AMENDMENT NO. 55

At the request of Mr. MORAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. ENZI), the Senator from Montana (Mr. TESTER), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 55 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 72

At the request of Mr. INHOFE, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 72 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 79

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 79 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 80

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 80 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 81

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 81 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 107

At the request of Mr. FRANKEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of amendment No. 107 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

AMENDMENT NO. 111

At the request of Mr. BAUCUS, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 111 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 584. A bill for the relief of Jorge Rojas Gutierrez, Olivia Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Jorge Rojas Gutierrez, his wife, Oliva Gonzalez Gonzalez, and their son, Jorge Rojas Gonzalez, Jr. The Rojas family, originally from Mexico, is living in the San Jose area of California.

The story of the Rojas family is compelling, and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Jorge and his wife, Oliva, originally came to the United States in 1990 when their son Jorge Rojas, Jr. was just 2 years old. In 1995, they left the country to attend a funeral, and then re-entered the United States on visitor's visas.

The family has since expanded to include two sons, Alexis Rojas, now 20 years old, Matias, now 3 years old, a daughter Tania Rojas, now age 18, and a granddaughter, Mina Rojas, who is 3 years old.

The Rojas family first attempted to legalize their status in the United States when an unscrupulous immigration consultant, who was not an attorney, advised them to apply for asylum. Unfortunately, without proper legal guidance, this family did not realize at the time that they lacked a valid basis for asylum. The asylum claim was denied in 2008, leaving the Rojas family with no further options to legalize their status.

Since their arrival in the United States more than 20 years ago, the Rojas family has demonstrated a robust work ethic and a strong commitment to their community in California. They have paid their taxes and worked hard to contribute to this country.

Jorge is a hard-working individual who has been employed by Valley Crest Landscape Maintenance in San Jose, California, for the past 16 years. Currently, he works on commercial landscaping projects. Jorge is well-respected by his supervisor and his peers.

In addition to supporting his family, Jorge has volunteered his time to provide modern green landscaping and building projects at his children's school in California. He is active in his neighborhood association, where he worked with his neighbors to open a library and community center in their community.

Oliva, in addition to raising her three children, has also been very active in the local community. She volunteers with the People Acting in Community Together, PACT, organization, where she works to prevent crime, gangs and drug dealing in San Jose neighborhoods and schools.

Perhaps one of the most compelling reasons for permitting the Rojas family to remain in the United States is the impact that their deportation would have on their four children. Three of the Rojas children, Alexis, Tanya, and Matias are American citizens. Jorge Rojas, Jr. has lived in the United States since he was a toddler.

For Alexis, Tanya, Matias and Jorge Jr., this country is the only country they really know. Jorge Rojas, Jr., who entered the United States as an infant with his parents, recently became a father. He is now 24 years old and working at a job that allows him to support his daughter, Mina. Jorge Jr. graduated from Del Mar High School in 2007.

Alexis, age 20, graduated from Del Mar High School and is now a student at West Valley College in Saratoga, California. He is interested in studying linguistics. Tania, age 18, recently graduated from Del Mar High School and is in her first year at West Valley College. Their teachers describe them as ''fantastic, wonderful and gifted'' students.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear.

When I first introduced this bill, I received dozens of letters from the community in Northern California in support of this family. Enactment of this private bill legislation will enable the Rojas family to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

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. 584

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JORGE ROJAS GUTIERREZ, OLIVA GONZALEZ GONZALEZ, AND JORGE ROJAS GONZALEZ.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section

204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez enters the United States before the filing deadline specified in subsection (c), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 585. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing private immigration relief legislation to provide lawful permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and their daughter, Adilene Martinez. This family is originally from Mexico but has been living in California for twenty years. I believe they merit Congress' special consideration for this extraordinary form of relief.

When Jose came to the United States from Mexico, he began working as a busboy in restaurants in San Francisco, California. In 1990, he started working as a cook at Palio D'Asti, an award-winning Italian restaurant in San Francisco.

Jose worked his way through the ranks, eventually becoming Palio's sous chef. His colleagues describe him as a reliable and cool-headed coworker, and as ''an exemplary employee'' who not only is ''good at his job but is also a great boss to his subordinates.''

He and his wife, Micaela, call San Francisco home. Micaela works as a housekeeper and a part-time cook at a restaurant in San Francisco. They have three daughters, two of whom are United States citizens. Their oldest child Adilene, age 24, is undocumented. Adilene graduated from the Immaculate Conception Academy and attended San Francisco City College. She is now studying nursing at Los Medranos College.

The Martinez's second daughter, Jazmin, graduated from Leadership High School and is now studying at California State University, Dominguez Hills. Jazmin is a United States citizen and has been diagnosed with asthma. According to her doctor, if the family returns to Mexico, the high altitude and air pollution in Mexico City could be fatal to Jazmin.

