S. 2805

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2805, a bill to amend the Food and Nutrition Act of 2008 to increase the amount made available to purchase commodities for the emergency food assistance program in fiscal year 2010.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2908

At the request of Mr. KOHL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2908, a bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes.

S. 3028

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3028, a bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3065

At the request of Mr. LIEBERMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation.

S. 3079

At the request of Mr. MERKLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3079, a bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes.

S. 3108

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3108, a bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget.

S. CON. RES. 54

At the request of Mr. NELSON of Florida, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Idaho (Mr. RISCH), the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Con. Res. 54, a concurrent resolution recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba.

S. RES. 412

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 412, a resolution designating September 2010 as ''National Childhood Obesity Awareness Month''.

S. RES. 451

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 451, a resolution expressing support for designation of a ''Welcome Home Vietnam Veterans Day''.

S. RES. 452

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 452, a resolution supporting increased market access for exports of United States beef and beef products to Japan.

AMENDMENT NO. 3464

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3464 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3465

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3465 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3470

At the request of Mr. FEINGOLD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 3470 proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3474

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3474 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3486

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. LEAHY), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. BROWN), the Senator from Oregon (Mr. MERKLEY), the Senator from Illinois (Mr. BURRIS) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 3486 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3487

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3487 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3497

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3497 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3504

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3504 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3506

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3506 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 3111. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, the Nation commemorates Sunshine Week—a time to educate the public about the importance of open government. In recognition of Sunshine Week 2010, I am pleased to join with Senator CORNYN to introduce the Faster FOIA Act of 2010, a bill to improve the implementation of the Freedom of Information Act, FOIA.

Senator CORNYN and I first introduced this bill in 2005 to address the growing problem of excessive FOIA delays within our Federal agencies.

Our decision to reintroduce the Faster FOIA Act this year is the most recent example of our bipartisan efforts to help reinvigorate FOIA.

Today, thanks to the reforms contained in the Leahy-Cornyn OPEN Government Act of 2007, millions of Americans who seek information under FOIA will experience a process that is much more transparent and less burdened by delays. In 2009, President Obama signed the OPEN FOIA Act into law. That bill is the result of another successful collaboration with Senator CORNYN and me that is making the process for creating new legislative exemptions to FOIA more transparent.

While both of these legislative accomplishments are strengthening FOIA, more reforms are needed.

According to the Department of Justice's Freedom of Information Act Annual Report for fiscal year 2009, the Department had a backlog of almost 5,000 FOIA requests at the end of 2009. The Department of Homeland Security's report for the same period shows a backlog of 18,918 FOIA requests. These mounting FOIA backlogs are simply unacceptable.

The Faster FOIA Act will help to reverse these troubling statistics by establishing a bipartisan Commission to examine the root causes of agency delay. The commission created by this bill will make recommendations to Congress for reducing impediments to the efficient processing of FOIA requests.

The commission will also examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. Lastly, the commission will be made up of government and non-governmental representatives with a broad range of experience in both submitting and handling FOIA requests, in information science, and in the development of government information policy.

Thomas Jefferson once wisely observed that ''information is the currency of democracy.'' I share this view. I also firmly believe that the Faster FOIA Act will help ensure the dissemination of Government information, so that our democracy remains vibrant and free.

I have said many times that open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. As we celebrate Sunshine Week, it is in this bipartisan spirit that I join Americans from across the Nation in celebrating an open and transparent government. I urge all of my Senate colleagues to support the Faster FOIA Act.

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

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

S. 3111

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

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This Act may be cited as the ''Faster FOIA Act of 2010''.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the ''Commission'') for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members of whom—

(A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1)—

(A) at least 1 shall have experience in submitting requests under section 552 of title 5, United States Code, to Federal agencies, such as on behalf of nonprofit research or educational organizations or news media organizations; and

(B) at least 1 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government; and

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Comptroller General of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

By Mr. LEAHY (for himself and Mr. LEVIN):

S. 3113. A bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to introduce the Refugee Protection Act of 2010. This week marks the thirtieth anniversary of the Refugee Act, which was signed into law on March 17, 1980. In the years since, our statute and case law have evolved in ways that place unnecessary and harmful barriers before genuine refugees and asylum seekers. This bill, which is cosponsored by Senator LEVIN of Michigan, will restore the U.S. as a beacon of hope for those who suffer from persecution around the world.

The Convention Relating to the Status of Refugees was negotiated in 1951 to protect those who suffered persecution in war-torn Europe prior to 1951, yet the U.S. did not sign it at that time. In 1967, the U.S. signed and ratified a Protocol to the Convention, which expanded its geographic and temporal scope, establishing a definition of refugee that applied around the world. It was not until 1980, however, that Congress enacted implementing legislation to bring our laws into compliance with the Convention and Protocol. During the intervening years, our Government acted in an ad hoc manner to bring in refugees fleeing Southeast Asia by boat, to protect Jews and other refugees from the Soviet bloc, and to provide safety for victims of persecution in Africa. Our Nation acted generously in those years, providing aid and relief, but our policies needed to be grounded in law.

The Refugee Act of 1980 was championed by the late Senator Edward Kennedy, who fought for decades to protect victims of persecution who had been forced to flee their home nations,

leaving behind livelihood, family, and security. I supported the Refugee Act in the 96th Congress, and voted for it when it passed the Senate. When the Senate debated the bill, Senator Kennedy spoke of its dual goals: to ''welcome homeless refugees to our shores,'' thereby embracing ''one of the oldest and most important themes in our Nation's history,'' and to ''give statutory meaning to our national commitment to human rights and humanitarian concerns.'' 125 Cong. Rec. 23231–32 Sept. 6, 1979.) We lost our dear friend last year, but we can honor Ted Kennedy's memory by carrying forward the mantle of refugee protection.

The Refugee Protection Act of 2010 contains provisions of a bipartisan bill that I previously introduced in the 106th and 107th Congresses to repeal the most harsh and unnecessary elements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, a law that had tragic consequences for asylum seekers. It also corrects agency and court misinterpretations of law that limit access to safety in the U.S. for asylum seekers. Finally, it modifies the immigration statute to ensure that innocent persons with valid claims are not unfairly barred from the U.S. by laws enacted after September 11, 2001, while leaving in place provisions that prevent dangerous terrorists from manipulating our immigration system.

In the years since the Refugee Act was enacted, over 2.6 million refugees and asylum seekers have been granted protection in the U.S. I am proud that my home State of Vermont has long welcomed refugees and helped these new Americans to rebuild their lives. More than 5,300 refugees have been resettled in Vermont since 1989, from countries as diverse as Burma, Bhutan, Somalia, Bosnia, and Vietnam. In the early days of resettlement, Vermont accepted refugees fleeing persecution from Southeast Asia and the Soviet Union, and from the war in the former Yugoslavia and the genocide in Rwanda.

Vermonters' welcoming spirit is illustrated by the ''Lost Boys'' of Sudan. Beginning in the 1980s, thousands of boys in Sudan traveled hundreds of miles by foot to escape war and ethnic and religious-based persecution. Some had seen family members killed before their eyes. They walked from nation to nation, searching for safety in Ethiopia and Kenya, before reaching camps that helped them find a permanent and secure home in the U.S. The first group of Lost Boys arrived in Vermont in 2001. Many of them have thrived. I am proud that a number of them are now college graduates, and some have attended graduate school.

Vermonters have made a strong and sustained commitment to assisting refugees with resettlement. Caseworkers and volunteers help new Americans adjust to the new culture, learn English, and navigate daily life, from grocery shopping to public transportation, to school and sports programs for their children. The Vermont Refugee Resettlement Program has led the effort with its compassionate and experienced staff, and a roster of more than 250 volunteers. I also want to recognize the organizations, churches, synagogues, and libraries in Vermont that have offered support, contributions of food, clothing, furniture, English classes, tutoring, and perhaps most importantly, companionship and friendship to refugees resettled in our state. These groups include the Vermont Refugee Resettlement Program, Vermont Immigration and Asylum Advocates, the Association of Africans Living in Vermont, the Vermont Agency of Human Services-State Refugee Coordinator, Vermont Interfaith Action, the Housing Resource Center, the Salvation Army, the First Congregational Church of Burlington, the Cathedral Church of St. Paul, the Roman Catholic Diocese of Burlington, the Islamic Society of Vermont, Ohavi Zedek Synagogue, the Fletcher Free Library, and Vermont Adult Basic Education. These volunteers and organizations demonstrate the Vermont spirit of tolerance and generosity. They deserve our thanks and praise.

I am proud of the Vermonters who have devoted countless hours to help victims of persecution build new lives in our state. And I am continually amazed by the resilience of the refugees and asylees in Vermont. Refugees in Vermont enrich the communities in which they live, opening small businesses, farming, and participating in cultural activities. They put all they have at risk to reach the U.S., and once here, strive each day to make our country better and to give their children every opportunity that America offers.

The bill I introduce today will give refugees and asylum seekers a fair chance of finding safety in the U.S. For those who seek asylum, it eliminates the requirement added to the law in 1996 that asylum applicants file their claim within 1 year of arrival. By definition, worthy asylum applicants arrive in the U.S. after suffering serious harm abroad, often experiencing post-traumatic stress. They often must spend their first months here learning the language and adjusting to a culture that in many cases is extraordinarily different from the one they know. I understand the desire to have asylum seekers submit timely applications, but the 1-year rule was deemed unnecessary by the Immigration and Naturalization Service when it was enacted. In practice, it has barred genuine applicants from gaining the benefits of our asylum law, resulting in their return to the country in which they were persecuted.

The bill also makes a number of modifications to give asylum seekers a fair opportunity to respond to requests for corroborating evidence, to clarify inconsistencies, and to provide evidence of the persecution they suffered or that which they fear if returned. None of these changes to the law will encourage fraud or frivolous claims; they simply ensure that no asylum seeker is denied the opportunity to present a full application for relief.

The 1996 immigration law created the system called ''expedited removal,'' which enables an immigration officer to prevent certain non-citizens from entering the U.S. I fought against expedited removal in 1996 because I feared that asylum seekers could be turned away from our borders without being given the chance to seek protection. In 2005, the U.S. Commission for International Religious Freedom, a bipartisan Commission established by Congress, documented widespread problems in the implementation of expedited removal. The Refugee Protection Act of 2010 responds to the Commission's findings by requiring that asylum seekers who pass an initial ''credible fear'' interview proceed to an interview with an asylum officer instead of being sent straight to the immigration removal system. Any asylum seeker who is not granted protection by the asylum officer would then be placed in removal proceedings and proceed to an adversarial hearing before an immigration judge.

