the issuance or use of a national identification card.

Directs the Secretary, in cooperation with the Commissioner of Social Security, to implement an Electronic Employment Verification System to determine: (1) whether the identifying information submitted by an individual is consistent with information maintained by the Secretary or the Commissioner; and (2) such individual's eligibility for U.S. employment.

Requires all employers in the United States to participate in the System, with respect to employees hired on or after the date that is 18 months after the date that not less than \$400 million has been appropriated and made available to implement the System.

Authorizes the Secretary to: (1) permit voluntary employer participation; and (2) require, with notice, any employer or class of employers to participate on a priority basis based upon national security or employer violations.

Requires employer registration as a System participant.

Considers the failure of an employer required to participate in the System to do so as an employment violation.

Provides that a participating employer, upon request, shall be provided with an individual's identity and employment

eligibility.

Requires an employer to: (1) record specified information from the individual, including employer identification numbers (EIN) from any of the past five years; (2) confirm identity and employability no later than three days after hiring, recruiting, or referring, or as the Secretary designates in the case of a critical employer; and (3) upon request, provide the individual with the employer's EIN.

Requires: (1) System response to an employer inquiry within ten days with confirmation or tentative nonconfirmation of an individual's identity or employability; (2) the employer to notify an ineligible individual, and gives the individual ten days to contest such nonconfirmation or it becomes final; and (3) System notice to the employer regarding a final confirmation or nonconfirmation.

States that an employer shall: (1) not terminate employment of an individual based upon nonconfirmation until final notice of nonconfirmation; (2) terminate employment of an individual upon final notice of nonconfirmation, and shall provide any immigration enforcement-related information to DHS; (3) be in violation of this section for continuing employment of an individual after receipt of a final notice of nonconfirmation; and (4) not be liable for any employment-related action if such action was based upon good faith reliance on System information.

Provides an individual terminated from employment with administrative and judicial appeal rights, including recoupment of lost wages.

Sets forth System limitations on collection and use of data, and provides penalties for such violations.

Directs GAO to submit an annual System report to Congress.

Directs the Secretary to establish complaint, investigation, and compliance (including pre-penalty notice and penalty mitigation) procedures.

Sets forth civil penalties for first-time and previously-fined violators of: (1) hiring or continuing to employ unauthorized aliens provisions; and (2) recordkeeping or verification provisions. Authorizes the Secretary to impose additional penalties, including cease and desist orders, compliance plans, and criminal penalties. Permits an adversely affected employer to seek judicial review in U.S. district court within 45 days of a final determination.

Sets forth criminal penalties (fine and/or prison) and injunctions for pattern or practice violations.

Prohibits an employer from requiring an individual to provide a financial guarantee or indemnity against any potential employment-related liability.

Bars employers who are repeat violators or convicted of a crime under this section from federal contract, grant, or cooperative agreement eligibility for five years. (Employers holding federal contracts are similarly barred from new federal contracts, grants, or cooperative agreements.) Provides specified waiver authorities.

States that: (1) the provisions of this section preempt any state or local civil or criminal sanctions (other than through licensing and similar laws) upon those who employ or recruit or refer for a fee unauthorized aliens; and (2) civil penalties collected under this section shall be deposited into the Employer Compliance Fund, unless otherwise provided for.

Repeals employment eligibility pilot program provisions under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.



Amends the Social Security Act to direct the Commissioner of Social Security to establish a secure method to provide determinations of: (1) whether the name, date of birth, employer identification number, and social security account number of an individual provided by an employer is consistent Social Security Administration information; (2) the citizenship status associated with such name and social security account number; (3) whether the name and number belongs to a deceased individual; and (4) whether the name and number has been blocked (to prevent account number misuse).

Amends the Internal Revenue Code to direct the Commissioner of Social Security to disclose to the Secretary, upon request, taxpayer identity information regarding: (1) 2006-2008 employer no-match notices; (2) duplicate employee taxpayer identifying information; (3) nonparticipating employers; (4) new employees of nonparticipating employers; (5) employees of priority employers; and (6) individuals hired after an employer registers with the System. Sets forth disclosure restrictions. Terminates such DHS request authority three years after enactment of this Act.

Requires confidentiality compliance by DHS contractors.

Authorizes appropriations.

(Sec. 302) Amends INA to establish in the Treasury the Employer Compliance Fund.

(Sec. 303) Directs the Secretary, subject to appropriations, to: (1) increase the number of worksite enforcement and fraud detection personnel by at least 2,200 for each of the next five years; and (2) ensure that at least 25% of BICE hours shall be used for such enforcement. Authorizes FY2007-FY2011 appropriations.

(Sec. 304) Makes an alien who misrepresents himself or herself as a U.S. national (currently, a citizen) inadmissible.