The Martinez family attempted to legalize their status through several channels.

In 2001, Jose's sister, who has legal status, petitioned for Jose to get a green card. However, the current green card backlog for siblings from Mexico is long, and it will be many years before Jose will be eligible to legalize his status though his sister.

In 2002, the Martinez family applied for political asylum. Their application was denied. An immigration judge denied their subsequent application for cancellation of removal because he could not find the ''requisite hardship'' required for this form of immigration relief. Ironically, the immigration judge who reviewed their case found that Jose's culinary ability was a negative factor weighing against keeping the family in the United States, finding that Jose's skills indicated that he could find a job in Mexico.

Finally, Daniel Scherotter, the executive chef and owner of Palio D'Asti, petitioned for legal status for Jose based upon Jose's unique skills as a chef. Jose's petition was approved by U.S. Citizenship and Immigration Services; however, he cannot apply for permanent residency because of his immigration history.

Jose, Micaela, and their daughter, Adilene, have no other administrative options to legalize their status. If they are deported, they will face a several-year ban from returning to the United States. Jose and Micaela will be separated from their American citizen-children and their community.

The Martinez family has become an integral part of their community in California. They are active in their faith community and their children's schools. They volunteer with community-based organizations and are, in turn, supported by their community. When I first introduced this bill, I received dozens of letters of support from their fellow parishioners, teachers, and members of their community.

The Martinez family truly embraces the American dream. Jose worked his way through the restaurant industry to become a chef and an indispensable employee at a renowned restaurant. Adilene worked hard in high school and is now attending college.

I believe the Martinez family's presence in the United States allows them to continue making significant contributions to their community in California.

I ask my colleagues to support this private bill.

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. 585

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e) and 1153(a)), as applicable.

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 586. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to provide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria del Refugio Plascencia, Mexican nationals who live in the San Bruno area of California.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their five children, all United States citizens, would face extreme hardship. Their children would either face separation from their parents or be forced to leave the only country

they know and give up on their education in the United States.

The Plascencias have been in the United States for over 20 years. They worked for years to adjust their status through appropriate legal channels, but poor legal representation ruined their opportunities. The Plascencia's lawyer refused to return their calls or otherwise communicate with them in any way. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them. Because of the poor representation they received, Alfredo and Maria only became aware that they had been ordered to leave the United States fifteen days prior to their scheduled deportation.

The Plascencias were shocked to learn of their attorney's malfeasance, but they acted quickly to secure legitimate counsel and to file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

Since arriving in the United States in 1988, Alfredo and Maria have proven themselves a civic-minded couple who share our American values of hard work, dedication to family, and devotion to community.

Maria has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, she went to school, earned her high school equivalency degree, and improved her skills to become a medical assistant. She recently completed school to become a Licensed Vocational Nurse, and is scheduled to take the Nursing Board Examination.

Several Californians who wrote to me in support of Maria describe her as ''responsible,'' ''efficient,'' and ''compassionate.'' Kaiser Permanente's Director of Internal Medicine wrote to say that Maria is ''an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.''

Together, Alfredo and Maria have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits, and they each have begun saving for retirement. They are sending their daughters, Christina and Erika, to college and plan to send the rest of their children to college as well.

Allowing the Plascencias to remain in the United States would preserve their achievements and ensure that they will be able to make substantive contributions to the community in the future.

In addition, this bill will have a positive impact on the couple's United States citizen children, who are dedicated to pursuing their educations and becoming productive members of their community.

Christina is the Plascencias' oldest child. She is 22 years old, working and taking classes at Chabot College. She would like to be a paralegal. Erika, age 18, graduated from high school and is currently taking classes at Skyline College. Erika's teachers praise her abilities and have referred to her as a ''bright spot'' in the classroom.

Alfredo and Maria also have three young children: Alfredo, Jr., age 16, Daisy, age 11, and Juan-Pablo, age 6.

Removing Alfredo and Maria from the United States would be tragic for their children. The Plascencia children were born in America and through no fault of their own have been thrust into a situation that has the potential to dramatically alter their lives.

It would be especially tragic if Erika, Alfredo, and Daisy have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends, and their home. They would leave everything that is familiar to them.

The Plascencia family would then be in Mexico without a means for supporting themselves and with no place to live. The children would have to acclimate to a different culture, language, and way of life.

The only other option would be for Alfredo and Maria to leave their children here with relatives. This separation is a choice that no parents should have to make.

I am reintroducing this legislation because I believe that the Plascencias will continue to make positive contributions to their community in California and this country. The Plascencia children should be given the opportunity to realize their full potential in the United States, with their family intact.

I respectfully ask my colleagues to support this bill.