Under current law, an asylum seeker who arrives at our borders and immediately requests protection is detained. We should not detain people whom our own Government has found to be likely candidates for asylum as if they were awaiting a criminal trial. Moreover, the cost to the Government to detain an asylum seeker for months at a time cannot be justified, especially if they have family members or nongovernmental organizations that are willing to house them and ensure that they appear for their asylum hearing. The Refugee Protection Act would clarify that the Secretary of Homeland Security should release asylum seekers as long as they do not pose risks of flight or to public safety. It would codify DHS guidance announced in December 2009 stating that it is the policy of the U.S. to release asylum seekers who have been found to have a credible fear of persecution and who meet the criteria for release.

The bill also instructs the Secretary to promulgate regulations to authorize and promote the use of alternatives to the detention of asylum seekers, such as releasing them to private nonprofit voluntary agencies. For those who would still be detained, the bill would guarantee access to legal and religious services, humane treatment in detention, and medical care where needed. These changes will reduce the detention of asylum seekers, offer them fundamental due process, and improve the conditions of their confinement in those cases where detention is appropriate. I have long urged an improvement of the shameful conditions of immigration detention, and this need is particularly acute for asylum seekers.

For years, I have fought to modify a law that prevents genuine refugees and

asylum seekers from obtaining protection in the U.S. The law, which contains an overly broad definition of ''material support'' to terrorist organizations, has the effect of barring some who were victims of terrorist organizations. More than 2 years ago, Senator KYL and I worked together to ensure that the Department of Homeland Security had the authority it needed to provide waivers and exemptions in certain ''material support'' cases. The Obama administration convened an interagency process to try to resolve the matter, but thousands of refugees with pending adjustment of status applications are still being held in limbo while the Government studies how to exercise its exemption and waiver authority. This bill contains language that would fix this problem once and for all. The bill modifies definitions in the statute to ensure that innocent asylum seekers and refugees are not unfairly denied protection as a result of the material support and terrorism bars in the law, while ensuring that those with material ties to terrorist activity will be denied entry to the U.S.

This bill makes common sense changes to refugee adjudication and resettlement. It eliminates the 1-year waiting period for refugees and asylees to apply for lawful permanent residence, facilitating assimilation into our communities. The bill also allows certain children and family members of refugees to be considered as derivative applicants for refugee status, as long as they pass standard security checks and expedites the adjudication of family reunification petitions.

The potential effect of these changes is best illustrated by an example. One of the Lost Boys originally resettled in Vermont is a young man named Jacob. He attended my alma mater, St. Michael's College, at some point visited Kenya, got married and fathered twin sons before returning to Vermont. After he became a U.S. citizen, he visited his wife in Kenya again, this time fathering twin daughters. I am happy that my office was able to assist Jacob, and his entire family is now happily living in the U.S. Had the Refugee Protection Act been enacted, Jacob's family might have been reunited much sooner. The bill I introduce today will greatly facilitate family reunification, which is at the core of American values.

This bill will also help children who have been separated from their families during war or flight from persecution. For a child who has been separated from immediate family, and where it is in the best interest of the child, the bill would authorize refugee status and enable such a child to come to the U.S. I am committed to working with the Departments of State and Homeland Security to ensure that the ''best interest of the child'' protects families that are separated for months or years, but later discover that children lost or feared dead can be reunited with their immediate relatives.

The need for such authority is illustrated by a Vermont resettlement case I know very well. After the Rwandan atrocities, Martha believed her son Eric had been killed. A number of years later, she learned that her son was alive and living in the Kakuma refugee camp in Kenya, along with his two young first cousins. Eric had fled the violence with these two boys on his back, and he is the only father figure they have ever known. Martha petitioned to bring her son and nephews to Vermont, but only her son was granted refugee status as a derivative child. Martha had not seen her son for 10 years, but until my office intervened, the case had languished due to miscommunication. After the case was reactivated, Eric had to decide whether to join his mother in Vermont or to stay in the refugee camp to continue caring for his two young cousins. Eric made the heart-wrenching decision to resettle in Vermont. Eight months after Eric arrived, with the help of my office, his two young cousins were successfully resettled with him. Martha is fully employed, just passed her naturalization exam and is about to be sworn in as a U.S. citizen. Eric has been working two jobs, studying, and raising his cousins, who are both doing quite well in school. This case has a happy ending, but it should not have been so hard or taken so long to resolve. The Refugee Protection Act will help to bring families like Martha's together more quickly.

This bill authorizes the Secretary of State to designate certain groups as eligible for expedited adjudication as refugees. Such a change to law would assist those who are at a particularly high risk of harm, such as certain groups of Iraqi refugees, groups targeted for genocide, or gay men in countries that impose the death penalty on homosexuals. Congress has tried to respond to specific crises with Special Immigrant Visas and other limited forms of relief, but something more must be done.

Again, an example is illustrative. An Iraqi family, a mother and two daughters, came to Vermont as refugees from Iraq by way of Syria, after the father had been killed. The son believed his life to also be in danger in Iraq, because he had worked as a driver for a U.S. military contractor. Just before completing the resettlement process, the adult son was forced by Syria to leave the country, and he made his way to Sweden. While he was safe there for a short while, Sweden soon started taking action to deport many Iraqi refugees that it had previously welcomed. The separation was extremely painful for this close-knit family. They were having a difficult time reopening his resettlement case, but my office was able to help this young man finally receive a Special Immigrant Visa for Iraqis Employed on Behalf of the U.S. Government. He was finally reunited with his family in Burlington. I would prefer to see the Secretary of State be able to designate certain highly vulnerable groups for expedited adjudication, so that stories like this one are not common, and eligible refugees reach safety here in the U.S. as soon as possible.

Finally, this bill makes targeted improvements to the resettlement process in the United States. Most importantly, it prevents newly resettled refugees from slipping into poverty by adjusting the per capita refugee resettlement grant level annually for inflation and the cost of living. The current per capita grant is $1,800, but it was just raised in January 2010 from roughly half that amount. I thank the Obama administration for recognizing the need to raise the per capita grant level, but believe it must be adjusted annually for inflation and the cost of living. This bill will ensure that the per capita grant level does not decrease in real terms over time.

This bill is supported by leading refugee resettlement organizations across the Nation including the U.S. Conference of Catholic Bishops, Hebrew Immigrant Aid Society, International Rescue Committee, Lutheran Immigrant & Refugee Service, the Episcopal Church, Refugee Council USA, Heartland Alliance for Human Needs and Human Rights, Church World Service, and the Interfaith Refugee and Immigration Ministries of Illinois. The Congressionally-created and bipartisan U.S. Commission for International Religious Freedom endorsed the provisions that make improvements to the expedited removal system. It is endorsed by advocates and legal aid providers serving the refugee and asylee community, including the American Bar Association, Human Rights First, National Immigrant Justice Center, the Center for Gender & Refugee Studies at U.C. Hastings College of the Law, Tahirih Justice Center, American Immigration Lawyers Association, National Immigration Forum, Refugees International, Immigration Equality, Amnesty International USA, Human Rights Watch, and the American Civil Liberties Union. And in Vermont, it has the support of the Vermont Refugee Resettlement Program, Vermont Immigration and Asylum Advocates, and the Association of Africans Living in Vermont. All of those organizations that stand with me in support of this legislation have my sincere thanks.

The 30th anniversary of the Refugee Act is this week. It is time to renew America's commitment to the Refugee Convention, and to bring our law back into compliance with the Convention's promise of protection. Our Nation is a leader among the asylum-providing countries, and our communities have embraced refugees and asylum seekers, welcoming them as Americans. Our laws must now match that humanitarian spirit. I urge all Senators to support the Refugee Protection Act of 2010.

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

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

S. 3113

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Refugee Protection Act of 2010''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) ASYLUM SEEKER.—The term ''asylum seeker''—

(A) means—

(i) any applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

(ii) any alien who indicates an intention to apply for asylum under that section; and

(iii) any alien who indicates an intention to apply for withholding of removal, pursuant to—

(I) section 241 of the Immigration and Nationality Act (8 U.S.C. 1231); or

(II) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

(B) includes any individual described in subparagraph (A) whose application for asylum or withholding of removal is pending judicial review; and

(C) does not include an individual with respect to whom a final order denying asylum and withholding of removal has been entered if such order is not pending judicial review.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. ELIMINATION OF ARBITRARY TIME LIMITS ON ASYLUM APPLICATIONS.

Section 208(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(3) in subparagraph (B), as redesignated, by striking ''(D)'' and inserting ''(C)''; and

(4) by striking subparagraph (C), as redesignated, and inserting the following:

''(C) CHANGED CIRCUMSTANCES.—Notwithstanding subparagraph (B), an application for asylum of an alien may be considered if the alien demonstrates, to the satisfaction of the Attorney General, the existence of changed circumstances that materially affect the applicant's eligibility for asylum.''.

SEC. 4. PROTECTING VICTIMS OF TERRORISM FROM BEING DEFINED AS TERRORISTS.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by amending subclause (IX) to read as follows:

''(IX) is an officer, official, representative, or spokesman of the Palestine Liberation Organization,''; and

(B) by striking the matter following subclause (IX) and inserting the following:

'' ''is inadmissible.'';

(2) in clause (iii), by inserting ''which is intended to intimidate or coerce a civilian population or to influence the policy of a government by intimidation or coercion and'' after ''means any activity'';

(3) in clause (iv)(VI), by inserting ''(other than as the result of coercion)'' after ''to commit an act'';

(4) in clause (vi)—

(A) in subclause (I), by adding ''or'' at the end;

(B) in subclause (II), by striking ''; or'' and inserting a period; and

(C) by striking subclause (III); and

(5) by adding at the end the following:

''(vii) As used in this paragraph, the term, 'coercion' means—

''(I) serious harm, including restraint against any person; or

''(II) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to, or restraint against, any person.''.

SEC. 5. PROTECTING CERTAIN VULNERABLE GROUPS OF ASYLUM SEEKERS.