(Sec. 305) Applies antidiscrimination provisions to the System.

Includes under unfair immigration-related employment practice provisions temporary protected status, parole, and H-2C visa temporary workers (established by this Act).

Makes it an unfair practice to use the System to: (1) fire or undertake any adverse employment action due to a tentative nonconfirmation; (2) pre-screen an applicant; (3) verify a current employee after the first three days of employment; or (4) require an individual to make an inquiry under the self-verification procedures.

Increases civil money penalties for violations of such employment practice provisions. Authorizes additional FY2007-FY2009 appropriations for dissemination of anti-discrimination information.

**Title IV: Nonimmigrant and Immigrant Reform - Subtitle A: Temporary Guest Workers** - (Sec. 401) Directs the Director of the Bureau of the Census, jointly with the Secretary, the Secretary of Agriculture, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency, to study the impacts of the current and proposed annual grants of legal status, including immigrant and nonimmigrant status, along with the current level of illegal immigration, on U.S. infrastructure and quality of life.

States that any regulation that would increase the number of aliens eligible for legal status may not take effect before 90 days after submission of such report.

(Sec. 402) Establishes a new nonimmigrant temporary worker category (H-2C visa).

(Sec. 403) Provides an initial three-year H-2C authorized stay and a single, three-year extension. (Exempts an alien who resides outside the United States and commutes to the United States to work as an H-2C nonimmigrant from such limitations.)

Sets forth the following admission requirements: (1) work eligibility; (2) job offer; (3) payment of a \$500 fee plus application processing costs; (4) medical examination; and (5) an application containing information about health, criminal and gang history, immigration history, and any terrorist involvement.

Authorizes waiver of inadmissibility for specified labor certification, document, and unlawful presence violations committed prior to enactment of this Act for humanitarian, family unity, or public interest purposes.

Requires the Secretary to complete all appropriate background checks before an H-2C nonimmigrant may be admitted.

Prohibits an H-2C nonimmigrant from changing nonimmigrant classification.

Terminates authorized H-2C admission and requires return to foreign residence if an alien is unemployed for 60 or more consecutive days. Waives such provision if the unemployment results from: (1) physical or mental disability of the alien or the spouse, son, daughter, or parent; (2) vacation, medical leave, maternity leave, or similar leave authorized by employer policy or state or federal law; or (3) any other period of temporary unemployment caused by circumstances beyond the alien's control.

Authorizes: (1) an alien required to depart to reapply for such status; (2) the Secretary of State to reauthorize admission without departure; and (3) an H-2C nonimmigrant to travel outside the United States and be readmitted without a new visa if the admissions period has not expired.

States that an H-2C nonimmigrant who fails to depart within ten days of expiration of authorized admission shall be prohibited from receiving any future immigration benefits, other than asylum, restrictions on removal to a country where the alien's life or freedom will be threatened, or under the Convention Against Torture.

Provides a ten-year reentry bar for illegal entry or overstay.

Provides for H-2C employment portability.

Makes the spouse and children of an H-2C nonimmigrant eligible for H-4 nonimmigrant visas (established by this Act). Requires that such dependent aliens meet eligibility, medical, and background requirements.

(Sec. 404) Sets forth H-2C employer provisions. Requires an employer to file an H-2C petition with the Department of Labor (DOL) attesting that: (1) specified efforts to recruit and employ U.S. workers have been made; (2) the hiring will not adversely affect wages and working conditions of similarly-employed U.S. workers, nor that the hiring has caused the separation of a U.S. employee of such employer within the 180 day period beginning 90 days before petition filing; (3) the H-2C will be paid wages and be provided with working conditions and benefits (including insurance if not otherwise covered by state workers' compensation law) as are provided to similarly-employed U.S. workers; (4) there is no ongoing strike or labor dispute; (5) notice of the petition has been provided to the employees' bargaining representative or if there is no bargaining unit, conspicuous notice has been posted or electronically disseminated; (6) except where there is a shortage of U.S. workers, there are insufficient qualified workers; (7) the employer is not ineligible to employ H-2Cs; and (8) there is a bona fide employment offer.

Requires: (1) an employer to notify DHS and DOL of an H-2C's separation from employment or transfer to another employer within three days; and (2) DHS to provide all approved H-2C petitions to DOL for potential audit.

Makes an employer who misrepresents a material fact, makes a fraudulent statement, or otherwise fails to comply with the terms of such petition attestations ineligible to participate in any labor certification program for up to three years.

States that beginning on the date that is one year after the date of the enactment of the Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006, the Secretary may not approve any H-2C petition if the work is not agriculture-based and is located in a metropolitan or micropolitan statistical area in which the unemployment rate for workers who have not completed any education beyond a high school diploma during the most recently completed six-month period averaged more than 9%.

