

Labor under this Act and the amendments made by this Act.

(d) **DEADLINE FOR ISSUANCE OF REGULATIONS.**—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218C, 218D, 218E, 218F, and 218G of the Immigration and Nationality Act, as amended or added by section 404 of this Act, shall take effect on the effective date of section 404 and shall be issued not later than year after the date of enactment of this Act, or the date such regulations are promulgated, whichever is sooner.

SEC. 407. REPORTS TO CONGRESS.

(a) **ANNUAL REPORT.**—Not later than September 30 of each year, the Secretary shall submit report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218E(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218E(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 623;

(5) the number of such aliens whose status was adjusted under section 623;

(6) the number of aliens who applied for permanent residence pursuant to section 214A(j) of the Immigration and Nationality Act, as amended by 623(b); and

(7) the number of such aliens who were approved for permanent residence pursuant to section 214A(j) of the Immigration and Nationality Act, as amended by 623(b).

(b) **IMPLEMENTATION REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 408. EFFECTIVE DATE.

Except as otherwise provided, sections 404 and 405 shall take effect 1 year after the date of the enactment of this Act, or the date such regulations are promulgated, whichever is sooner.

SEC. 409. NUMERICAL LIMITATIONS.

Section 214(g) of the Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking “(beginning with fiscal year 1992)”;

(B) by striking subparagraph (B) and inserting the following:

“(B) under section 101(a)(15)(Y)(i), may not exceed—

“(i) 400,000 for the first fiscal year in which the program is implemented;

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

“(iii) 600,000 for any fiscal year; or

“(C) under section 101(a)(15)(Y)(iii), may not exceed twenty percent of the annual limit on admissions of aliens under section 101(a)(15)(Y)(i) for that fiscal year; or

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

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

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

“(iii) 200,000 for any fiscal year.”;

and

(2) by renumbering paragraph (2) as paragraph (3), and renumbering all subsequent paragraphs accordingly, and inserting the following as paragraph (2):

“(2) **MARKET-BASED ADJUSTMENT.**—With respect to the numerical limitation set in subparagraph (A)(ii), (B)(ii), or (D)(ii) of paragraph (1)—

“(A) if the total number of visas allocated for that fiscal year are allotted within the first half of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

“(B) if the total number of visas allocated for that fiscal year are allotted within the second half of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

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

(3) in paragraph (9)(A)—“By striking ‘an alien who has already been counted toward the numerical limitation of paragraph (i)(B) during fiscal year 2004, 2005, or 2006 shall not be again be counted toward such limitation during fiscal year 2007.’” and inserting ‘an alien who has been present in the United States as an H-2B nonimmigrant during any 1 of 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in Section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.’”

SEC. 410. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) **IN GENERAL.**—The Secretary of State, in cooperation with the Secretary and the Attorney General, may, as a condition of authorizing the grant of nonimmigrant visas for Y nonimmigrants who are citizens or nationals of any foreign country, negotiate with each such country to enter into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) **Requirements of Bilateral Agreements.**—It is the sense of Congress that each agreement negotiated under subsection (a) shall require the participating home country to—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government to—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and

(B) control illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems;

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited; and

(5) evaluate means to provide housing incentives in the alien's home country for returning workers; and

(6) agree to such other terms as the Secretary of State considers appropriate and necessary.

SEC. 411. COMPLIANCE INVESTIGATORS.

(a) The Secretary of Labor, subject to the availability of appropriations for such purpose, shall increase, by not less than 200 per year for each of the five fiscal years after the date of enactment of [name of bill], the number of positions for compliance investigators and attorneys dedicated to the enforcement of labor standards, including those contained in sections 218A, 218B, and 218C, the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) in geographic and occupational areas in which a high percentage of workers are Y non-immigrants.

SEC. 412. STANDING COMMISSION ON IMMIGRATION AND LABOR MARKETS.

(a) **ESTABLISHMENT OF COMMISSION.**—

(1) **IN GENERAL.**—There is established an independent Federal agency within the Executive Branch to be known as the Standing Commission on Immigration and Labor Markets (referred to in this section as the “Commission”).

(2) **PURPOSES.**—The purposes of the Commission are—

(A) to study nonimmigrant programs and the numerical limits imposed by law on admission of nonimmigrants;

(B) to study the numerical limits imposed by law on immigrant visas;

(C) to study the allocation of immigrant visas through the merit-based system;

(D) to make recommendations to the President and Congress with respect to such programs.]

(3) **MEMBERSHIP.**—The Commission shall be composed of—

(A) 6 voting members—

(i) who shall be appointed by the President, with the advice and consent of the Senate, not later than 6 months after the establishment of the Y Nonimmigrant Worker Program;

(ii) who shall serve for 3-year staggered terms, which can be extended for 1 additional 3-year term;

(iii) who shall select a Chair from among the voting members to serve a 2-year term, which can be extended for 1 additional 2-year term;

(iv) who shall have expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience;

(v) who may not be an employee of the Federal Government or of any State or local government; and

(vi) not more than 3 of whom may be members of the same political party.

(B) 7 ex-officio members, including—

(i) the Secretary;

(ii) the Secretary of State;

(iii) the Attorney General;

(iv) the Secretary of Labor;

(v) the Secretary of Commerce;

(vi) the Secretary of Health and Human Services; and

(vii) the Secretary of Agriculture.

(4) **VACANCIES.**—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) **MEETINGS.**—

(A) **INITIAL MEETING.**—The Commission shall meet and begin carrying out the duties described in subsection (b) as soon as practicable.

(B) **SUBSEQUENT MEETINGS.**—After its initial meeting, the Commission shall meet at least once per quarter upon the call of the Chair or majority of its members.

(C) **QUORUM.**—Four voting members of the Commission shall constitute a quorum.