(a) DEFINED TERM.—Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended to read as follows:

''(42)(A) The term 'refugee' means any person who—

''(i)(I) is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided; and

''(II) is unable to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion; or

''(ii) in such circumstances as the President may specify, after appropriate consultation (as defined in section 207(e))—

''(I) is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing; and

''(II) is persecuted, or who has a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(B) The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated, other than as a result of coercion (as defined in section 212(a)(3)(B)(vii)), in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(C) For purposes of determinations under this Act—

''(i) a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion; and

''(ii) a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

''(D) For purposes of determinations under this Act, any group whose members share a characteristic that is either immutable or fundamental to identity, conscience, or the exercise of the person's human rights such that the person should not be required to change it, shall be deemed a particular social group, without any additional requirement.''.

(b) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)) is amended—

(1) in clause (i), by striking ''at least one central reason for persecuting the applicant'' and inserting ''a factor in the applicant's persecution or fear of persecution'';

(2) in clause (ii), by striking the last sentence and inserting the following: ''If the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, the trier of fact shall provide notice and allow the applicant a reasonable opportunity to file such evidence unless the applicant does not have the evidence and cannot reasonably obtain the evidence.'';

(3) by redesignating clause (iii) as clause (iv);

(4) by inserting after clause (ii) the following:

''(iii) SUPPORTING EVIDENCE ACCEPTED.—Direct or circumstantial evidence, including evidence that the State is unable to protect the applicant or that State legal or social norms tolerate such persecution against persons like the applicant, may establish that persecution is on account of race, religion, nationality, membership in a particular social group, or political opinion.''; and

(5) in clause (iv), as redesignated, by striking '', without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor.'' and inserting ''. If the trier of fact determines that there are inconsistencies or omissions, the alien shall be given an opportunity to explain and to provide support or evidence to clarify such inconsistencies or omissions.''.

(c) REMOVAL PROCEEDINGS.—Section 240(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(4)) is amended—

(1) in subparagraph (B), by striking the last sentence and inserting the following: ''If the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, the trier

of fact shall provide notice and allow the applicant a reasonable opportunity to file such evidence unless the applicant does not have the evidence and cannot reasonably obtain the evidence.''; and

(2) in subparagraph (C), by striking '', without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor'' and inserting ''. If the trier of fact determines that there are inconsistencies or omissions, the alien shall be given an opportunity to explain and to provide support or evidence to clarify such inconsistencies or omissions.''.

SEC. 6. EFFECTIVE ADJUDICATION OF PROCEEDINGS.

Section 240(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(4)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''In proceedings under this section, under regulations of the Attorney General'' and inserting ''The Attorney General shall promulgate regulations for proceedings under this section, under which—'';

(2) in subparagraph (B), by striking '', and'' at the end and inserting a semicolon;

(3) by redesignating subparagraph (C) as subparagraph (D); and

(4) by inserting after subparagraph (B) the following:

''(C) the Attorney General, or the designee of the Attorney General, may appoint counsel to represent an alien if the fair resolution or effective adjudication of the proceedings would be served by appointment of counsel; and''.

SEC. 7. SCOPE AND STANDARD FOR REVIEW.

Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (1), by adding at the end the following: ''The alien shall not be removed during such 30-day period, unless the alien indicates in writing that he or she wishes to be removed before the expiration of such period.''; and

(2) by striking paragraph (4) and inserting the following:

''(4) SCOPE AND STANDARD FOR REVIEW.—Except as provided in paragraph (5)(B), the court of appeals shall sustain a final decision ordering removal unless it is contrary to law, an abuse of discretion, or not supported by substantial evidence. The court of appeals shall decide the petition only on the administrative record on which the order of removal is based.''.

SEC. 8. EFFICIENT ASYLUM DETERMINATION PROCESS AND DETENTION OF ASYLUM SEEKERS.

(a) IN GENERAL.—Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) in clause (ii), by striking ''shall be detained for further consideration of the application for asylum'' and inserting ''may, in the Secretary's discretion, be detained for further consideration of the application for asylum by an asylum officer designated by the Director of United States Citizenship and Immigration Services. The asylum officer, after conducting a nonadversarial asylum interview, may grant asylum to the alien under section 208 or refer the case to a designee of the Attorney General, for a de novo asylum determination, for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or for withholding of removal under section 241(b)(3).'';

(2) in clause (iii)(IV)—

(A) by amending the subclause heading to read as follows:

''(IV) DETENTION.—''; and

(B) by striking ''shall'' and inserting ''may, in the Secretary's discretion,''; and

(3) by inserting after clause (v) the following:

''(vi) PAROLE OF CERTAIN ALIENS.—Any alien subject to detention under clause (iii)(IV) who has established identity and been determined to have a credible fear of persecution shall be released from the custody of the Department of Homeland Security not later than 7 days after such determination unless the Department demonstrates by substantial evidence that the alien—

''(I) poses a risk to public safety, which may include a risk to national security; or

''(II) is a flight risk, which cannot be mitigated through other conditions of release, such as bond or secure alternatives, that would reasonably ensure that the alien would appear for immigration proceedings.

''(vii) REVIEW OF DETENTION.—If an alien described in clause (vi) is denied release from detention, the Attorney General shall—

''(I) not later than 7 days after such denial, review the parole determination through a hearing before an immigration judge, who shall determine whether the alien should be paroled and any conditions of such release; and

''(II) notify the detained alien and the alien's legal representative of the reason for such denial, orally and in writing, in a language the alien claims to understand.

''(viii) WAIVER.—The alien may waive the 7-day review requirement under clause (vii)(I) and request a review at a later time. Any alien whose parole request has been reviewed and denied under clause (vii)(I) may request another review and determination upon showing that there was a material change in circumstances since the last review.''.

(b) RULEMAKING.—The Secretary and the Attorney General shall promulgate regulations establishing a process for reviewing the eligibility of aliens for parole in accordance with clause (vi) and (vii) of section 235(b)(1)(B) of the Immigration and Nationality Act, as amended by subsection (a).

SEC. 9. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish the Secure Alternatives Program (referred to in this section as the ''Program'') under which an alien who has been detained may be released under enhanced supervision—

(1) to prevent the alien from absconding;

(2) to ensure that the alien makes appearances related to such detention; and

(3) to authorize and promote the utilization of alternatives to detention of asylum seekers.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the nationwide implementation of the Program.

(2) UTILIZATION OF ALTERNATIVES.—The Program shall utilize a continuum of alternatives based on the alien's need for supervision, which may include placement of the alien—

(A) with an individual or organizational sponsor; or

(B) in a supervised group home.

(3) PROGRAM ELEMENTS.—The Program shall include—

(A) individualized case management by an assigned case supervisor; and

(B) referral to community-based providers of legal and social services.

(4) RESTRICTIVE ELECTRONIC MONITORING.—

(A) IN GENERAL.—Restrictive electronic monitoring devices, such as ankle bracelets, may not be used unless there is a demonstrated need for such enhanced monitoring.

(B) PERIODIC REVIEW.—The Secretary shall periodically review any decision to require the use of devices described in subparagraph (A).

(5) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Asylum seekers shall be eligible to participate in the Program.

(B) PROGRAM DESIGN.—The Program shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(6) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the Program.

(7) OTHER CONSIDERATIONS.—In designing the Program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute of Justice.

SEC. 10. CONDITIONS OF DETENTION.

(a) RULEMAKING.—The Secretary shall promulgate regulations that—

(1) authorize and promote the utilization of alternatives to detention of asylum seekers;

(2) establish the conditions for detention of asylum seekers that ensure a safe and humane environment; and

(3) include the rights and procedures set forth in subsections (c) through (h).

(b) DEFINITIONS.—In this section:

(1) DETAINEE.—The term ''detainee'' means an individual who is detained under the authority of United States Immigration and Customs Enforcement.

(2) DETENTION FACILITY.—The term ''detention facility'' means any Federal, State, local government facility, or privately owned and operated facility, which is being used to hold detainees longer than 72 hours.

(3) SHORT-TERM DETENTION FACILITY.—The term ''short-term detention facility'' means any Federal, State, local government, or privately owned and operated facility that is used to hold immigration detainees for not more than 72 hours.

(4) GROUP LEGAL ORIENTATION PRESENTATIONS.—The term ''group legal orientation presentations'' means live group presentations, supplemented by individual orientations, pro se workshops, and pro bono referrals, that—

(A) are carried out by private nongovernmental organizations;

(B) are presented to detainees;

(C) inform detainees about United States immigration law and procedures; and

(D) enable detainees to determine their eligibility for relief.

(c) ACCESS TO LEGAL SERVICES.—

(1) LISTS OF LEGAL SERVICE PROVIDERS.—All detainees arriving at a detention facility shall promptly receive—

(A) access to legal information, including an on-site law library with up-to-date legal materials and law databases;

(B) free access to the necessary equipment and materials for legal research and correspondence, such as computers, printers, copiers, and typewriters;

(C) an accurate, updated list of free or low-cost immigration legal service providers that—

(i) are near such detention facility; and

(ii) can assist those with limited English proficiency or disabilities;

(D) confidential meeting space to confer with legal counsel; and

(E) services to send confidential legal documents to legal counsel, government offices, and legal organizations.

(2) GROUP LEGAL ORIENTATION PRESENTATIONS.—

(A) ESTABLISHMENT OF A NATIONAL LEGAL ORIENTATION SUPPORT AND TRAINING CENTER.—The Attorney General, in consultation

with the Secretary, shall establish a National Legal Orientation Support and Training Center (referred to in this subsection as the ''Center'') to ensure quality and consistent implementation of group legal orientation programs nationwide.

(B) DUTIES.—The Center shall—

(i) offer training to nonprofit agencies that will offer group legal orientation programs;

(ii) consult with nonprofit agencies offering group legal orientation programs regarding program development and substantive legal issues; and

(iii) develop standards for group legal orientation programs.

(C) PROCEDURES.—The Secretary shall establish procedures for regularly scheduled, group legal orientation presentations.

(3) GRANTS AUTHORIZED.—The Attorney General shall establish a program to award grants to nongovernmental agencies to develop, implement, or expand legal orientation programs for all detainees at a detention facility that offers such programs.

(4) NOTIFICATION REQUIREMENT.—The Secretary shall establish procedures to promptly notify detainees at a detention facility, orally and in writing in a language that the detainee claims to understand, of—

(A) their available release options; and

(B) the procedures for requesting such options.