Prohibits an H-2C employee from being treated as an independent contractor.

States that an H-2C employee shall: (1) be covered by federal, state, or local employment laws as applicable to similarly employed U.S. workers; (2) comply with federal, state, and local tax laws; and (3) have whistleblower protections.

Requires foreign labor contractors and employers that engage in foreign labor contracting to disclose (in English or the worker's language) specified information to H-2C workers at the time of recruitment, including: (1) employment location and description; (2) compensation; (3) duties; (4) benefits and any associated costs; (5) any labor dispute or labor organizing effort; and (6) injury or death insurance coverage.

Prohibits foreign labor contractors from providing false or misleading information or assessing any recruitment fees.

Requires: (1) an employer to notify DOL at least every two years of the identity of any foreign labor contractor engaged by such employer; and (2) DOL registration (two-year validity) of foreign labor contractors.

Directs the Secretary of Labor to promulgate complaint procedures. Provides that: (1) complaints shall be filed within 12 months after the violation; and (2) DOL shall determine if reasonable cause exists respecting a complaint within 30 days of its filing, within 60 days of a determination of reasonable cause, issue notice to the parties and hearing opportunity, and make a finding within 60 days after the hearing. Provides attorney's fees for a successful complainant.

Authorizes the Secretary of Labor to: (1) bring a court action for remedial action (including injunctive relief) for damages, or to ensure compliance; and (2) impose administrative relief and penalties, including back wages, benefits, and civil money penalties.

(Sec. 405) Directs the Secretary to implement an H-2C employment management system.

(Sec. 406) Makes sections 403, 404, and 405 effective one year after the date of enactment of this Act with regard to aliens, who, on such effective date, are in their foreign country of residence.

(Sec. 407) Directs the Secretary of Labor to establish a publicly accessible Web page that provides a single Internet link to each state workforce agency's electronic job registry.

Requires employers to: (1) attest that they have posted a job at a prevailing wage level; and (2) maintain records for at least one year after the date on which an H-2C nonimmigrant is hired that describe the reasons for not hiring any U.S. applicants for such position.

(Sec. 408) Establishes the Temporary Worker Task Force which shall report to Congress, DOL, and DHS respecting: (1)

H-2C aliens' impact on U.S. workers' wages, conditions, and employment; and (2) the need for an annual H-2C numerical limitation.

Amends INA to set a 200,000 annual limit on H-2C admissions.

Provides for H-2C adjustment of status to permanent resident through employer petition, or self-petition if: (1) the alien has been employed in H-2C status for a cumulative period of at least four years; (2) an employer attests that the employer will employ the alien in the offered job position; (3) the Secretary of Labor certifies that there are not sufficient U.S. workers qualified and avail

## Actions Timeline

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- **May 25, 2006:** Considered by Senate. (consideration: CR S5135-5191)
- **May 25, 2006:** Passed/agreed to in Senate: Passed Senate with amendments by Yea-Nay Vote. 62 - 36. Record Vote Number: 157.
- **May 25, 2006:** Passed Senate with amendments by Yea-Nay Vote. 62 - 36. Record Vote Number: 157.
- **May 24, 2006:** Considered by Senate. (consideration: CR S5050-5061, S5062, S5063-5080, S5091-5093, S5093-5107, S5107-5110)
- **May 24, 2006:** Cloture on the bill invoked in Senate by Yea-Nay Vote. 73 - 25. Record Vote Number: 144. (consideration: CR S5061; text: CR S5061)
- **May 24, 2006:** Point of order against the measure raised in Senate.
- **May 24, 2006:** Motion to waive the Budget Act with respect to the measure agreed to in Senate by Yea-Nay Vote. 67 - 31. Record Vote Number: 145.
- **May 23, 2006:** Considered by Senate. (consideration: CR S4924-4936, S4936-4957)
- **May 22, 2006:** Considered by Senate. (consideration: CR S4849-4860, S4862-4880, S4880-4881)
- **May 22, 2006:** Cloture motion on the bill presented in Senate. (consideration: CR S4880; text: CR S4880)
- **May 19, 2006:** Considered by Senate. (consideration: CR S4820-4830)
- **May 18, 2006:** Considered by Senate. (consideration: CR S4727-4791)
- **May 17, 2006:** Considered by Senate. (consideration: CR S4648-4687)
- **May 16, 2006:** Considered by Senate. (consideration: CR S4575-4610)
- **May 15, 2006:** Measure laid before Senate by unanimous consent. (consideration: CR S4530-4549)
- **Apr 24, 2006:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 414.
- **Apr 7, 2006:** Introduced in Senate
- **Apr 7, 2006:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.