

“(A) challenging State academic content standards and student academic achievement standards for environmental education, to the extent such standards exist; and

“(B) academic standards that are aligned with the State’s environmental literacy plan under section 5622.

“(2) Replicating or disseminating information about proven and tested model environmental education programs that—

“(A) use the environment as an integrating theme or content throughout the curriculum; or

“(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve students’ overall academic performance, personal health (including addressing child obesity issues), and understanding of nature.

“(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

“(4) Conducting studies of national significance that—

“(A) provide a comprehensive, systematic, and formal assessment of the state of environmental education in the United States;

“(B) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme; or

“(C) evaluate the effectiveness of using environmental education-based field-based learning, service learning or outdoor experiential learning in helping improve—

“(i) student academic achievement in mathematics, reading or language arts, science, or other core academic subjects;

“(ii) student behavior;

“(iii) student attendance; and

“(iv) secondary school graduation rates.

“(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards.

“SEC. 5635. REPORTS.

“(a) **ELIGIBLE PARTNERSHIP REPORT.**—In order to continue receiving grant funds under this subpart after the first year of a multiyear grant under this subpart, the eligible partnership shall submit to the Secretary an annual report that—

“(1) describes the activities assisted under this subpart that were conducted during the preceding year;

“(2) demonstrates that progress has been made in helping schools to meet the State academic standards for environmental education described in section 5634(1); and

“(3) describes the results of the eligible partnership’s evaluation and accountability plan.

“(b) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of the No Child Left Inside Act of 2009 and annually thereafter, the Secretary shall submit a report to Congress that—

“(1) describes the programs assisted under this subpart;

“(2) documents the success of such programs in improving national and State environmental education capacity; and

“(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

“SEC. 5636. ADMINISTRATIVE PROVISIONS.

“(a) **FEDERAL SHARE.**—The Federal share of a grant under this subpart shall not exceed—

“(1) 90 percent of the total costs of the activities assisted under the grant for the first year for which the program receives assistance under this subpart; and

“(2) 75 percent of such costs for each of the second and third years.

“(b) **ADMINISTRATIVE EXPENSES.**—Not more than 7.5 percent of the grant funds made available to an eligible partnership under this subpart for any fiscal year may be used for administrative expenses.

“(c) **AVAILABILITY OF FUNDS.**—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

“SEC. 5637. SUPPLEMENT, NOT SUPPLANT.

“Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.”.

By Mrs. FEINSTEIN:

S. 867. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Shirley Constantino Tan. Ms. Tan is a Filipina national living in Pacifica, California. She is the loving mother of 12 year old U.S. citizen twin boys, Jashley and Joreine, and the spouse of Jay Mercado, a naturalized U.S. citizen.

I have decided to introduce a private bill on Ms. Tan’s behalf because I believe her removal from the U.S. would cause undue hardship for her and her family. Without this legislation, this family will be separated or they will be relocated to a third country where Ms. Tan’s safety and her children’s well-being may be at risk. I believe Ms. Tan merits Congress’ special consideration for such an extraordinary form of relief as a private bill.

Before coming to the U.S., Ms. Tan experienced tragic hardship in the Philippines after her mother and sister were murdered by her cousin. Ms. Tan was only 14 years old at the time and the violent assault left her with a bullet wound in the head. Although the cousin who committed the murders was eventually prosecuted, he received a short sentence and his impending release from jail in 1990 compelled her to leave the country out of fear for her safety. Ms. Tan legally entered the U.S. on a visitor’s visa in 1989.

Ms. Tan faces deportation today in part because of the negligence demonstrated by her previous counsel. Ms. Tan applied for asylum in 1995. After years of appeals, the attorney received a brief from the Board of Immigration Appeals, BIA, outlining the Government’s position on Ms. Tan’s case. The attorney, however, failed to submit a reply brief in her client’s favor and, in May 2002, the case was dismissed and Ms. Tan was granted an order of voluntary departure from the U.S.

Ms. Tan should have received notice of the voluntary removal order from her attorney. However, the attorney had moved offices, did not receive the order, and failed to inform Ms. Tan of the information. As a result, Ms. Tan did not depart the U.S. and the voluntary removal order against her became a deportation order.