(d) VISITS.—

(1) LEGAL REPRESENTATION.—Detainees in detention facilities have the right to meet privately with current or prospective legal representatives, interpreters, and other legal support staff for at least 8 hours per day on regular business days and 4 hours per day on weekends and holidays, subject to appropriate security procedures. Legal visits may only be restricted for narrowly defined exceptional circumstances, such as a natural disaster or comparable emergency.

(2) PRO BONO ORGANIZATIONS.—Detention facilities shall prominently post, in detainee housing units and other appropriate areas, official lists of pro bono legal organizations and their contact information. The Secretary shall update such lists semiannually.

(3) RELIGIOUS, CULTURAL, AND SPIRITUAL VISITORS.—Detainees have the right to reasonable access to religious or other qualified individuals to address religious, cultural, and spiritual considerations.

(4) CHILDREN.—Detainees have the right to regular, private contact visits with their children (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(e) QUALITY OF MEDICAL CARE.—

(1) RIGHT TO MEDICAL CARE.—Each detainee has the right to—

(A) prompt and adequate medical care, designed to ensure continuity of care, at no cost to the detainee;

(B) care to address medical needs that existed prior to detention; and

(C) primary care, emergency care, chronic care, reproductive health care, prenatal care, dental care, eye care, mental health care, and other medically necessary specialized care.

(2) SCREENINGS AND EXAMINATIONS.—Each detainee shall receive—

(A) a comprehensive medical, dental, and mental health intake screening, including screening for sexual abuse or assault, conducted by a licensed health care professional upon arrival at a detention facility or short-term detention facility; and

(B) a comprehensive medical and mental health examination by a licensed health care professional not later than 14 days after the detainee's arrival at a detention facility.

(3) MEDICATIONS AND TREATMENT.—

(A) PRESCRIPTIONS.—Each detainee taking prescribed medications prior to detention shall be allowed to continue taking such medications, on schedule and without interruption, until a licensed health care professional examines the immigration detainee and decides upon an alternative course of treatment. Detainees who arrive at a detention facility without prescription medications and report being on specific prescription medications shall be evaluated by a qualified health care professional not later than 24 hours after such arrival. All decisions to discontinue or modify a detainee's reported prescription medication regimen shall be conveyed to the detainee in a language that the detainee understands and recorded in writing in the detainee's medical records.

(B) PSYCHOTROPIC MEDICATION.—Medication may not be forcibly administered to a detainee to facilitate transport, removal, or otherwise to control the detainee's behavior. Involuntary psychotropic medication may only be used, to the extent authorized by applicable law, in emergency situations after a physician has personally examined the detainee and determined that—

(i) the detainee is imminently dangerous to self or others due to a mental illness; and

(ii) involuntary psychotropic medication is medically appropriate to treat the mental illness and necessary to prevent harm.

(C) TREATMENT.—Each detainee shall be provided medically necessary treatment, including prenatal care, prenatal vitamins, hormonal therapies, and birth control. Female detainees shall be provided with adequate access to sanitary products.

(4) MEDICAL CARE DECISIONS.—Any decision regarding requested medical care for a detainee—

(A) shall be made in writing by an on-site licensed health care professional not later than 72 hours after such medical care is requested; and

(B) shall be immediately communicated to the detainee.

(5) ADMINISTRATIVE APPEALS PROCESS.—

(A) IN GENERAL.—The operators of detention facilities, in conjunction with the Department of Homeland Security, shall ensure that detainees, medical providers, and legal representatives are provided the opportunity to appeal a denial of requested health care services by an on-site provider to an independent appeals board.

(B) APPEALS BOARD.—The appeals board shall include health care professionals in the fields relevant to the request for medical or mental health care.

(C) DECISION.—Not later than 7 days after an appeal is received by the appeals board under this paragraph, or earlier if medically necessary, the appeals board shall—

(i) issue a written decision regarding the appeal; and

(ii) notify the detention facility and the appellee, orally and in a writing in a language the appellee claims to understand, of such decision.

(6) REVIEW OF ON-SITE MEDICAL PROVIDER REQUESTS.—

(A) IN GENERAL.—The Secretary shall respond within 72 hours to any request by an on-site medical provider for authorization to provide medical or mental health care to a detainee.

(B) WRITTEN EXPLANATION.—If the Secretary denies or fails to grant a request described in subparagraph (A), the Secretary shall immediately provide a written explanation of the reasons for such decision to the on-site medical provider and the detainee.

(C) APPEALS BOARD.—The on-site medical provider and the detainee (or the detainee's legal representative) shall be permitted to appeal the denial of, or failure to grant, a request described in subparagraph (A) to an independent appeals board.

(D) DECISION.—Not later than 7 days after an appeal is received by the appeals board under this paragraph, or earlier if medically necessary, the appeals board shall—

(i) issue a written decision regarding the appeal;

(ii) notify the detainee of such decision, orally and in a writing in a language the detainee claims to understand; and

(iii) notify the on-site medical provider and the detention facility of such decision.

(7) CONDITIONAL RELEASE.—

(A) IN GENERAL.—If a licensed health care professional determines that a detainee has a medical or mental health care condition, is pregnant, or is a nursing mother, the Secretary shall consider releasing the detainee on parole, on bond, or into a secure alternatives program.

(B) REEVALUATION.—If a detainee described in subparagraph (A) is not initially released under this paragraph, the Secretary shall periodically reevaluate the situation of the detainee to determine if such a release would be appropriate.

(C) DISCHARGE PLANNING.—Upon removal or release, all detainees with serious medical or mental health conditions and women who are pregnant shall receive discharge planning to ensure continuity of care for a reasonable period of time.

(8) MEDICAL RECORDS.—

(A) IN GENERAL.—The Secretary shall—

(i) maintain complete, confidential medical records for each detainee and make such records available to the detainee, or to individuals authorized by the detainee, not later than 72 hours after receiving a request for such records.

(B) TRANSFER OF MEDICAL RECORDS.—Immediately upon a detainee's transfer between detention facilities, the detainee's complete medical records, including any transfer summary, shall be provided to the receiving detention facility.

(f) TRANSFER OF DETAINEES.—

(1) NOTICE.—Absent exigent circumstances, such as a natural disaster or comparable emergency, the Secretary shall provide written notice to any detainee, orally and in a writing in a language the detainee claims to understand, not less than 72 hours before transferring such detainee to another detention facility. Not later than 24 hours after such transfer, the Secretary shall notify the detainee's legal representative, or other person designated by the detainee of the transfer, by telephone and in writing.

(2) PROCEDURES.—Absent exigent circumstances, such as a natural disaster or comparable emergency, the Secretary may not transfer a detainee to another detention facility if such transfer would—

(A) impair an existing attorney-client relationship;

(B) prejudice the rights of the detainee in any legal proceeding, including any Federal, State, or administrative proceeding; or

(C) negatively affect the detainee's health, including by interrupting the continuity of medical care or provision of prescription medication.

(g) ACCESS TO TELEPHONES.—

(1) IN GENERAL.—Not later than 6 hours after the commencement of a detention of a detainee, the detainee shall be provided reasonable access to a telephone, with at least 1 working telephone available for every 25 detainees.

(2) CONTACTS.—Each detainee has the right to contact by telephone, free of charge—

(A) legal representatives;

(B) nongovernmental organizations designated by the Secretary;

(C) consular officials;

(D) the United Nations High Commissioner for Refugees;

(E) Federal and State courts in which the detainee is, or may become, involved in a legal proceeding; and

(F) all government immigration agencies and adjudicatory bodies, including the Office of the Inspector General of the Department of Homeland Security and the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, through confidential toll-free numbers.

(3) EMERGENCIES.—Each detainee subject to expedited removal or who is experiencing a personal or family emergency, including the need to arrange care for dependents, shall be allowed to make confidential calls at no charge.

(4) PRIVACY.—Each detainee has the right to hold private telephone conversations for the purpose of obtaining legal representation or related to legal matters.

(5) RATES.—The Secretary shall ensure that rates charged in detention facilities for telephone calls are reasonable and do not significantly impair the detainee's right to make telephone calls.

(h) PHYSICAL AND SEXUAL ABUSE.—

(1) IN GENERAL.—No detainee, whether in a detention facility or short-term detention facility, shall be subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) PREVENTION.—The operators of detention facilities shall take all necessary measures—

(A) to prevent sexual abuse and sexual assaults of detainees;

(B) to provide medical and mental health treatment to victims of sexual abuse and sexual assaults; and

(C) to comply fully with the national standards for the detection, prevention, reduction, and punishment of prison rape adopted pursuant to section 8(a) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607(a)).

(i) LIMITATIONS ON SOLITARY CONFINEMENT, SHACKLING, AND STRIP SEARCHES.—

(1) EXTRAORDINARY CIRCUMSTANCES.—Solitary confinement, shackling, and strip searches of detainees—

(A) may not be used unless such techniques are necessitated by extraordinary circumstances in which the safety of other persons is at imminent risk; and

(B) may not be used for the purpose of humiliating detainees either within or outside the detention facility.

(2) PROTECTED CLASSES.—Solitary confinement, shackling, and strip searches may not be used on pregnant women, nursing mothers, women in labor or delivery, or children who are younger than 18 years of age. Strip searches may not be conducted in the presence of children who are younger than 21 years of age.

(3) WRITTEN POLICIES.—Detention facilities shall—

(A) adopt written policies pertaining to the use of force and restraints; and

(B) train all staff on the proper use of such techniques and devices.

(j) LOCATION OF DETENTION FACILITIES.—

(1) NEW FACILITIES.—All detention facilities first used by the Department of Homeland Security after the date of the enactment of this Act shall be located within 50 miles of a community in which there is a demonstrated capacity to provide free or low-cost legal representation by—

(A) nonprofit legal aid organizations; or

(B) pro bono attorneys with expertise in asylum or immigration law.

(2) EXISTING FACILITIES.—Not later than January 1, 2014, all detention facilities used by the Department of Homeland Security shall meet the location requirement described in paragraph (1).

(3) REPORT.—If the Secretary fails to comply with the requirement under paragraph (2) by January 1, 2014, the Secretary shall submit a report to Congress on such date, and annually thereafter, that—

(A) explains the reasons for such failure; and

(B) describes the specific plans of the Secretary to meet such requirement.

