

Mr. JOHNSON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. First of all, Madam President, I apologize to everyone. I indicated to both the majority and the minority that we would be here at 5:30, but I had some things that came up, and I simply could not be here.

SERVICE MEMBERS HOME OWNER-SHIP TAX ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Madam President, I move to proceed to Calendar No. 175, H.R. 3590. I have a cloture motion that is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 175, H.R. 3590, the legislative vehicle for the Patient Protection and Affordable Care Act.

Harry Reid, Christopher J. Dodd, Mark Udall, Patrick J. Leahy, Daniel K. Akaka, Richard J. Durbin, Sherrod Brown, Jeanne Shaheen, John F. Kerry, Jack Reed, Tom Harkin, Sheldon Whitehouse, Kirsten E. Gillibrand, Jeff Merkley, Joseph I. Lieberman, Barbara Boxer, Debbie Stabenow.

Mr. REID. I now withdraw that motion.

NEED FOR JUSTICE IN NEPAL

Mr. LEAHY. Mr. President, I want to speak briefly about a matter that is of concern to the Congress and the Department of State, involving a heinous crime that occurred in Nepal and the need for justice.

Many people are familiar with the brutal murder of Maina Sunuwar in February 2004. At the young age of 15, she was arrested by Nepali soldiers and severely tortured to death at, of all places, the Birendra Peace Operations Training Center. After her murder, the army made it look as though she had been shot while trying to escape, and then buried her body at the center.

According to a United Nations report, in September 2005, after intense public and international pressure, three army officers were brought before a court martial and sentenced to a mere 6 months imprisonment for failing to follow proper procedures when disposing of Maina's body. In spite of many requests, the Nepal army refused to disclose the nature of the charges that led to this sentence, or provide copies of any documents relating to the court of inquiry or court martial. It also refused to cooperate with police investigations.

It is shocking that one of the officers accused in her murder, Major Niranjana Basnet, was permitted to participate in a United Nations peacekeeping mission in Chad. This speaks volumes about the inadequacy of vetting procedures of military personnel for such missions, which is a separate subject that I intend to take up with officials at the Department of State and United Nations.

To his credit, Prime Minister Madhav Kumar Nepal had Major Basnet returned from Chad, following the issuance of an arrest warrant and in response to public calls for his arrest. However, when he arrived back at the Katmandu airport the army took him under its control and apparently, despite initial promises and requests from the police and orders from the Prime Minister, has still not handed him over to the police.

This case represents a critical juncture for Nepal. In large measure, and as others have pointed out, Maina's death will decide whether a civilian, democratic government and the rule of law will determine Nepal's future, or it will remain dominated by the interests of the Nepal army.

Just a few days ago, President Obama signed into law the Consolidated Appropriations Act, 2010, which includes a prohibition on assistance to the Nepal army unless it, among other things, is cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of internationally recognized human rights. This provision applies squarely to Maina's case.

I urge the new Chief of the Army Staff, General Chhatraman Gurung, to seize this opportunity to demonstrate that the army is reforming, that it recognizes in a democracy its members are answerable to the civilian courts, and that it will no longer perpetuate the impunity that has undermined the rule of law in Nepal for far too long.

PAROLE GUIDELINES

Mr. LEAHY. Mr. President, I have long questioned the policy of detaining asylum seekers who present genuine claims for protection under our laws. Asylum seekers who express a fear of return to their country, and who can establish their identity and show that they are neither a flight risk nor a threat to the community, should be allowed to pursue a claim for relief in the United States free from custody. Yesterday, U.S. Immigration and Customs Enforcement, ICE, announced new guidelines for release of asylum seekers that override an unduly harsh policy implemented in 2007 by the Bush administration and that are a welcome step toward compliance with our obligations under the Refugee Convention.

Under current law, an asylum seeker who arrives at a port of entry and asks for refugee protection is given a brief interview to ascertain whether he or she has a credible fear of persecution in

their home country. If the asylum seeker passes that interview, they are detained, pending a hearing on their claim before an immigration judge. That hearing may take place weeks or months after the asylum seeker arrives in the United States. Unless the asylum seeker can convince the Department of Homeland Security that they should be released, that asylum seeker can spend those weeks or months in immigration detention. This policy is an affront to our ideals as a nation that aspires to be a beacon of light to persecuted refugees.

