

SENATE RESOLUTION 467—EXTENDING BIRTHDAY GREETINGS TO JOSEPH BARBERA ON THE OCCASION OF HIS 100TH BIRTHDAY AND DESIGNATING MARCH 2005 AS “ANIMATED FAMILY ENTERTAINMENT MONTH”

Mr. HATCH (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 467

Whereas Joseph Barbera is one of the pioneers of animated entertainment, having created, with his partner, William Hanna, some of the world's most recognizable and beloved characters, including Tom and Jerry, Huckleberry Hound, The Flintstones, The Jetsons, Scooby-Doo, and Yogi Bear, among many others;

Whereas Joseph Barbera is also one of the most honored figures in animated entertainment, his creations Tom and Jerry having received 7 Academy Awards for their antics, including their groundbreaking dancing appearances with Gene Kelly and Esther Williams in live action films, and having won multiple Emmy Awards, and Joseph Barbera himself having been elected to the Television Academy Hall of Fame;

Whereas in 1960, the team of Joseph Barbera and William Hanna created television's first animated family sitcom, “The Flintstones”, a series marked by a number of other firsts—the first animated series to air in primetime, the first animated series to go beyond the 6- or 7-minute cartoon format, and the first animated series to feature human characters;

Whereas “The Flintstones” ran for 6 years and became the top-ranking animated program in syndication history, with all original 166 episodes currently seen in more than 80 countries worldwide;

Whereas Joseph Barbera cocreated a cowardly Great Dane named Scooby-Doo, who eventually made his own place in television history, for the popular series “Scooby-Doo, Where Are You?” remained in production for 17 years, still maintains the title of television's longest-running animated series, and serves as the inspiration for a series of current live-action films;

Whereas in 1981, Hanna-Barbera developed the phenomenally successful “The Smurfs”, which won 2 Daytime Emmy Awards in 1982 and in 1983 for Outstanding Children's Entertainment Series and a Humanitas Award (an award given to shows that best affirm the dignity of the human person) in 1987;

Whereas at the age of 99, Joseph Barbera continues to work actively in the field, reporting to his office daily and continuing to develop new animated entertainment for the people of the United States and the world to enjoy;

Whereas March 24, 2005, will be Joseph Barbera's 100th birthday; and

Whereas the lives of families across the United States and throughout the world have been enriched by the shared enjoyment of the work of creators like Joseph Barbera: Now, therefore, be it

*Resolved*, That the Senate—

(1) on behalf of the American people, extends its birthday greetings and best wishes to Joseph Barbera on the occasion of his 100th birthday; and

(2) designates March 2005 as “Animated Family Entertainment Month” and encourages the families of the United States to take time to enjoy together the family entertainment created by the Nation's animated storytellers.

SENATE RESOLUTION 468—DESIGNATING NOVEMBER 7, 2004, AS “NATIONAL NATIVE AMERICAN VETERANS DAY” TO HONOR THE SERVICE OF NATIVE AMERICANS IN THE UNITED STATES ARMED FORCES AND THE CONTRIBUTION OF NATIVE AMERICANS TO THE DEFENSE OF THE UNITED STATES

Ms. MURKOWSKI (for herself, Mr. CAMPBELL, and Mr. INOUE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 468

Whereas Native Americans have served with honor and distinction in the United States Armed Forces and defended the United States of America for more than 200 years;

Whereas Native Americans have served in wars involving the United States from Valley Forge to the hostilities in Afghanistan and Iraq;

Whereas Native Americans have served in the United States Armed Forces with the highest record of military service of any group in the United States;

Whereas the courage, determination, and fighting spirit of Native Americans have strengthened and continue to strengthen the United States, including the United States Armed Forces;

Whereas Native Americans have made the ultimate sacrifice in defense of the United States, even in times when Native Americans were not citizens of the United States;

Whereas the establishment of a National Native American Veterans Day will honor the continuing service and sacrifice of Native Americans in the United States Armed Forces; and

Whereas November 7th, a date that falls within the traditional observance of Native American Indian Heritage Month, would be an appropriate day to establish a National Native American Veterans Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States;

(2) designates November 7, 2004, as “National Native American Veterans Day”;

(3) encourages all people in the United States to learn about the history of the service of Native Americans in the United States Armed Forces; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities to demonstrate support for Native American veterans.