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. 586

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ALFREDO PLASCENCIA LOPEZ AND MARIA DEL REFUGIO PLASCENCIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alfredo Plascencia Lopez or Maria Del Refugio Plascencia enter the United States before the filing deadline specified in subsection (c), Alfredo Plascencia Lopez or Maria Del Refugio Plascencia, as appropriate, shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Alfredo Plascencia Lopez and Maria Del Refugio Plascencia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 202(e) of that Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 587. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to reintroduce private relief legislation on behalf of Ruben Mkoian, Asmik Karapetian, and their son, Arthur Mkoyan. The Mkoian family has been living in Fresno, California, for over 15 years. I continue to believe this family deserves Congress' special consideration for such an extraordinary form of relief as a private bill.

The Mkoian family is originally from Armenia. They decided to leave Armenia for the United States in the early 1990s, following several incidents in which the family experienced vandalism and threats to their well-being.

In Armenia, Ruben worked as a police sergeant on vehicle licensing. At one point, he was offered a bribe to register stolen vehicles, which he refused and reported to his superior, the police chief. He later learned that a co-worker had gone ahead and registered the vehicles at the request of the chief.

Several disturbing incidents occurred after Ruben reported the bribe to illegally register vehicles. Ruben's store was vandalized; after he said he would call the police, he received threatening phone calls telling him to keep quiet. At one point, the Mkoians suffered the loss of their home when a bottle of gasoline was thrown into their residence, burning it to the ground. In April 1992, several men entered the family store and assaulted Ruben, hospitalizing him for 22 days.

Ruben, Asmik, and their 3-old son, Arthur, left Armenia soon thereafter

and entered the United States on visitor visas. They applied for political asylum in 1992 on the grounds that they would be subject to physical attacks if returned to Armenia. It took 16 years for their case to be finalized, and the Ninth Circuit Court of Appeals denied their asylum case in January 2008.

At this time, Ruben, Asmik, and Arthur have exhausted every option to remain legally in the United States.

The Mkoians have worked hard to build a place for their family in California. Ruben works as a manager at a car wash in Fresno. He previously worked as a truck driver for a California trucking company that described him as ''trustworthy,'' ''knowledgeable,'' and an asset to the company. Asmik has completed training at a local community college and is now a full-time medical assistant with Fresno Shields Medical Group.

The Mkoians attend St. Paul Armenian Apostolic Church in Fresno. They do charity work to send medical equipment to Armenia. Asmik also teaches Armenian School on Saturdays at the church.

I would particularly like to highlight the achievements of Ruben and Asmik's two children, Arthur and Arsen, who were raised in California and have been recognized publicly for their scholastic achievements.

I first introduced a private bill for this family on Arthur's high school graduation day. Despite being undocumented, Arthur maintained a 4.0 grade point average in high school and was a valedictorian for the class of 2008. Arthur, now 22 years old, graduated from the University of California, Davis with a major in Chemistry. He maintained excellent grades and was on the Dean's Merit List.

Arthur's brother, Arsen, is 16 years old and a United States citizen. He currently attends Bullard High School in Fresno, where he does well in his classes, maintaining a 4.3 grade point average.

I believe Arthur and Arsen are two young individuals with great potential here in the United States. Like their parents, they have demonstrated their commitment to working hard—and they are succeeding. They clearly aspire to do great things here in the United States.

It has been more than 18 years since Ruben, Asmik, and Arthur left Armenia. This family has few family members and virtually no supporting contacts in Armenia. They invested their time, resources, and effort in order to remain in the United States legally, to no avail. A private relief bill is the only means to prevent them from being forced to return to a country that long ago became a closed chapter of their past.

When I first introduced a bill on behalf of the Mkoian family in 2008, I received written endorsements from Representatives George Radanovich, R–CA, and Jim Costa, D–CA, in strong support of the family. I also received more than 200 letters of support and dozens of calls of support from friends and community members, attesting to the positive impact that this family has had in Fresno, CA.

I believe that this case warrants our compassion and our extraordinary consideration. I respectfully ask my colleagues to support this private legislation on behalf of the Mkoian family.

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. 587

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

SECTION 1. PERMANENT RESIDENT STATUS FOR RUBEN MKOIAN, ASMIK KARAPETIAN, AND ARTHUR MKOYAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Ruben Mkoian, Asmik Karapetian, or Arthur Mkoyan enters the United States before the filing deadline specified in subsection (c), Ruben Mkoian, Asmik Karapetian, or Arthur Mkoyan, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent resident status to Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 588. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to reintroduce private relief legislation for Robert Kuan Liang and his wife, Chun-Mei, ''Alice'', Hsu-Liang.