In 1997, the Immigration and Naturalization Service developed guidelines to determine whether asylum seekers should be released from custody in "parole" status while their asylum claims were adjudicated. To obtain parole, asylum seekers were required to establish their identity, and show that they were neither a flight risk nor a threat to the community. These guidelines were properly calibrated to deter fraud in the asylum system and threats to our national security. They also ensured that those who met the criteria for parole should be released. The 1997 parole guidelines were imperfectly implemented, but the policy contained in them was reasonable and appropriate.

For reasons that were never adequately explained, under the prior administration, ICE issued new parole guidelines that raised the bar for asylum seekers. In addition to the 1997 requirements, under the Bush policy, an asylum seeker had to demonstrate other factors, such as a serious medical condition, pregnancy, status as a minor, or that his or her release was in the "public interest." The term "public interest" was not defined in the 2007 guidelines and it is not clear how a detained asylum seeker could have met such a vague standard. Members of Congress and the bipartisan U.S. Commission on International Religious Freedom questioned the need for such a restrictive policy, especially when many asylum seekers have no criminal record and pose no risk to Americans.

The new parole policy generally hews to the 1997 parole guidelines, but contains an important improvement. Again, asylum seekers will be eligible for parole if they demonstrate a credible fear of return to their country of origin, establish identity, and show that they are neither a flight risk nor a threat to the community. For the first time, however, the government will conduct a parole review of each case in which the asylum seeker establishes a credible fear of return. Under both the 1997 and 2007 policies, an asylum seeker had to request a parole determination in writing. Many asylum seekers arrive on our shores with genuine claims for protection, but no English language skills and no legal counsel. For these asylum seekers, navigating our complex immigration system presents an enormous hurdle. It is a challenge for them to even comprehend that they may seek parole

from detention. Therefore, an automatic parole review will assist many bona fide refugees in winning release from custody. Our commitment to fair and humane treatment of refugees demands no less. This new policy will also save taxpayer dollars spent to detain immigrants, including asylum seekers who are otherwise eligible for parole, at an average of \$100 per person, per day.

In 1996, when our asylum laws were rewritten to restrict access to protection for many who requested protection upon arrival, I fought hard to preserve our role as a nation that welcomes refugees. I offered an amendment to restore basic due process protections to the summary exclusion and expedited removal provisions proposed for asylum seekers. Former Senator Michael DeWine of Ohio cosponsored the amendment, which prevailed by only one vote. Since that time, I have worked to strengthen access to due process for asylum seekers and ensure that our government complies with its international treaty obligations under the Refugee Convention.

I commend President Obama and Secretary Napolitano for engaging in a serious review of our asylum policies and taking steps to bring us closer to full compliance with international law. With the thirtieth anniversary of the Refugee Act of 1980 approaching, I will continue to press for both legislative and administrative changes to the law that will protect refugees and asylum seekers from harm and provide them with safety and security in America.

RECOGNIZING THE BOY SCOUTS OF AMERICA

Mr. BROWNBACK. Mr. President, I rise today to honor one of the most distinguished and recognized organizations for young people in the United States, the Boy Scouts of America. Specifically, I want to recognize its tremendous efforts to uphold the principle of service to others.

Today, the Boy Scouts of America is the largest youth service organization with nearly 3 million members. Its teachings of citizenship, character development, and self-reliance are those which all Americans should strive to emulate in their daily lives. The programs give participants the opportunity to engage in a wide range of outdoor activities, education programs, and career-oriented programs in partnership with many community organizations. Boy Scouts of America celebrates 100 years of service on February 8, 2010, with the theme "Celebrating the Adventure, Continuing the Journey." This motto will serve its members as they continue teaching the necessary skills to many more generations to come.

I want to recognize the efforts of the Jayhawk Area Council in northeast Kansas. These members are planning for the next 100 years of Scouting through their "Building Tomorrow's

Leaders'" project. This is just one of many projects that will honor the spirit of service in communities of Scouts across the Nation.

Boy Scouts of America recognizes that young leaders are developed over time, and has expanded its programs to help young men and women up to 20 years of age through Venturing Crews, Explorer Posts, and the Learning for Life groups. These programs have been shown to be meaningful and to improve a Scout's likelihood for success as an adult and enhance the quality of life in the community where he resides. Boy Scouts of America has kept up with the evolving and changing needs of our Nation, by adding programs in areas such as environmental ethics and responsibility. President Dwight Eisenhower recognized the contributions of the Boy Scouts 56 years ago when he praised the organization, as it "yearly enriches our Nation, and contributes generously to the economic, physical and spiritual resources of the country."

Mr. President, the Boy Scouts of America have helped shape young people of America for the past 100 years. This achievement is one to be celebrated, and I hope many of my colleges will join me in wishing this organization the best for the next 100 years.

JOHN BRADEMAs CENTER FOR THE STUDY OF CONGRESS REPORT

Mr. KERRY. Mr. President, from the Marshall Plan to tsunami relief, America's arsenal has always been most powerful when we have marshaled not just the force of our arms but the power of our ideals. It is no secret that for 8 recent years, the United States seemed to have broken with some of our best tradition and time-honored values—and it set back our security to be so isolated in the world. I have said many times that even the most powerful Nation needs some friends on this planet. Now, 1 year into President Obama's administration, the time is right for a robust public diplomacy to advance our interests in the world and to enhance our national security. That is the conclusion of a new report from New York University's John Brademas Center for the Study of Congress.

The center, well known to the Senate for its research and recommendations for new perspectives on public policies, recommends in its report that international arts and cultural exchanges be incorporated more fully into the planning strategies of U.S. policymakers.

Mr. President, this is a timely and important study. I recommend it to the Senate and ask that it be printed in the RECORD.

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

MOVING FORWARD: A RENEWED ROLE FOR AMERICAN ARTS AND ARTISTS IN THE GLOBAL AGE

The 2008 election of Barack Obama as the 44th President of the United States has offered an historic opportunity for the renewal

of faith in the American political system and restoration of America's image around the world. In January 2009, the John Brademas Center of the NYU Wagner convened a group of experts to explore the public policy implications for American arts and culture of a renewed focus on U. S. public diplomacy and issued a call for an expansion of international arts and cultural exchanges in the service of this new direction. The following report is the result of their expert opinions and deliberations.

The mission of the John Brademas Center for the Study of Congress is to increase the understanding of Congress—its role in making policy and its powers, processes, and responsibilities. The Center's nonpartisan work reaches scholars, students, public servants, policy makers and the general public. The Center conducts research, sponsors student internships, organizes academic conferences and public symposia, and hosts policy addresses by Members of Congress. As a part of the New York University's Robert F. Wagner Graduate School of Public Service, the Center strives to help the next generation of public service leaders develop a deeper understanding of how and why Congress makes decisions. It is named for its founder, NYU President Emeritus John Brademas, who served in the U.S. House of Representatives for 22 years (1959–81).

The Robert F. Wagner Graduate School of Public Service of New York University is a leadership school of public policy, urban planning and non-profit management whose faculty members are widely recognized for reframing the way people understand and act on issues of public importance, and whose graduates are bold, well-prepared change makers who expertly navigate real-world complexity and produce results that matter.

This report has been prepared and edited by Michael F. DiNiscia and Thomas M. McIntyre of the John Brademas Center and Professor Ruth Ann Stewart of the Robert F. Wagner Graduate School, New York University.

EXECUTIVE SUMMARY

Over the past decade, studies have shown that public opinion in other countries—particularly in the Islamic world—has taken an increasingly unfavorable view of the government and foreign policy of the United States. Yet international opinion about the values and culture of the United States, as distinct from government policies, has remained more positive according to the most recent surveys conducted by the non-partisan Pew Global Attitudes Project even in Middle Eastern countries. The inclination to view the fundamental ideals of American society as positive provides a valuable opening for policymakers to utilize the arts and culture both to advance America's international interests and enhance the cultural experience of its citizens and their understanding of America's place in a rapidly changing world.

To these ends, this report recommends that international arts and cultural exchanges be integrated into the planning strategies of U.S. policymakers as a key element of public diplomacy. History has proven that a robust public diplomacy is essential to U.S. national security and the promotion of American interests around the globe. The arts community has observed firsthand the value of international artistic exchanges in promoting moderation and tolerance among widely diverse religious and cultural groups.

Recognizing the fiscal constraints imposed by the current economic downturn, the report advises policymakers and the arts community to first focus on new and better ways to utilize arts and cultural exchange initiatives that are currently underway in both the private and governmental sectors.