Ms. MURKOWSKI. Mr. President, I am pleased to be joined by Senators CAMPBELL and INOUE in submitting a resolution to honor American Indian, Alaska Native, and Native Hawaiian veterans for their service in the Armed Forces of the United States and to designate November 7, 2004 as “National Native American Veterans Day”.

This is the second consecutive year that such a resolution has been introduced. November 7, 2003 was designated as National Native American Veterans Day in accordance with Senate Resolution 239. I was proud to join with Senator CAMPBELL, our distinguished

chairman of the Senate Committee on Indian Affairs and Senator INOUE, the distinguished vice chairman of the committee, and others of my colleagues in cosponsoring that resolution. As the events of conflict in Iraq continue we all hope and pray for the safe return of the men and women who are overseas, far from home protecting our Nation and others.

We continue to honor the memory of Army Private First Class Lori Piestewa, a Hopi woman, who fought valiantly and bravely to protect her fellow soldiers during the invasion of Iraq. This year we also remember other Native people who lost their lives in Iraq over the past year. Army Sergeant Lee Duane Todacheene, Marine Lance Corporal Quinn A. Keith, Army Private First Class Harry Shondee, Jr, members of the Navajo Nation, and Army Private First Class Sheldon Hawk Eagle, Cheyenne River Sioux, whose Indian name was Wanbli Ohitika, or Brave Eagle. I apologize if I have failed to acknowledge a brave Native person who lost his or her life in Iraq.

Native people, and especially the Native people of my State of Alaska, revere, admire, and respect our veterans and those who continue to serve. They pray for ones still in battle, alongside their fellow Americans, so that they can have a safe journey back to their loving homes and families. They pray for the ones who have fought, and now, continue their journey through life's struggles.

I urge my colleagues to join me in supporting this resolution.

SENATE CONCURRENT RESOLUTION 144—TO CORRECT THE ENROLLMENT OF H.R. 4837

Mr. HARKIN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 144

*Resolved by the Senate (the House of Representatives concurring)*, That in the enrollment of H.R. 4837, an Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House is hereby authorized and directed to strike subsections (e) and (f) of section 101 of division B and insert the following new subsection:

(e) The amounts provided or made available by this section are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4058. Mr. SESSIONS (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1129, to provide for the protection of unaccompanied alien children, and for other purposes.

SA 4059. Mr. SESSIONS (for Mr. ROBERTS (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill S. 2386, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities

of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 4060. Mr. SESSIONS (for Mr. ROBERTS (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill S. 2386, *supra*.

SA 4061. Ms. LANDRIEU (for herself, Mr. BOND, Mr. JEFFORDS, Mrs. MURRAY, Mr. GRAHAM of South Carolina, Mr. ROCKEFELLER, Mr. SESSIONS, Mr. NELSON of Florida, Mr. WARNER, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 1779, to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

SA 4062. Mr. FRIST (for Mr. CONRAD) proposed an amendment to the concurrent resolution S. Con. Res. 136, honoring and memorializing the passengers and crew of United Airlines Flight 93.

SA 4063. Mr. FRIST (for Mr. FITZGERALD) proposed an amendment to the bill S. 2688, to provide for a report of Federal entities without annually audited financial statements.

SA 4064. Mr. FRIST (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2691, to establish the Long Island Sound Stewardship Initiative.

SA 4065. Mr. FRIST (for Mr. SMITH) proposed an amendment to the concurrent resolution S. Con. Res. 113, recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

SA 4066. Mr. FRIST (for Mr. SMITH) proposed an amendment to the concurrent resolution S. Con. Res. 113, *supra*.

SA 4067. Mr. FRIST (for Mr. SMITH) proposed an amendment to the concurrent resolution S. Con. Res. 113, *supra*.