(k) TRANSLATION CAPABILITIES.—The operators of detention facilities and short-term detention facilities shall—

(1) employ staff who are professionally qualified in any language spoken by more than 10 percent of its detainee population;

(2) arrange for alternative translation services, as needed, in the exceptional circumstances when trained bilingual staff members are unavailable to translate; and

(3) provide notices and written materials to detainees in the native language of such detainees if such language is spoken by more than 5 percent of the detainees in the facility.

(l) RECREATIONAL PROGRAMS AND ACTIVITIES.—Detainees shall be provided with access to at least 1 hour of indoor and outdoor recreational programs and activities each day.

(m) TRAINING OF PERSONNEL.—All personnel at detention facilities and short-term detention facilities shall be given comprehensive, specialized training and regular, periodic updates, including—

(1) an overview of immigration detention and all detention standards;

(2) the characteristics of the noncitizen detainee population, including the special needs of vulnerable populations among detainees and cultural, gender, gender identity, and sexual orientation issues; and

(3) the due process and grievance procedures to protect the rights of detainees.

(n) TRANSPORTATION.—The Secretary shall ensure that—

(1) each detainee is safely transported, which shall include the appropriate use of safety harnesses and occupancy limitations of vehicles; and

(2) female officers are responsible and at all times present during the transfer and transport of female detainees who are in the custody of the Department of Homeland Security.

(o) VULNERABLE POPULATIONS.—Detention facility conditions and minimum requirements for detention facilities shall recognize and accommodate the unique needs of vulnerable detainees, including—

(1) families with children;

(2) asylum seekers;

(3) victims of abuse, torture, or trafficking;

(4) individuals who are older than 65 years of age;

(5) pregnant women; and

(6) nursing mothers.

(p) CHILDREN.—The Secretary shall ensure that unaccompanied alien children are—

(1) physically separated from any adult who is not an immediate family member; and

(2) separated by sight and sound from—

(A) immigration detainees and inmates with criminal convictions;

(B) pretrial inmates facing criminal prosecution;

(C) children who have been adjudicated delinquents or convicted of adult offenses or are pending delinquency or criminal proceedings; and

(D) inmates exhibiting violent behavior while in detention.

(q) SHORT-TERM FACILITY REQUIREMENTS.—

(1) ACCESS TO BASIC NEEDS, PEOPLE, AND PROPERTY.—

(A) BASIC NEEDS.—All detainees in short-term detention facilities shall receive—

(i) potable water;

(ii) food, if detained for more than 5 hours;

(iii) basic toiletries, diapers, sanitary products, and blankets; and

(iv) access to bathroom facilities.

(B) PEOPLE.—The Secretary shall provide consular officials with access to detainees held at any short-term detention facility. Detainees shall be afforded reasonable access to a licensed health care professional. The Secretary shall ensure that nursing mothers in such facilities have access to their children.

(C) PROPERTY.—Any property belonging to a detainee that was confiscated by an official of the Department of Homeland Security shall be returned to the detainee upon repatriation or transfer.

(2) PROTECTIONS FOR CHILDREN.—

(A) QUALIFIED STAFF.—The Secretary shall ensure that adequately trained and qualified staff are stationed at each major port of entry at which, during the 2 most recent fiscal years, an average of at least 50 unaccompanied alien children have been held per year by United States Customs and Border Protection. Such staff shall include—

(i) independent licensed social workers dedicated to ensuring the proper temporary care for the children while in the custody of United States Customs and Border Protection; and

(ii) agents charged primarily with the safe, swift, and humane transportation of such children to the custody of the Office of Refugee Resettlement.

(B) SPECIFIC RIGHTS.—The social workers described in subparagraph (A)(i) shall ensure that each unaccompanied alien child—

(i) receives emergency medical care;

(ii) receives mental health care in case of trauma;

(iii) has access to psychosocial health services;

(iv) is provided with—

(I) a pillow, linens, and sufficient blankets to rest at a comfortable temperature; and

(II) a bed and mattress placed in an area specifically designated for residential use;

(v) receives adequate nutrition;

(vi) enjoys a safe and sanitary living environment;

(vii) receives educational materials; and

(viii) has access to at least 3 hours of indoor and outdoor recreational programs and activities per day.

(3) CONFIDENTIALITY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall maintain the privacy and confidentiality of all information gathered in the course of providing care, custody, placement, and follow-up services to unaccompanied alien children, consistent with the best interest of such children, by not disclosing such information to other government agencies or nonparental third parties, except as provided under paragraph (2).

(B) LIMITED DISCLOSURE OF INFORMATION.—The Secretary may disclose information regarding an unaccompanied alien child only if—

(i) the child authorizes such disclosure and it is consistent with the child's best interest; or

(ii) the disclosure is to a duly recognized law enforcement entity and is necessary to prevent imminent and serious harm to another individual.

(C) WRITTEN RECORD.—All disclosures under paragraph (2) shall be duly recorded in writing and placed in the child's file.

SEC. 11. TIMELY NOTICE OF IMMIGRATION CHARGES.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) NOTICE AND CHARGES.—Not later than 48 hours after the commencement of a detention of an individual under this section, the Secretary of Homeland Security shall—

''(1) file a Notice to Appear or other relevant charging document with the immigration court closest to the location at which the individual was apprehended; and

''(2) serve such notice or charging document on the individual.''.

SEC. 12. PROCEDURES FOR ENSURING ACCURACY AND VERIFIABILITY OF SWORN STATEMENTS TAKEN PURSUANT TO EXPEDITED REMOVAL AUTHORITY.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) RECORDING OF INTERVIEWS.—

(1) IN GENERAL.—Any sworn or signed written statement taken from an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act shall be accompanied by a recording of the interview which served as the basis for such sworn statement.

(2) CONTENT.—The recording shall include—

(A) a reading of the entire written statement to the alien in a language that the alien claims to understand; and

(B) the verbal affirmation by the alien of the accuracy of—

(i) the written statement; or

(ii) a corrected version of the written statement.

(3) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(4) EVIDENCE.—Recordings of interviews under this subsection may be considered as evidence in any further proceedings involving the alien.

(c) EXEMPTION AUTHORITY.—

(1) EXEMPTED FACILITIES.—Subsection (b) shall not apply to interviews that occur at detention facilities exempted by the Secretary under this subsection.

(2) CRITERIA.—The Secretary, or the Secretary's designee, may exempt any detention facility if compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary shall annually submit a report to Congress that identifies the facilities that have been exempted under this subsection.

(4) NO PRIVATE CAUSE OF ACTION.—Nothing in this subsection may be construed to create a private cause of action for damages or injunctive relief.

(d) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used if—

(1) the interviewing officer does not speak a language understood by the alien; and

(2) there is no other Federal Government employee available who is able to interpret effectively, accurately, and impartially.

SEC. 13. STUDY ON THE EFFECT OF EXPEDITED REMOVAL PROVISIONS, PRACTICES, AND PROCEDURES ON ASYLUM CLAIMS.

(a) STUDY.—

(1) IN GENERAL.—The United States Commission on International Religious Freedom (referred to in this section as the ''Commission'') is authorized to conduct a study to determine whether immigration officers described in paragraph (2) are engaging in conduct described in paragraph (3).

(2) IMMIGRATION OFFICERS DESCRIBED.—An immigration officer described in this paragraph is an immigration officer performing duties under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) with respect to aliens who—

(A) are apprehended after entering the United States; and

(B) may be eligible to apply for asylum under section 208 or 235 of such Act.

(3) CONDUCT DESCRIBED.—An immigration officer engages in conduct described in this paragraph if the immigration officer—

(A) improperly encourages an alien referred to in paragraph (2) to withdraw or retract claims for asylum;

(B) incorrectly fails to refer such an alien for an interview by an asylum officer to determine whether the alien has a credible fear of persecution (as defined in section 235(b)(1)(B)(v) of such Act (8 U.S.C. 1225(b)(1)(B)(v)));

(C) incorrectly removes such an alien to a country in which the alien may be persecuted; or

(D) detains such an alien improperly or under inappropriate conditions.

(b) REPORT.—Not later than 2 years after the date on which the Commission initiates the study under subsection (a), the Commission shall submit a report containing the results of the study to—

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

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

(3) the Committee on Foreign Relations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Foreign Affairs of the House of Representatives.

(c) STAFF.—

(1) FROM OTHER AGENCIES.—

(A) IDENTIFICATION.—The Commission may identify employees of the Department of Homeland Security, the Department of Justice, and the Government Accountability Office that have significant expertise and knowledge of refugee and asylum issues.

(B) DESIGNATION.—At the request of the Commission, the Secretary, the Attorney General, and the Comptroller General of the United States shall authorize staff identified under subparagraph (A) to assist the Commission in conducting the study under subsection (a).

(2) ADDITIONAL STAFF.—The Commission may hire additional staff and consultants to conduct the study under subsection (a).

(3) ACCESS TO PROCEEDINGS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary and the Attorney General shall provide staff designated under paragraph (1) or hired under paragraph (2) with unrestricted access to all stages of all proceedings conducted under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(B) EXCEPTIONS.—The Secretary and the Attorney General may not permit unrestricted access under subparagraph (A) if—

(i) the alien subject to a proceeding under such section 235(b) objects to such access; or

(ii) the Secretary or Attorney General determines that the security of a particular proceeding would be threatened by such access.

SEC. 14. LAWFUL PERMANENT RESIDENT STATUS OF REFUGEES AND ASYLUM SEEKERS GRANTED ASYLUM.

(a) ADMISSION OF EMERGENCY SITUATION REFUGEES.—Section 207(c) of the Immigration and Nationality Act (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' the first time it appears and inserting ''Secretary of Homeland Security'';

(B) by striking ''Attorney General'' each additional place it appears and inserting ''Secretary''; and

(C) by striking ''(except as otherwise provided under paragraph (3)) as an immigrant under this Act.'' and inserting ''(except as provided under subsection (b) and (c) of section 209) as an immigrant under this Act. Notwithstanding any numerical limitations specified in this Act, any alien admitted under this paragraph shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's admission to the United States.'';

(2) in paragraph (2)(A)—

(A) by striking ''(except as otherwise provided under paragraph (3))'' and inserting ''(except as provided under subsection (b) and (c) of section 209)'';

(B) by striking the last sentence and inserting the following: ''An alien admitted to the United States as a refugee may petition for his or her spouse or child to follow to join him or her in the United States at any time after such alien's admission, notwithstanding his or her treatment as a lawful permanent resident as of the date of his or her admission to the United States.'';

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3), as redesignated—

(A) by striking ''Attorney General'' the first time it appears and inserting ''Secretary of Homeland Security''; and

(B) by striking ''Attorney General'' each additional place it appears and inserting ''Secretary''; and

(b) TREATMENT OF SPOUSE AND CHILDREN.—Section 208(b)(3) of such Act (8 U.S.C. 1158(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E); and

(2) by inserting after subparagraph (A) the following:

''(B) PETITION.—An alien granted asylum under this subsection may petition for the same status to be conferred on his or her spouse or child at any time after such alien is granted asylum whether or not such alien has applied for, or been granted, adjustment to permanent resident status under section 209.

''(C) PERMANENT RESIDENT STATUS.—Notwithstanding any numerical limitations specified in this Act, a spouse or child admitted to the United States as an asylee following to join a spouse or parent previously granted asylum shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such spouse's or child's admission to the United States.

''(D) APPLICATION FOR ADJUSTMENT OF STATUS.—A spouse or child who was not admitted to the United States pursuant to a grant of asylum, but who was granted asylum under this subparagraph after his or her arrival as the spouse or child of an alien granted asylum under section 208, may apply for adjustment of status to that of lawful permanent resident under section 209 at any time after being granted asylum.''.

(c) REFUGEES.—

(1) IN GENERAL.—Section 209 of such Act (8 U.S.C. 1159) is amended to read as follows:

''SEC. 209. TREATMENT OF ALIENS ADMITTED AS REFUGEES AND OF ALIENS GRANTED ASYLUM.

''(a) IN GENERAL.—

''(1) TREATMENT OF REFUGEES.—Notwithstanding any numerical limitations specified in this Act, any alien who has been admitted to the United States under section 207 shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such admission.

''(2) TREATMENT OF SPOUSE AND CHILDREN.—Notwithstanding any numerical limitations specified in this Act, any alien admitted to the United States under section 208(b)(3) as the spouse or child of an alien granted asylum under section 208(b)(1) shall be regarded as lawfully admitted to the United States for

permanent residence as of the date of such admission.

''(3) ADJUSTMENT OF STATUS.—The Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney General, and under such regulations as the Secretary or the Attorney General may prescribe, may adjust, to the status of an alien lawfully admitted to the United States for permanent residence, the status of any alien who, while in the United States—

''(A) is granted—

''(i) asylum under section 208(b) (as a principal alien or as the spouse or child of an alien granted asylum); or

''(ii) refugee status under section 207 as the spouse or child of a refugee;

''(B) applies for such adjustment of status at any time after being granted asylum or refugee status;

''(C) is not firmly resettled in any foreign country; and

''(D) is admissible (except as otherwise provided under subsections (b) and (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

''(4) RECORD.—Upon approval of an application under this subsection, the Secretary of Homeland Security or the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date such alien was granted asylum or refugee status.

''(5) DOCUMENT ISSUANCE.—An alien who has been admitted to the United States under section 207 or 208 or who adjusts to the status of a lawful permanent resident as a refugee or asylee under this section shall be issued documentation indicating that such alien is a lawful permanent resident pursuant to a grant of refugee or asylum status.

''(b) INAPPLICABILITY OF CERTAIN INADMISSIBILITY GROUNDS TO REFUGEES, ALIENS GRANTED ASYLUM, AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—Paragraphs (4), (5), and (7)(A) of section 212(a) shall not apply to—

''(1) any refugee under section 207;

''(2) any alien granted asylum under section 208; or

''(3) any alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status.

''(c) WAIVER OF INADMISSIBILITY OR DEPORTABILITY FOR REFUGEES, ALIENS GRANTED ASYLUM, AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Homeland Security or the Attorney General may waive any ground of inadmissibility under section 212 or any ground of deportability under section 237 for a refugee admitted under section 207, an alien granted asylum under section 208, or an alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status if the Secretary or the Attorney General determines that such waiver is justified by humanitarian purposes, to ensure family unity, or is otherwise in the public interest.

''(2) INELIGIBILITY.—A refugee under section 207, an alien granted asylum under section 208, or an alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status shall be ineligible for a waiver under paragraph (1) if it has been established that the alien is—

''(A) inadmissible under section 212(a)(2)(C) or subparagraph (A), (B), (C), or (E) of section 212(a)(3);

''(B) deportable under section 237(a)(2)(A)(iii) for an offense described in section 101(a)(43)(B); or

''(C) deportable under subparagraph (A), (B), (C), or (D) of section 237(a)(4).''.

(d) TECHNICAL AMENDMENTS.—

(1) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)(B)) is amended to read as follows:

''(B) Aliens who are admitted to the United States as permanent residents under section 207 or 208 or whose status is adjusted under section 209.''.

(2) TRAINING.—Section 207(f)(1) of such Act (8 U.S.C. 1157(f)(1)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(3) TABLE OF CONTENTS.—The table of contents for such Act is amended by striking the item relating to section 209 and inserting the following:

''Sec. 209. Treatment of aliens admitted as refugees and of aliens granted asylum.''.

(e) SAVINGS PROVISIONS.—

(1) IN GENERAL.—Nothing in the amendments made by this section may be construed to limit access to the benefits described at chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.).

(2) CLARIFICATION.—Aliens admitted for lawful permanent residence under section 207 or 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158) or who adjust status to lawful permanent resident under section 209 of such Act (8 U.S.C. 1159) shall be considered to be refugees and aliens granted asylum in accordance with sections 402, 403, 412, and 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612, 1613, 1622, and 1641).

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall become effective on the earlier of—

(1) the date that is 180 days after the date of the enactment of this Act; or

(2) the date on which a final rule is promulgated to implement this section.

SEC. 15. PROTECTIONS FOR MINORS SEEKING ASYLUM.

(a) IN GENERAL.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2), as amended by section 3, by adding at the end the following:

''(D) APPLICABILITY TO MINORS.—Subparagraphs (A), (B), and (C) do not apply to an applicant who is younger than 18 years of age on the earlier of—

''(i) the date on which the asylum application is filed; or

''(ii) the date on which any Notice to Appear is issued.''; and

(2) in subsection (b)(3), as amended by section 14(b), by adding at the end the following:

''(F) JURISDICTION.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application filed by an applicant who is younger than 18 years of age on the earlier of—

''(i) the date on which the asylum application is filed; or

''(ii) the date on which any Notice to Appear is issued.''.

(b) REINSTATEMENT OF REMOVAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) in paragraph (5), by striking ''If the Attorney General'' and inserting ''Except as provided in paragraph (8), if the Secretary of Homeland Security''; and

(2) by adding at the end of the following:

''(8) APPLICABILITY OF REINSTATEMENT OF REMOVAL.—Paragraph (5) shall not apply to an alien who has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, if the alien was younger than 18 years of age on the date on which the alien was removed or departed voluntarily under an order of removal.''.

SEC. 16. MULTIPLE FORMS OF RELIEF.

(a) IN GENERAL.—Applicants for admission as refugees may simultaneously pursue admission under any visa category for which such applicants may be eligible.

(b) ASYLUM APPLICANTS WHO BECOME ELIGIBLE FOR DIVERSITY VISAS.—Section 204(a)(1)(I) (8 U.S.C. 1154(a)(1)(I)) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)) is amended by adding at the end the following:

''(iv)(I) An asylum seeker in the United States who is notified that he or she is eligible for an immigrant visa pursuant to section 203(c) may file a petition with the district director that has jurisdiction over the district in which the asylum seeker resides (or, in the case of an asylum seeker who is or was in removal proceedings, the immigration court in which the removal proceeding is pending or was adjudicated) to adjust status to that of a permanent resident.

''(II) A petition under subclause (I) shall be filed not later than 30 days before the end of the fiscal year for which the petitioner received notice of eligibility for the visa and shall contain such information and be supported by such documentary evidence as the Secretary of State may require.

''(III) The district director or immigration court shall attempt to adjudicate each petition under this clause before the last day of the fiscal year for which the petitioner was selected. Notwithstanding clause (ii)(II), if the district director or immigration court is unable to complete such adjudication during such fiscal year, the adjudication and adjustment of the petitioner's status may take place after the end of such fiscal year.''.

SEC. 17. PROTECTION OF REFUGEE FAMILIES.

(a) CHILDREN OF REFUGEE OR ASYLEE SPOUSES AND CHILDREN.—A child of an alien who qualifies for admission as a spouse or child under section 207(c)(2)(A) or 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A) and 1158(b)(3)) shall be entitled to the same admission status as such alien if the child—

(1) is accompanying or following to join such alien; and

(2) is otherwise admissible under such section 207(c)(2)(A) or 208(b)(3).

(b) SEPARATED CHILDREN.—A child younger than 18 years of age who has been separated from the birth or adoptive parents of such child and is living under the care of an alien who has been approved for admission to the United States as a refugee shall be admitted as a refugee if—

(1) it is in the best interest of such child to be placed with such alien in the United States; and

(2) such child is otherwise admissible under section 207(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(3)).

(c) ELIMINATION OF TIME LIMITS ON REUNIFICATION OF REFUGEE AND ASYLEE FAMILIES.—

(1) EMERGENCY SITUATION REFUGEES.—Section 207(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A)) is amended by striking ''A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E))'' and inserting, ''Regardless of when such refugee was admitted to the United States, a spouse or child (other than a child described in section 101(b)(1)(F))''.

(2) ASYLUM.—Section 208(b)(3)(A) of such Act (8 U.S.C. 1158(b)(3)(A)) is amended to read as follows:

''(A) IN GENERAL.—A spouse or child (other than a child described in section 101(b)(1)(F)) of an alien who was granted asylum under this subsection at any time may, if not otherwise eligible for asylum under this section,

be granted the same status as the alien if accompanying or following to join such alien.''.

(d) TIMELY ADJUDICATION OF REFUGEE AND ASYLEE FAMILY REUNIFICATION PETITIONS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 207(c)(2), as amended by subsection (c), by adding at the end the following:

''(D) The Secretary shall ensure that the application of an alien who is following to join a refugee who qualifies for admission under paragraph (1) is adjudicated not later than 90 days after the submission of such application.''; and

(2) in section 208(b)(3), by adding at the end the following:

''(G) TIMELY ADJUDICATION.—The Secretary shall ensure that the application of each alien described in subparagraph (A) who applies to follow an alien granted asylum under this subsection is adjudicated not later than 90 days after the submission of such application.''.