The first time that Ms. Tan received notice of the deportation order was on January 28, 2009, when Immigration

and Customs Enforcement officers appeared at her home and took her into custody.

In effect, Ms. Tan was denied the opportunity to adequately represent herself in U.S. immigration proceedings as a result of her attorney’s negligence. Ms. Tan has since filed a complaint against her former attorney with the State Bar of California. A previous complaint has also been filed against the same attorney with the California Bar for similar misconduct.

One of the most compelling reasons for permitting Ms. Tan to remain in the U.S. is the impact that her deportation would have on her two U.S. citizen minor children, Jashley and Joreine.

These children are currently seventh graders at Cabrillo Elementary School in Pacifica, California, where they have made the honor roll. In letters to me from two teachers at Cabrillo Elementary, Jashley and Joreine were described as “ideal” students—“the kinds of kids that make my job feel easy.” One of the teachers described their mother, Ms. Tan, as a highly-involved, “model” parent, one who “attends every conference, drives on field trips and consistently checks in with her boys’ teachers and the rest of our staff to make sure Jashley and Joreine continue to be successful.”

However, if Ms. Tan is forced to leave the United States, this family has stated that they would follow her to the Philippines or relocate to a third country to avoid their separation. This means that Jashley and Joreine will have to cut their education short and have to leave the U.S.—their birthplace and the only country they know to be home.

All too often, young U.S. citizen children like Jashley and Joreine are being put in this position when one or both of their parents may be removed from the United States. A January 2009 report by the Department of Homeland Security Office of Inspector General found that, over the last 10 years, 108,434 immigrants who were the parents of U.S. citizen children were removed from this country.

A separate report completed this year by Dorsey & Whitney LLP to the Urban Institute affirms what many of us know—that the removal or deportation of a parent is deeply traumatic and causes long-lasting harm to U.S. citizen children. For families that have no choice but to leave the United States as a unit in order to stay together, this has life-altering consequences for U.S. citizen children. Besides the fact that these children lose the opportunities that come with being raised in the United States, these children are more prone to anxiety, depression, eating and sleeping disorders, post-traumatic stress disorder, and behavior changes.

This is the situation facing the Tan family. While her marriage was legally performed under California law at the time, Ms. Tan cannot take steps to legally adjust her immigration status

through the regular family-based immigration channels.

I do not believe that it is in our Nation's best interest to force this family—including two U.S. citizen minor children—to make the choice between being separated and relocation to a country where they may face serious hardships.

The Tan family has built a stable and supportive home for themselves in the Pacifica, California community. Ms. Tan's spouse has worked for 17 years at Biddle-Shaw Insurance Services, Inc., where her employer describes her as "hard-working . . . trustworthy and dependable." This couple owns their own home, and over many years they were active members of the Good Shepherd Catholic Church. At Good Shepherd, Jay was a member of the School Board and Ms. Tan was a consummate volunteer. I received a heartfelt letter from the Pastor at Good Shepherd that describes Ms. Tan as a "dedicated mother" and attests to the family's spirit of volunteerism and commitment at the church.

In fact, I have received 45 letters from friends and community members and 3 letters from organizations, including the Human Rights Campaign, Love Exiles, and Immigration Equality, in support of Ms. Tan remaining in the U.S. I have also been contacted by Representative JACKIE SPEIER's office in support of this case. This family has also received substantial attention from the media in the San Francisco Bay Area.

Enactment of the legislation I am introducing on behalf of Ms. Tan today will enable this entire family to us continue to remain in the U.S. and make positive contributions to their community in Pacifica, California.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 867

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIRLEY CONSTANTINO TAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shirley Constantino Tan shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shirley Constantino Tan enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall

apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Shirley Constantino Tan, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

CABRILLO SCHOOL,
Pacifica, CA, April 2, 2009.

TO WHOM IT MAY CONCERN: Jaylynn Mercado and Shirley Tan are model parents to their 12-year-old twin boys, Jashley and Joriene. It is upsetting to hear that Shirley is being forced to leave the country and be separated from her family. Due to the dedication of these parents, Jashley and Joriene are ideal students. They are well liked by their peers and the faculty of the school. They are both exceptional students. Jaylynn and Shirley are always willing to help the school out in any way possible. They are committed to encouraging their children to do great things. Jaylynn and Shirley have modeled and taught their boys some of the finest traits of respect and compassion. It is my hope that this respect and compassion is returned to the Mercado Family.

