

Institute for Forensic Science (INACIF) and training lab personnel in investigatory and evidence gathering protocols;

(10) urges the Secretary of State—

(A) to express support for the efforts of the victims' families and loved ones to seek justice for the victims,

(B) to express concern relating to any harassment of these families and the human rights defenders with whom they work, and

(C) to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(11) encourages the Secretary of State to continue to include in the Department of State's annual Country Reports on Human Rights Practices instances of failure to investigate and prosecute crimes, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of women and girls in Guatemala;

(12) recommends that the United States Ambassador to Guatemala continue to meet with the families of the victims, women's rights organizations, and the officials of the Government of Guatemala who are responsible for investigating these crimes; and

(13) recommends that the Secretary of State develop a comprehensive plan to address and combat the growing problem of violence against women in Latin America.

KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2516 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2516) to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I appreciate Senator MIKULSKI's commitment to helping those dedicated men and women who are not yet U.S. citizens but who have served all Americans as members of the Armed Forces. Easing the path to citizenship by removing duplicative procedures for these dedicated men and women is the right thing to do, and I am glad to support Senator MIKULSKI's efforts.

However, I also wish to note my concern with inclusion of language in the bill, at the administration's behest, that appears to anticipate a future expansion of the collection of biometric information from individuals who seek to become naturalized citizens or who seek other immigration benefits. In light of the purpose of Senator MIKULSKI's bill, which is to streamline the naturalization procedures for legal permanent residents serving in the military, it would make little sense to place additional obstacles in the path of those who have made the ultimate commitment to the United States.

I also register this concern to make clear that the language in this bill with respect to biometric information

should in no way be misconstrued as authority for the administration to unilaterally expand the type of biometric information beyond what is currently required to obtain immigration benefits from the U.S. government. Federal immigration law is the province of the Congress, and Congress retains the sole power to determine the extent of rulemaking authority afforded to Federal immigration agencies. The involvement of Congress in these decisions is crucial to ensure that the procedures by which we admit or deny individuals entry to the United States take into account the interests of privacy, and are faithful to the welcoming traditions by which our nation has prospered. Only Congress can provide the deliberative, democratic process necessary to ensure that any future requirements are consistent with American values.

We all recognize the need for robust security at our borders. But over the last 7 years, the reputation of the United States as a welcoming nation has been diminished as a result of often misguided policies that take a reactionary, blunt, and hostile approach to immigration. The administration has met its failure to enact meaningful immigration reform with layer upon layer of security initiatives that in some cases do little more than foreclose the promise of our great Nation for so many who seek opportunity, advancement, or refuge. America's security now and in the future demands more than border walls and punitive, enforcement-only immigration policies. Our future security, as well as our future prosperity, depends upon the balance that has been absent for so long.

Mr. BROWN. I ask unanimous consent that the Mikulski substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid on the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4177) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kendell Frederick Citizenship Assistance Act".

SEC. 2. FINGERPRINTS AND OTHER BIOMETRIC INFORMATION FOR MEMBERS OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 552a of title 5, United States Code (commonly referred to as the "Privacy Act of 1974"), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

(1) the individual may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440);

(2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;

(3) the individual—

(A) submitted an application for naturalization not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; or

(B) provided the required biometric information to the Department of Homeland Security through a United States Citizenship and Immigration Services Application Support Center at the time of the individual's application for adjustment of status if filed not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; and

(4) the Secretary of Homeland Security determines that the biometric information provided, including fingerprints, is sufficient to conduct the required background and security checks needed for the applicant's naturalization application.

(b) MORE TIMELY AND EFFECTIVE ADJUDICATION.—Nothing in this section precludes an individual described in subsection (a) from submitting a new set of biometric information, including fingerprints, to the Secretary of Homeland Security with an application for naturalization. If the Secretary determines that submitting a new set of biometric information, including fingerprints, would result in more timely and effective adjudication of the individual's naturalization application, the Secretary shall—

(1) inform the individual of such determination; and

(2) provide the individual with a description of how to submit such biometric information, including fingerprints.

(c) COOPERATION.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall determine the format of biometric information, including fingerprints, acceptable for usage under subsection (a). The Secretary of Defense, or any other official having custody of the biometric information, including fingerprints, referred to in subsection (a), shall—

(1) make such prints available, without charge, to the Secretary of Homeland Security for the purpose described in subsection (a); and

(2) otherwise cooperate with the Secretary of Homeland Security to facilitate the processing of applications for naturalization under subsection (a).

(d) ELECTRONIC TRANSMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense and the Director of the Federal Bureau of Investigation, implement procedures that will ensure the rapid electronic transmission of biometric information, including fingerprints, from existing repositories of such information needed for military personnel applying for naturalization as described in subsection (a) and that will safeguard privacy and civil liberties.

(e) CENTRALIZATION AND EXPEDITED PROCESSING.—

(1) CENTRALIZATION.—The Secretary of Homeland Security shall centralize the data processing of all applications for naturalization filed by members of the United States Armed Forces on active duty serving abroad.

(2) EXPEDITED PROCESSING.—The Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall take appropriate actions to ensure that applications for naturalization by members of the United States Armed Forces described in paragraph

(1), and associated background checks, receive expedited processing and are adjudicated within 180 days of the receipt of responses to all background checks.

SEC. 3. PROVISION OF INFORMATION ON MILITARY NATURALIZATION.

(a) IN GENERAL.—Not later than 30 days after the effective date of any modification to a regulation related to naturalization under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), the Secretary of Homeland Security shall make appropriate updates to the Internet sites maintained by the Secretary to reflect such modification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, not later than 180 days after each effective date described in subsection (a), should make necessary updates to the appropriate application forms of the Department of Homeland Security.

SEC. 4. REPORTS.

(a) ADJUDICATION PROCESS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), including the process that—

(A) begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete; and

(B) ends on the date of the final disposition of such application.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a description of—

(A) the methods used by the Secretary of Homeland Security and the Secretary of Defense to prepare, handle, and adjudicate such applications;

(B) the effectiveness of the chain of authority, supervision, and training of employees of the Federal Government or of other entities, including contract employees, who have any role in such process or adjudication; and

(C) the ability of the Secretary of Homeland Security and the Secretary of Defense to use technology to facilitate or accomplish any aspect of such process or adjudication and to safeguard privacy and civil liberties

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States and the Inspector General of the Department of Homeland Security shall conduct a study on the implementation of this Act by the Secretary of Homeland Security and the Secretary of Defense, including an assessment of any technology that may be used to improve the efficiency of the naturalization process for members of the United States Armed Forces and an assessment of the impact of this Act on privacy and civil liberties.

(2) REPORT.—Not later than 180 days after the date on which the Secretary of Homeland Security submits the report required under subsection (a), the Comptroller General and the Inspector General shall submit a report to the appropriate congressional committees on the study required by paragraph (1) that includes recommendations for improving the implementation of this Act.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

The bill (S. 2516), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 390 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 390) designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 390

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas the memorialization and celebration of the decedent's life is the fabric of today's funeral service;

Whereas the family of the decedent has traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of a meaningful funeral ceremony;

Whereas funeral directors and morticians have dedicated their professional lives to serving the families of their communities in their times of need for generations with caring, compassion, and integrity;

Whereas these special men and women see their chosen profession as a higher calling, a sacred trust, in serving every family regardless of social standing, financial means, or time of day or day of the year, whenever a death occurs; and

Whereas on this special day, March 11, 2008, it would be appropriate to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation's families in their times of sadness and grief and help families mourn a death and celebrate a life: Now, therefore, be it

Resolved, That the Senate—

(1) takes this opportunity to pay the Nation's collective debt of gratitude for all the hours and all the times they have put someone ahead of themselves by serving the living while caring for the dead;

(2) urges every American of every walk of life to embrace each of these special individ-

uals with heartfelt thanks for their dedication to their profession; and

(3) designates March 11, 2008, as “National Funeral Director and Mortician Recognition Day”.

SECOND ANNUAL NATIONAL NATIVE HIV/AIDS AWARENESS DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 479, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 479) designating March 20, 2008, as “Second Annual National Native HIV/AIDS Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 479) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 479

Whereas the number of human immunodeficiency virus and acquired immunodeficiency syndrome (hereafter “HIV/AIDS”) cases among American Indian and Alaska Native communities has been increasing at an alarming rate and poses a significant threat to the public health of Native communities;

Whereas American Indians and Alaska Natives have the 3rd highest rate of HIV/AIDS infection in the United States, after Blacks and Hispanics;

Whereas, according to the Centers for Disease Control and Prevention HIV/AIDS Surveillance Report published in 2005, the rate per 100,000 persons of HIV/AIDS diagnosis for American Indians and Alaska Natives was 10.4;

Whereas American Indians and Alaska Natives experience the highest disease and mortality rates in the United States compared to other racial and ethnic groups, due to socioeconomic factors that include consistently high rates of poverty, inadequate education, and a lack of access to quality health services;

Whereas certain risk factors exist among Indian and Alaska Native populations that elevate the threat of the HIV/AIDS epidemic, including high rates of sexually transmitted diseases and substance abuse;

Whereas, according to the 2005 Centers for Disease Control and Prevention Sexually Transmitted Disease Surveillance Report, American Indians and Alaska Natives have the 2nd highest infection rates of gonorrhea and chlamydia in the United States and the 3rd highest infection rate of syphilis;

Whereas, according to the 2005 National Survey on Drug Use and Health, American Indians and Alaska Natives had a 12.8 percent higher rate of illicit drug use than any other races or ethnicities;

Whereas, during the years 1997–2004, of persons who had received a diagnosis of HIV/AIDS, American Indians and Alaska Natives had survived a shorter time than had Asians and Pacific Islanders, Whites, or Hispanics;