SEC. 18. REFORM OF REFUGEE CONSULTATION PROCESS AND REFUGEE PROCESSING.

Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a), by adding at the end the following:

''(5) All officers of the Federal Government responsible for refugee admissions or refugee resettlement shall treat the determinations made under this subsection and subsection (b) as the refugee admissions goal for the fiscal year.'';

(2) in subsection (d), by adding at the end the following:

''(4) Not later than 15 days after the last day of each calendar quarter, the President shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) the number of refugees who were admitted during the previous quarter;

''(B) the percentage of those arrivals against the refugee admissions goal for such quarter;

''(C) the cumulative number of refugees who were admitted during the fiscal year as of the end of such quarter;

''(D) the number of refugees to be admitted during the remainder of the fiscal year in order to meet the refugee admissions goal for the fiscal year; and

''(E) a plan that describes the procedural or personnel changes necessary to achieve the refugee admissions goal for the fiscal year.''; and

(3) in subsection (e)—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in the matter preceding subparagraph (A), as redesignated—

(i) by inserting ''(1)'' after ''(e)''; and

(ii) by inserting '', which shall be commenced not later than May 1 of each year and continue periodically throughout the remainder of the year, if necessary,'' after ''discussions in person'';

(C) by striking ''To the extent possible,'' and inserting the following:

''(2) To the extent possible''; and

(D) by adding at the end the following:

''(3)(A) The plans referred to in paragraph (1)(C) shall include estimates of—

''(i) the number of refugees the President expects to have ready to travel to the United States at the beginning of the fiscal year;

''(ii) the number of refugees and the stipulated populations the President expects to admit to the United States in each quarter of the fiscal year; and

''(iii) the number of refugees the President expects to have ready to travel to the United States at the end of the fiscal year.

''(B) The Secretary of Homeland Security shall ensure that an adequate number of refugees are processed during the fiscal year to fulfill the refugee admissions goals under subsections (a) and (b).''.

SEC. 19. ADMISSION OF REFUGEES IN THE ABSENCE OF THE ANNUAL PRESIDENTIAL DETERMINATION.

Section 207(a) of the Immigration and Nationality Act (8 U.S.C. 1157(a)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

(3) in paragraph (1), as redesignated—

(A) by striking ''after fiscal year 1982''; and

(B) by adding at the end the following: ''If the President does not issue a determination under this paragraph before the beginning of a fiscal year, the number of refugees that may be admitted under this section in each quarter before the issuance of such determination shall be 25 percent of the number of refugees admissible under this section during the previous fiscal year.''; and

(4) in paragraph (3), as redesignated, by striking ''(beginning with fiscal year 1992)''.

SEC. 20. AUTHORITY TO DESIGNATE CERTAIN GROUPS OF REFUGEES FOR CONSIDERATION.

(a) IN GENERAL.—Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1)) is amended—

(1) by inserting ''(A)'' before ''Subject to the numerical limitations''; and

(2) by adding at the end the following:

''(B)(i) The Secretary of State, after notification to Congress, may designate specifically defined groups of aliens whose resettlement in the United States is justified by humanitarian concerns or is otherwise in the national interest and who share common characteristics that identify them as targets of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion or who otherwise have a shared need for resettlement due to vulnerabilities or a lack of local integration prospects in their country of first asylum.

''(ii) An alien who establishes membership in a group designated under clause (i) to the satisfaction of the designee of the Secretary of Homeland Security shall establish, for purposes of admission as a refugee under this section, that such alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(iii) A designation under clause (i)—

''(I) shall expire at the end of each fiscal year; and

''(II) may be extended by the Secretary of State after notification to Congress.

''(iv) An alien's admission under this subparagraph shall count against the refugee admissions goal under subsection (a).

''(v) A designation under clause (i) shall not influence decisions to grant, to any alien, asylum under section 208, protection under section 241(b)(3), or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 21. UPDATE OF RECEPTION AND PLACEMENT GRANTS.

Beginning with fiscal year 2012, not later than 30 days before the beginning of each fiscal year, the Secretary shall notify Congress of the amount of funds that the Secretary will provide in its Reception and Placement Grants in the coming fiscal year. In setting the amount of such grants each year, the Secretary shall ensure that—

(1) the grant amount is adjusted so that it is adequate to provide for the anticipated initial resettlement needs of refugees, including adjusting the amount for inflation and the cost of living;

(2) an amount is provided at the beginning of the fiscal year to each national resettlement agency that is sufficient to ensure adequate local and national capacity to serve the initial resettlement needs of refugees the Secretary anticipates the agency will resettle throughout the fiscal year; and

(3) additional amounts are provided to each national resettlement agency promptly upon the arrival of refugees that, exclusive of the amounts provided pursuant to paragraph (2), are sufficient to meet the anticipated initial resettlement needs of such refugees and support local and national operational costs in excess of the estimates described in paragraph (1).

SEC. 22. LEGAL ASSISTANCE FOR REFUGEES AND ASYLEES.

Section 412(c)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1)(A)) is amended—

(1) in clause (ii), by striking ''and'' at an end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

''(iii) to provide legal services for refugees to assist them in obtaining immigration benefits for which they are eligible; and''.

SEC. 23. PROTECTION FOR ALIENS INTERDICTED AT SEA.

Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended—

(1) in the paragraph heading, by striking ''TO A COUNTRY WHERE ALIEN'S LIFE OR FREEDOM WOULD BE THREATENED'' and inserting ''OR RETURN IF REFUGEE'S LIFE OR FREEDOM WOULD BE THREATENED OR ALIEN WOULD BE SUBJECTED TO TORTURE'';

(2) in subparagraph (A)—

(A) by striking ''Notwithstanding'' and inserting the following:

''(i) LIFE OR FREEDOM THREATENED.—Notwithstanding''; and

(B) by adding at the end the following:

''(ii) ASYLUM INTERVIEW.—Notwithstanding paragraphs (1) and (2), a United States officer may not return any alien interdicted or otherwise encountered in international waters or United States waters who has expressed a fear of return to his or her country of departure, origin, or last habitual residence—

''(I) until such alien has had the opportunity to be interviewed by an asylum officer to determine whether that alien has a well-founded fear of persecution because of the alien's race, religion, nationality, membership in a particular social group, or political opinion, or because the alien would be subject to torture in that country; or

''(II) if an asylum officer has determined that the alien has such a well-founded fear of persecution or would be subject to torture in his or her country of departure, origin, or last habitual residence.'';

(3) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(4) by inserting after subparagraph (A) the following:

''(B) PROTECTIONS FOR ALIENS INTERDICTED IN INTERNATIONAL OR UNITED STATES WATERS.—The Secretary of Homeland Security shall issue regulations establishing a uniform procedure applicable to all aliens interdicted in international or United States waters that—

''(i) provides each alien—

''(I) a meaningful opportunity to express, through a translator who is fluent in a language the alien claims to understand, a fear

of return to his or her country of departure, origin, or last habitual residence; and

''(II) in a confidential setting and in a language the alien claims to understand, information concerning the alien's interdiction, including the ability to inform United States officers about any fears relating to the alien's return or repatriation;

''(ii) provides each alien expressing such a fear of return or repatriation a confidential interview conducted by an asylum officer, in a language the alien claims to understand, to determine whether the alien's return to his or her country of origin or country of last habitual residence is prohibited because the alien has a well-founded fear of persecution—

''(I) because of the alien's race, religion, nationality, membership in a particular social group, or political opinion; or

''(II) because the alien would be subject to torture in that country;

''(iii) ensures that each alien can effectively communicate with United States officers through the use of a translator fluent in a language the alien claims to understand; and

''(iv) provides each alien who, according to the determination of an asylum officer, has a well-founded fear of persecution for the reasons specified in clause (ii) or would be subject to torture, an opportunity to seek protection in—

''(I) a country other than the alien's country of origin or country of last habitual residence in which the alien has family or other ties that will facilitate resettlement; or

''(II) if the alien has no such ties, a country that will best facilitate the alien's resettlement, which may include the United States.''.

SEC. 24. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES.

(a) IN GENERAL.—Chapter 1 of title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding at the end the following:

''SEC. 210A. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES.

''(a) DEFINED TERM.—

''(1) IN GENERAL.—In this section, the term 'de jure stateless person' means an individual who is not considered a national under the laws of any country.

''(2) DESIGNATION OF SPECIFIC DE JURE GROUPS.—The Secretary of Homeland Security may designate specific groups of individuals who are considered de jure stateless persons, for purposes of this section.

''(b) MECHANISMS FOR REGULARIZING THE STATUS OF STATELESS PERSONS.—

''(1) RELIEF FOR INDIVIDUALS DETERMINED TO BE DE JURE STATELESS PERSONS.—The Secretary of Homeland Security or the Attorney General may cancel removal or provide conditional lawful status to an alien who is otherwise inadmissible or deportable from the United States if the alien—

''(A) is a de jure stateless person;

''(B) applies for such relief;

''(C) is not inadmissible under paragraph (2) or (3) of section 212(a);

''(D) is not deportable under paragraph (2), (3), or (4) of section 237(a); and

''(E) is not described in section 241(b)(3)(C)(i).

''(2) WAIVERS.—

''(A) AUTOMATIC WAIVERS.—In determining an alien's eligibility for relief under paragraph (1), paragraphs (4), (5), (6)(A), (7)(A), and (9) of section 212(a) shall not apply.

''(B) APPLICATION.—An alien seeking relief under paragraph (1) may apply to the Secretary or the Attorney General for a waiver of any of the grounds set forth in subparagraph (C) and (D) of paragraph (1).

''(C) OTHER WAIVERS.—The Secretary or the Attorney General may waive any other ground of inadmissibility or deportability (except for section 241(b)(3)(C)(i)) with respect to such an applicant, including felony convictions and health conditions, if such waiver—

''(i) is justified by humanitarian purposes;

''(ii) would ensure family unity; or

''(iii) is otherwise in the public interest.

''(3) WORK AUTHORIZATION.—The Secretary may—

''(A) authorize an alien who has applied for relief under paragraph (1) to engage in employment in the United States while such application is being considered; and

''(B) provide such applicant with an employment authorized endorsement or other appropriate document signifying authorization of employment.