Please do what is possible to keep this family intact. They are a lovely addition to our school community. Please contact me if there is any more help that I can give.

Sincerely,

MEGHANN ELSBERND.

CABRILLO SCHOOL,
Pacifica, CA, March 30, 2009.

TO WHOM IT MAY CONCERN: My name is Jared Katz and I am writing this letter in support of Shirley Mercado. I teach 6th grade at Cabrillo Elementary in Pacifica, California and last year I was fortunate to have Joriene and Jashley Mercado in my class. Both boys were exceptional students. They were on the honor roll, athletic, confident, and popular with their peers. Joriene and Jashley are the kinds of kids that make my job feel easy.

Once I got to know their family a little bit I immediately understood why the boys were so successful. Each year I see sixty-four different families, from a variety of cultural and economic backgrounds, and I don't think I've ever seen a family as committed to each other as the Mercados. Being in a room with the four of them together it's impossible to not be envious of the strong bond between them and of the ease and comfort in the way they relate to one another. And from our first meeting it was obvious that Shirley is the center of their family's strength. When you talk to them together all the boys' actions revolve around her and as a member of our school community she is the model parent. She attends every conference, drives on field trips and consistently checks in with her boys teachers and the rest of our staff to make sure Joriene and Jashley continue to be successful.

When I heard the news this morning that she may be forced to leave the country and be separated from her family I was very shocked and saddened. If there's anything that can be done to help preserve her family I hope that it will be vigorously pursued.

And if there's anything I can do to help, please don't hesitate to ask.

Sincerely,

JARED KATZ.

CHURCH OF THE GOOD SHEPHERD,
Pacifica, CA.

DEAR SENATOR FEINSTEIN, It is an honor for me to write this letter of support for one of your constituents, Ms. Shirley Tan. I am her Pastor here at Good Shepherd Catholic Church in Pacifica. I have gotten to know Shirley and her partner Jay Mercado as well as their twin boys Jashley and Joriene. I have been closely connected with this family for the past 5 years. Shirley is a wonderful mother to her sons. She is always available, her gentle spirit and loving heart guiding all that she does as a parent. She and Jay want the best for their sons. They want the boys to grow in wisdom and knowledge and find their true and definite place in this world. They provide a warm and welcoming home, with their door open to family and neighbors (and even strangers!!) Shirley and Jay were school parents here until recently, when, they found a public school that better met the needs of their boys. While they were here at Good Shepherd, Jay was a faithful and responsible member of the School Board, and Shirley was the consummate volunteer . . . always willing and able to help out on campus, as a classroom aide, on special school projects, as a chaperone on field trips . . . Whenever there was a call for help from our Principal or from the School Office, without a moment's hesitation, Shirley would be one of the first to call and offer whatever assistance was needed at the time.

Jay and Shirley were also faithful members of one of our Sunday Mass choirs. Coming to church every week . . . being faithful members of a Christian community . . . being whole-hearted servants of God as ministers of music in this local church . . . bringing their two boys to mass every Sunday and encouraging them to become altar servers . . . Jay and Shirley have for all the time I have known them been wonderful Christian partners, parents, role models for their two boys, and, as Scripture says, "living stones" helping to form and to build up the Church, the Body of Christ, in today's broken and violent world.

I urge you in the strongest possible terms to do to all that you can to assist Shirley and to help quickly and justly resolve her current legal situation.

Sincerely,

PIERS M. LAHEY,
Pastor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 108—COMMENDING CAPTAIN RICHARD PHILLIPS, THE CREW OF THE "MAERSK ALABAMA", AND THE UNITED STATES ARMED FORCES, RECOGNIZING THE GROWING PROBLEM OF PIRACY OFF SOMALIA'S COAST, AND URGING THE DEVELOPMENT OF A COMPREHENSIVE STRATEGY TO ADDRESS PIRACY AND ITS ROOT CAUSES

Mr. LEAHY (for himself, Mr. GREGG, Mr. FEINGOLD, Mr. KENNEDY, Mr. SANDERS, Mr. KERRY, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to: