

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. BROWBACK. 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.

As responsibility for America's public diplomacy initiatives is shared among the White House, National Security Council, Department of State, Congress, National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH), Institute of Museum and Library Services, and other Federal agencies, this report offers specific suggestions and recommendations for fostering greater interagency cooperation in the integration of arts and cultural exchanges into their respective strategies.

At the same time, American arts groups feel a responsibility for promoting an understanding of the vibrancy of arts and culture in our country that both animates our democracy and nourishes international exchanges and America's image. Thus, the report recommends a national conversation on the arts generally and their centrality to the quality of American life both home and abroad.

A NATIONAL CONVENING ON CULTURAL DIPLOMACY

We recommend that a National Convening on Cultural Diplomacy be held in Washington, DC to bring together policymakers and leaders in the arts community. Such a meeting would be a way of directly engaging artists, at a time of domestic and international difficulty, in the efforts to tell anew America's story and expand and to deepen our country's understanding of foreign societies and the value of cultural diplomacy to the security and quality of American life.

The Convening would attempt to engage the relevant agencies of the Federal Government to make arts and cultural exchanges a strategic part of U.S. public diplomacy. While the meeting could be best organized by one or more nonprofit organizations working in this field, it would benefit greatly from the support and collaboration of the U.S. Department of State as the lead Federal agency promoting international exchanges.

We believe that the meeting would be greatly enhanced by the inclusion of representatives from other countries who are leaders of international cultural initiatives.

We believe such a meeting, drawing together policy makers, artists, scholars and representatives of professional service organizations, foundations, and other nonprofit as well as for-profit groups involved in the arts, would provide an agenda for Congress and the Administration to build on current resources and programs to expand international arts and cultural exchanges—in both directions—in the service of America's national security and quality of life.

BUILDING DEEPER AND BROADER EXCHANGES

We believe it is critical that international arts and cultural exchanges be two-way, person-to-person endeavors in order to promote the human connection and that such connections be sustained over time and not just episodic events, as too often has been the case. As an example, we recommend that visual arts presentations include an educational component and performing arts master classes to strengthen the value of these face-to-face interactions.

We believe that given the appropriate level of funding and commitment long term, cultural diplomacy programs can demonstrate—using evidence-based evaluation—their success and effectiveness in promoting the best aspects of America's culture and democracy.

American culture is rich in its diversity and demographic make-up. Through the recruitment and exchange of outstanding representatives of all of America's many cultures, we can demonstrate the multicultural nature of American society at its best, presenting a vision of openness and freedom of expression to societies where such opportunities are often lacking. Similarly, we urge a

public diplomacy policy that welcomes the cultures of others to our shores.

We believe that cultural exchanges must not only be two-way but also sensitive to local needs, practices, and aspirations in selecting the type of American art to promote in a given country or region. The Internet has opened up to the world the rich variety of art and artists the U.S. has to offer and we should seek to meet those expectations and interests including for popular culture and the nonconventional.

It would seem that a priority for arts and cultural exchanges would be with countries with which the United States has limited official relations as well as with countries where there is a low level of travel or interaction at the citizen level.

We think cultural exchanges that focus on restoration and preservation projects are especially productive as would be the exchange of experts in the areas of performing arts administration, museum policies and techniques, etc. Technical assistance exchanges have a long history of helping other countries to celebrate their heritage and promote tolerance between nations while at the same time giving Americans opportunities to learn about other cultures.

In the past, cultural exchanges organized by the Federal Government have on occasion raised suspicions that artists had compromised their artistic integrity. We believe in the importance of government at all levels—federal, state and local—working with nonprofits and NGOs both at home and in foreign countries to avoid the appearance that cultural exchanges are contrived solely to serve U.S. foreign policy interests rather than the intended purpose of furthering mutual understanding. To that end, we urge that the international exchange process not be centralized in or overly coordinated at the national level but instead structured to draw in artists and arts groups directly at all levels.

RESEARCH

Policymakers need credible evidence to help them determine the merits and value of expanding international exchange programs. We believe that a National Convening on Cultural Diplomacy would provide the appropriate forum for assembling a body of expert testimony and current and directed research that would facilitate a clear and focused examination of potential outcomes.

We believe it would be beneficial to such deliberations if a comprehensive inventory and review were undertaken of current programs by federal, state, and local governments and private groups in the international arts and cultural exchange area.

We recommend that a State Dept Working Group on Cultural Diplomacy be charged with responsibility for coordinating the effort to collect, examine and evaluate relevant reports and data generated by both government and civil society organizations as supplemented and supported by the Congressional Research Service, private foundations, and scholarly research efforts sponsored by the National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH), and Institute of Museum and Library Services (IMLS).

We believe that a particularly productive part of the research process would be the opportunity to document actual experiences and impacts of both past and on-going cultural exchanges, especially the person-to-person encounters that have well established track records for generating significant and measurable goodwill toward the United States.

We believe that verification of such successes would not only help substantiate the case for international art and cultural ex-

changes as an important part of public diplomacy but would also enable us to identify and evaluate best practices in the field.

It is our hope that private foundations would support the research process and, working in collaboration with the arts community, help to determine a series of metrics for not only evaluating international programs but the adequacy as well of resources and work opportunities for the American artists and institutions who would fuel such efforts.

We recommend that the State Department be encouraged to be an active participant in the ongoing efforts by such international organizations as UNESCO and World Monuments Fund to map the world's cultural infrastructure toward the protection of important art objects, artistic forms, sites, and institutions located in disaster and conflict areas. The U.S. Defense Dept and Federal Emergency Management Agency might also be considered as a source of funding and assistance for such undertakings.

TECHNOLOGY & TECHNICAL ASSISTANCE

In recognition of the borderless nature of the Internet we urge that the latest and most advanced electronic social networking technology be utilized in cultural diplomacy programs.

We believe that stronger cultural exchanges would result from government moving beyond the older idea of technology as broadcasting medium to harness the new and most advanced social networking technologies that not only distribute message and art but also encourage civic engagement and social connectivity.

Given the effectiveness of the American public/private model, a National Convening on Cultural Diplomacy would explore opportunities to recommend to Government ways of working in association with private nonprofit and for-profit cultural organizations with popular social networking sites in order to expand the range of possibilities for sharing and exchanging cultural experiences.

We believe that the pairing of technology and culture would be especially efficacious through the dissemination of hardware and software (e.g., cell phones, wi-fi systems, low-cost computers, hand-crank radios, etc.) to more remote areas of the globe where cultural understanding and exchanges are especially needed.

We also recommend cultural exchanges involving scholars and experts in such specialties as performing arts management, conservation and preservation, museology, and curation, especially those with expertise in newer forms of media and technology. For example, we urge the expansion and integration into public diplomacy efforts of the Cultural Preservation Fund which currently sends conservators abroad to provide technical assistance and run education projects,

PUBLIC/PRIVATE PARTNERSHIP

We believe that the Government should encourage and promote two-way international exchanges, acting in a convening role to bring together private organizers and private funders, as the cost should not be fully assumed by American taxpayers.

We urge the State Department to consider ways in which it might utilize its administrative capacity and area expertise to explore possibilities for working with foundations and U.S. corporations to increase grants for international exchanges, as well as to investigate the potential of coordinated activity with the many arts and media industries engaged in the international marketplace of culture.

At the same time, we recognize the importance of members of the arts community keeping informed about policy changes and shifts in the national agenda. We believe

that over time and in evolving ways, cultural exchanges could render service in partnership with government (as well as foundations and corporations) that would continue to enhance America's public diplomacy process.

We believe that through the export of a wide diversity of American arts and artists, and the import (and ready admission through the passage of the Arts Require Timely Service Act [H.R. 1785 and S. 1409]) of a broadly representative group of foreign arts and artists, America's best foreign and domestic cultural interests would be served.

LEADERSHIP AT THE FEDERAL LEVEL

We believe that the effectiveness of American public diplomacy would be advanced by the integration of cultural diplomacy into the policy-making process of the White House and the State Department.

We propose that a National Convening on Cultural Diplomacy incorporate into its agenda an examination of the recent call by various nongovernmental study groups concerned with Federal support of the arts generally for the creation of a full time White House post specifically charged with promoting the arts and culture as part of the Domestic Policy Council. Arts and cultural professionals agree that without a strong and healthy cultural sector at home (frequently characterized as cultural vibrancy), the U.S. would not have the rich pool of diverse talents in place and available when selecting art and artists to represent the nation at its best internationally.

We further recommend that a National Convening on Cultural Diplomacy be given the opportunity to propose the creation by the President of a position on the National Security Council (NSC) to oversee public diplomacy, including the coordination of relevant arts and cultural exchange efforts with the Domestic Policy Council, State Department, and the Federal cultural agencies.

We further recommend the National Convening agenda include a proposal for the creation of a Standing Committee to advise the Secretary of State on ways in which the State Department could begin to renew its diplomatic strength and expertise in the area of culture. Committee members would be persons in the arts world involved in both informal and formal international exchanges.

We would also recommend that a Special Envoy for Culture be appointed by the State Department to work on building relationships and partnerships with foreign governments and international bodies such as UNESCO, International Council of Museums, World Heritage Alliance, et al.

EXPANDING FEDERAL PROGRAMS

We believe that it is both timely and desirable to urge the creation of a new direction for public diplomacy through the expansion of Federal cultural programming.

We believe that key to this new direction is an expansion of the budgetary capacity of the State Department to increase the number of cultural affairs officers stationed at embassies and consulates and their capabilities for carrying out cultural programming as the ones most informed about what exchanges would be best coupled with which country.

We recommend that, in addition to increasing its personnel numbers, the State Department further enhance its ability to attract good people by creating parity in career advancement and status between cultural affairs officers and political officers.

We believe that the State Department would benefit as well from the creation of a Cultural Diplomacy Fellowship Program that would increase the flow of personnel through the cultural diplomacy system; rotate outside cultural experts through the De-

partment; and enable State Department employees to go for further training at cultural institutions in the U.S. and abroad for fixed periods of time.

Additional recommendations that have been proposed for consideration by a National Convening on Cultural Policy include:

A publicity campaign coordinated by the State Dept., NEA, NEH, and IMLS to alert more U.S. and foreign artists and cultural institutions about the opportunities available for international cultural exchanges, including Fulbright fellowships.

Ways for the United States Agency for International Development (USAID) to support cultural programs that are consistent with their development goals (i.e., cultural preservation projects and arts and crafts programs).

Ways for the Peace Corps and AmeriCorps to develop cultural projects and recruit artists into both organizations.

Ways for the Commerce Department to promote cultural tourism that would direct Americans to cultural programs abroad and market cultural activities in the U.S. to foreign tourists.

Increase funding for arts and cultural exchanges in departments other than State and the Federal cultural agencies (e.g., Defense Department, Commerce Department, etc.) to encourage the sending of artists and technical assistance to localities deemed to be less developed and comfortable.

CONGRESSIONAL ACTION

We encourage the relevant committees in Congress, in particular the House and Senate Foreign Affairs Committees, to hold a series of public hearings on the proposals coming out of the National Convening on Cultural Diplomacy.

We believe that congressional hearings are key to the development of new and expanded legislation and programs in support of two-way cultural exchanges, for all the reasons and recommendations outlined above.

We offer the Arts and Artifacts Indemnity Act of 1975 for consideration by the Congress in its deliberations as a legislative model of the time proven success of international cooperation and cultural exchange.

We recommend the inclusion in such hearings of a broad representation of knowledgeable parties, especially representatives of state and local arts and humanities councils and agencies and of professional service organizations.

Finally, we again urge the reintroduction and passage by Congress of the Arts Require Timely Service Act [H.R. 1785 and S. 1409] as an essential component of cultural exchange and the enrichment and diversity of the cultural experience of the American public.

LAW STUDENT PARTICIPATION ACT

Mr. CARDIN. Mr. President, I have introduced the Law Student Participation Act of 2009.

The bill creates exceptions to Federal conflicts of interest law which generally prohibits Federal employees from acting as an attorney or agent in a matter adverse to the U.S. government. The legislation directs the exceptions to Federal employees attending law school and participating in legal clinics and employees of the District of Columbia who staff legal clinics. Where the Federal employee has participated personally and substantially in the matter or the matter is before the employee's particular agen-

cy or department, specific conflicts of interest provisions still apply. The current law is over broad and denies learning and teaching opportunities where no real conflict may exist.

Law schools, including schools in my home State, have voiced concern over the present law. Some of these schools include the University of Maryland, the University of the District of Columbia, and Georgetown University School of Law. The schools have related stories of students, who are Federal employees, regulated to clinics dealing only with state matters. In other instances a student might start working on a client's matter, but will be unable to continue once the matter goes to trial or before an administrative proceeding. Law schools complain that under such circumstances the client's right to effective counsel is diminished. Due to a requirement I championed, the University of Maryland School of Law faces unique challenges. Each student must provide legal services to the poor or persons who otherwise lack access to justice prior to graduation. Federal employees, unlike other students, must choose from a smaller selection of clinics due to the current Federal conflicts of interest law. Finally, if Federal employee students seek careers in practice areas where Federal law predominates, they likely will obtain no practical clinic experience in law school.

It should be noted that the Office of Government Ethics, OGE, and the Department of Justice are aware of the text of the bill. Both have conveyed informally that they do not have problems with this legislation. The OGE released a report in 2006 that was critical of current Federal conflict of interest law as being overbroad and specifically pointed out that volunteer work was frequently barred even when no potential for conflict of interest existed.

The current law deprives law students who are Federal employees of valuable practical educational opportunities. Ultimately participation in these clinics would result in better attorneys many of whom later go on to work for the Federal government.

ADDITIONAL STATEMENTS

REMEMBERING SOL PRICE

● Mrs. BOXER. Mr. President, I am honored to remember Sol Price, who passed away on December 14, 2009, at the age of 93. Sol was a man of vision in business, charity, and community. I will remember his great accomplishments, but I will also remember him as a wonderful man and a dear friend.

A trendsetter in retail, Sol Price founded FedMart and the Price Club, which subsequently sparked the wholesale warehouse industry. He envisioned providing consumers with products at low prices while providing good wages and working conditions for his employees. When FedMart opened its first