## TEXT OF AMENDMENTS

**SA 4058.** Mr. SESSIONS (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1129, to provide for the protection of unaccompanied alien children, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Unaccompanied Alien Child Protection Act of 2004”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

### TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

Sec. 101. Procedures when encountering unaccompanied alien children.

Sec. 102. Family reunification for unaccompanied alien children with relatives in the United States.

Sec. 103. Appropriate conditions for detention of unaccompanied alien children.

Sec. 104. Repatriated unaccompanied alien children.

Sec. 105. Establishing the age of an unaccompanied alien child.

Sec. 106. Effective date.

### TITLE II—ACCESS BY UNACCOMPANIED ALIEN CHILDREN TO GUARDIANS AD LITEM AND COUNSEL

Sec. 201. Guardians ad litem.

Sec. 202. Counsel.

Sec. 203. Effective date; applicability.

### TITLE III—STRENGTHENING POLICIES FOR PERMANENT PROTECTION OF ALIEN CHILDREN

Sec. 301. Special immigrant juvenile visa.

Sec. 302. Training for officials and certain private parties who come into contact with unaccompanied alien children.

Sec. 303. Report.

Sec. 304. Effective date.

### TITLE IV—CHILDREN REFUGEE AND ASYLUM SEEKERS

Sec. 401. Guidelines for children's asylum claims.

Sec. 402. Unaccompanied refugee children.

Sec. 403. Exceptions for unaccompanied alien children in asylum and refugee-like circumstances.

### TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. Authorization of appropriations.

### TITLE VI—AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002

Sec. 601. Additional responsibilities and powers of the Office of Refugee Resettlement with respect to unaccompanied alien children.

Sec. 602. Technical corrections.

Sec. 603. Effective date.

### SEC. 2. DEFINITIONS.

(a) **IN GENERAL.**—In this Act:

(1) **COMPETENT.**—The term “competent”, in reference to counsel, means an attorney who complies with the duties set forth in this Act and—

(A) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia;

(B) is not under any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting the attorney in the practice of law; and

(C) is properly qualified to handle matters involving unaccompanied immigrant children or is working under the auspices of a qualified nonprofit organization that is experienced in handling such matters.

(2) **DIRECTOR.**—The term “Director” means the Director of the Office.

(3) **DIRECTORATE.**—The term “Directorate” means the Directorate of Border and Transportation Security established by section 401 of the Homeland Security Act of 2002 (6 U.S.C. 201).

(4) **OFFICE.**—The term “Office” means the Office of Refugee Resettlement as established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(6) **UNACCOMPANIED ALIEN CHILD.**—The term “unaccompanied alien child” has the same meaning as is given the term in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)).

(7) **VOLUNTARY AGENCY.**—The term “voluntary agency” means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director of the Office of Refugee Resettlement.

(b) **AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.**—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(51) The term ‘unaccompanied alien child’ means a child who—

“(A) has no lawful immigration status in the United States;

“(B) has not attained the age of 18; and

“(C) with respect to whom—

“(i) there is no parent or legal guardian in the United States; or

“(ii) no parent or legal guardian in the United States is able to provide care and physical custody.

“(52) The term ‘unaccompanied refugee children’ means persons described in paragraph (42) who—

“(A) have not attained the age of 18; and

“(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.”.

(c) **RULE OF CONSTRUCTION.**—A department or agency of a State, or an individual or entity appointed by a State court or juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act.

### TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

#### SEC. 101. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) **UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), if an immigration officer finds an unaccompanied alien child who is described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the officer shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) **SPECIAL RULE FOR CONTIGUOUS COUNTRIES.**—

(A) **IN GENERAL.**—Any child who is a national or habitual resident of a country that is contiguous with the United States and that has an agreement in writing with the United States providing for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country shall be treated in accordance with paragraph (1), if a determination is made on a case-by-case basis that—

(i) such child is a national or habitual resident of a country described in subparagraph (A);

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) **RIGHT OF CONSULTATION.**—Any child described in subparagraph (A) shall have the right to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation, as well as consult with the Office, telephonically, and such child shall be informed of that right in the child's native language.

(3) **RULE FOR APPREHENSIONS AT THE BORDER.**—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with the provisions of subsection (b).