''(4) DEPENDENT SPOUSES AND CHILDREN.—The spouse, child, or unmarried son or daughter of an alien who has been granted conditional lawful status under paragraph (1) may apply for conditional lawful status under this section as a dependent if—

''(A) the dependent properly files an application for such status;

''(B) the dependent is physically present in the United States on the date on which such application is filed;

''(C) the dependent meets the eligibility criteria set forth in paragraph (1); and

''(D) the qualifying relationship to the principal beneficiary existed on the date on which such alien was granted conditional lawful status.

''(c) ADJUSTMENT OF STATUS.—

''(1) INSPECTION AND EXAMINATION.—At the end of the 1-year period beginning on the date on which an alien has been granted conditional lawful status under subsection (b), the alien may apply for lawful permanent residence in the United States if—

''(A) the alien has been physically present in the United States for at least 1 year;

''(B) the alien's conditional lawful status has not been terminated by the Secretary of Homeland Security or the Attorney General, pursuant to such regulations as the Secretary or the Attorney General may prescribe; and

''(C) the alien has not otherwise acquired permanent resident status.

''(2) REQUIREMENTS FOR ADJUSTMENT.—The Secretary or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, may adjust the status of an alien granted conditional lawful status under subsection (b) to that of an alien lawfully admitted for permanent residence if such alien—

''(A) is a de jure stateless person;

''(B) properly applies for such adjustment of status;

''(C) has been physically present in the United States for at least 1 year after being granted conditional lawful status under subsection (b);

''(D) is not firmly resettled in any foreign country; and

''(E) is admissible (except as otherwise provided under subsection (b)(2)) as an immigrant under this chapter at the time of examination of such alien for adjustment of status.

''(3) PROVING THE CLAIM.—In determining an alien's eligibility for adjustment of status under this subsection, the Secretary or the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary or the Attorney General.

''(4) RECORD.—Upon approval of an application under this subsection, the Secretary or the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date that is 1 year before the date of such approval.

''(d) REVIEW.—

''(1) ADMINISTRATIVE REVIEW.—The Attorney General shall provide applicants for relief under this section the same right to, and procedures for, administrative review as are provided to aliens subject to removal proceedings under section 240.

''(2) JUDICIAL REVIEW.—The United States Court of Appeals shall—

''(A) sustain a final decision denying relief under this section unless it is contrary to law, an abuse of discretion, or not supported by substantial evidence; and

''(B) decide the petition only on the administrative record on which the denial of relief is based.

''(3) MOTIONS TO REOPEN.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings, any individual who is eligible for relief under this section may file 1 motion to reopen removal or deportation proceedings in order to apply for relief under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by inserting after the item relating to section 210 the following:

''Sec. 210A. Protection of stateless persons in the United States.''.

SEC. 25. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and the amendments made by this Act.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3117. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, I am pleased to join today with my colleague from Maine, Senator SNOWE, to introduce the Promote Nanotechnology in Schools Act of 2010.

As Co-Chair of the Congressional Nanotechnology Caucus, and former Chair of the Commerce Subcommittee on Science, Technology, and Innovation, I have been involved in encouraging the development of nanotechnology for many years. Although I am gratified by the tremendous advancements that have already been achieved in nanotechnology, there are significant hurdles that could prevent the U.S. from realizing the full potential that nanotechnology holds for job creation, economic growth, and international competitiveness.

During this challenging period when the economy is faltering and the government is working to help create jobs, nanotechnology represents an opportunity to provide long-term, well-paid employment for millions of Americans. In fact, the National Nanotechnology Initiative—the Federal Government organization that coordinates nanotechnology research across all Federal agencies—estimates that the global nanotechnology workforce will require 2 million trained workers by 2015. It is estimated that only 20,000 workers are currently employed in this field.

To ensure that many of the needed jobs will be created here in the U.S., it is necessary to provide our students

with the tools that will provide the skills and knowledge that nanotechnology companies need. This is exactly what the Promote Nanotechnology in Schools Act will do.

This act directs the National Science Foundation to establish a grant program that would provide schools, community colleges, 2- and 4-year colleges and universities and other educational institutions with up to $400,000 to purchase nanotechnology education equipment and materials. Schools participating in the program would be required to provide matching funds of at least 1/4 of the amount of the grant.

In my home State, it has been very rewarding to see the technological advances and entrepreneurial success achieved by the Oregon Nanoscience and Microtechnologies Institute, ONAMI. Oregon's first signature research center, ONAMI is a public-private partnership between the State's top research universities, major corporations, and small business entrepreneurs. Working with top scientists and graduate students, and leveraging the nanotechnology equipment available at Oregon's public universities, ONAMI has provided gap funding to 18 start-up businesses, which have created at least 60 new jobs.

While Oregon has been a leader in this arena, it is certainly not alone. Nanotechnology job creation efforts are accelerating in hubs for technology development throughout the country. As Co-Chair of the Congressional Nanotechnology Caucus, I have had the opportunity to talk with innovators and entrepreneurs from nanotechnology companies working in the areas as diverse as energy management, health technology, environmental sciences, advanced computing, textile and material sciences, and many others. What I have heard in common across all of these fields is the need for qualified workers.

If high school and college students are not exposed to nanotechnology, this emerging field will not be able to reach its full potential. Without a qualified workforce that will allow nanotech companies in this country to scale-up, foreign competitors will be able to fill the vacuum in the global marketplace. With the Promote Nanotechnology in Schools Act, this country will put the resources into place that will prepare our students to meet the needs of the emerging nanotech economy.

That is why I want to thank Senator SNOWE for joining me in introducing this timely, and much-needed legislation. I also want to acknowledge the support and efforts of the nanotech companies that worked with me and other Members of Congress to help build support for this bill. Finally, I call upon my colleagues to move quickly not only to pass this legislation but also the National Nanotechnology Initiative Amendments Act reauthorization. These important bills will help advance nanotechnology in this country, and protect the U.S.'s position at the forefront of innovation and economic opportunity.

I urge all my colleagues to support innovation and promote entrepreneurial competition by cosponsoring this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 454—SUPPORTING THE GOALS OF WORLD TUBERCULOSIS DAY TO RAISE AWARENESS ABOUT TUBERCULOSIS

Mr. BROWN of Ohio submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 454

Whereas tuberculosis (TB) is the second leading global infectious disease killer behind HIV/AIDS, claiming 1,800,000 lives each year;

Whereas the global TB pandemic and spread of drug resistant TB present a persistent public health threat to the United States;

Whereas according to 2009 data from the World Health Organization, 5 percent of all new TB cases are drug resistant;

Whereas TB is the leading killer of people with HIV/AIDS;

Whereas TB is the third leading killer of adult women, and the stigma associated with TB disproportionately affects women, causing them to delay seeking care and interfering with treatment adherence;

Whereas the Institute of Medicine found that the resurgence of TB between 1980 and 1992 was caused by cuts in TB control funding and the spread of HIV/AIDS;

Whereas, although the numbers of TB cases in the United States continue to decline, progress towards TB elimination has slowed, and it is a disease that does not recognize borders;

Whereas an extensively drug resistant strain of TB, known as XDR-TB, is very difficult and expensive to treat and has high and rapid fatality rates, especially among HIV/AIDS patients;

Whereas the United States has had more than 83 cases of XDR-TB over the last decade;

Whereas the Centers for Disease Control and Prevention estimated in 2009 that it costs $483,000 to treat a single case of XDR-TB;

Whereas African-Americans are 8 times more likely to have TB than Caucasians, and significant disparities exist among other United State minorities, including Native Americans, Asian-Americans, and Hispanic-Americans;

Whereas the United States public health system has the expertise to eliminate TB, but many State TB programs have been left seriously under-resourced due to budget cuts at a time when TB cases are growing more complex to diagnose and treat;

Whereas, although drugs, diagnostics, and vaccines for TB exist, these technologies are antiquated and are increasingly inadequate for controlling the global epidemic;

Whereas the most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV/AIDS patients and in children;

Whereas current tests to detect drug resistance take at least 1 month to complete and faster drug susceptibility tests must be developed to stop the spread of drug resistant TB;

Whereas the TB vaccine, BCG, provides some protection to children, but has little or no efficacy in preventing pulmonary TB in adults;

Whereas there is also a critical need for new TB drugs that can safely be taken concurrently with antiretroviral therapy for HIV;

Whereas the Global Health Initiative commits to reducing TB prevalence by 50 percent;

Whereas enactment of the Lantos-Hyde Global Leadership Against HIV/AIDS, TB, and Malaria Act and the Comprehensive TB Elimination Act provide an historic United States commitment to the global eradication of TB, including to the successful treatment of 4,500,000 new TB patients and 90,000 new multi-drug resistant (MDR) TB cases by 2013, while providing additional treatment through coordinated multilateral efforts;

Whereas the United States Agency for International Development provides financial and technical assistance to nearly 40 highly burdened TB countries and supports the development of new diagnostic and treatment tools, and is authorized to support research to develop new vaccines to combat TB;

Whereas the Centers for Disease Control and Prevention, working in partnership with United States, States, and territories, directs the national TB elimination program and essential national TB surveillance, technical assistance, prevention activities, and supports the development of new diagnostic, treatment, and prevention tools to combat TB;

Whereas the National Institutes of Health, through its many institutes and centers, plays the leading role in basic and clinical research into the identification, treatment, and prevention of TB;

Whereas the Global Fund to Fight AIDS, Tuberculosis, and Malaria provides 63 percent of all international financing for TB programs worldwide and finances proposals worth $3,200,000,000 in 112 countries, and TB treatment for 6,000,000 people, 1,800,000 HIV/TB services, and in many countries in which the Global Fund supports programs, TB prevalence is declining, as are TB mortality rates; and

Whereas, March 24, 2010 is World Tuberculosis Day, a day that commemorates the date in 1882 when Dr. Robert Koch announced his discovery of Mycobacterium tuberculosis, the bacteria that causes tuberculosis: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of World Tuberculosis Day to raise awareness about tuberculosis;

(2) commends the progress made by anti-tuberculosis programs, including the United States Agency for International Development, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Global Fund to Fight AIDS, Tuberculosis and Malaria; and

(3) reaffirms its commitment to global tuberculosis control made through the Lantos-Hyde United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2008 (Public Law 108–25; 117 Stat. 711).

SENATE RESOLUTION 455—HONORING THE LIFE, HEROISM, AND SERVICE OF HARRIET TUBMAN

Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. SPECTER, Ms. SNOWE,