I first introduced a private bill for Robert and Alice in 2003. Since then this family has only further demonstrated their hard work ethic and commitment to realizing the American dream. I continue to believe that Robert and Alice merit Congress' special consideration and the extraordinary relief provided by private legislation.

Robert and Alice have been living in San Bruno, CA, for the last 27 years. Robert is a national and refugee from Laos, and Alice is originally from Taiwan. They have three children who are all United States citizens. I am concerned that forcing Robert and Alice to return to their home countries would tear this family apart and cause immense and unwarranted hardship to them and their children.

Robert and Alice have called California their home since they first entered the United States in 1983. They came here legally on tourist visas. They face deportation today because they remained in the United States past the terms of their visas, and because their attorney failed to handle their immigration case on a timely basis before federal immigration laws changed in 1996.

In many ways, the Liang family represents a uniquely American success story. Robert was born in Laos, but fled the country as a teenager after his mother was killed by Communists. He witnessed many traumatic experiences in his youth, including the attack that killed his mother and frequent episodes of wartime violence. He routinely witnessed the brutal persecution and deaths of others in his village in Laos. In 1975, he was granted refugee status in Taiwan.

Robert and his wife risked everything to come to the United States. Despite the challenges of their past, they built a family in California and established a place for themselves in the local community. They are homeowners. They own a successful business, Fong Yong Restaurant. They file annual income taxes and are financially stable.

Robert and Alice support their three children, Wesley, Bruce, and Eva, who are all American citizens. Wesley is now 21 years old and studying at City College of San Francisco. The younger children, Bruce and Eva, attend schools in the San Bruno area and continue to do well in their classes.

There are many reasons to believe that deporting Robert and Alice would have a harmful impact on the children, who have all of their ties to the United States. Deportation would either break this family apart or force them to relocate to a country entirely foreign to the one they know to be home.

The Immigration Judge who presided over Robert and Alice's case in 1997

also concluded that Robert and Alice's deportation would adversely impact the Liang children.

Moreover, Robert would face significant hurdles if deported, having fled Laos as a refugee more than 27 years ago. The emotional impact of the wartime violence Robert experienced at a young age was traumatic and continues to strain him. He battles severe clinical depression here in the United States. Robert fears that if he is deported and moves to his wife's home country, Taiwan, he will face discrimination on account of his nationality. Robert does not speak Taiwanese, and he worries about how he would pursue mental health treatment in a foreign country.

Robert and Alice have worked since 1993 to resolve their immigration status. They filed for relief from deportation; however, it took nearly five years for the Immigration and Naturalization Service, INS, to act on the case. By the time their case went through in 1997, the immigration laws had changed and the Liangs were no longer eligible for relief. I supported these changes, set forth in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. But, I also believe there may be situations worthy of special consideration.

Robert and Alice Liang represent one such example. They are long-term residents of the United States. Their children are all U.S. citizens. The Immigration Judge that presided over the appeal of this case determined that Robert and Alice would have qualified for relief from deportation, in light of these positive factors, had the INS given their case timely consideration. Unfortunately, their immigration case took nearly five years to move forward.

A private bill is the only way for both Robert and Alice to remain in the United States together with their family. They have worked extraordinarily hard to make the United States their home. I believe Robert and Alice deserve the relief provided by a private bill.

I respectfully ask my colleagues to support this private relief bill on behalf of the Liangs.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

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

S. 588

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Robert Liang and Alice Liang shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Robert Liang and Alice Liang, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 202(e) of that Act (8 U.S.C. 1152(e)).

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 589. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I am reintroducing private relief legislation on behalf of Joseph Gabra and Sharon Kamel, a couple living with their family in Camarillo, CA.

Joseph and Sharon are nationals of Egypt who fled their home country over twelve years ago after being targeted for their religious involvement in the Christian Coptic Church in Egypt. They became involved with this church during the 1990s, Joseph as an accountant and project coordinator helping to build community facilities and Sharon as the church's training director in human resources.

Unfortunately, Joseph and Sharon were also subjected to threats and abuse. Joseph was jailed repeatedly because of his involvement with the church. Sharon's family members were violently targeted, including her cousin who was murdered and her brother whose business was firebombed. When Sharon became pregnant with her first child, she was threatened by a member of a different religious organization against raising her child in a non-Muslim faith.

Joseph and Sharon came to the United States legally seeking refuge in November 1998. They immediately notified authorities of their intent to seek protection in the United States, filing for political asylum in May 1999.

However, Joseph, who has a speech impediment, had difficulty communicating why he was afraid to return to Egypt, and one year later their asylum application was denied because they could not adequately establish that they were victims of persecution. Joseph and Sharon pursued the appropriate means for appealing this decision, to no avail.

It should be noted that sometime later Sharon's brother applied for asylum in the United States. He, too, applied on the basis of persecution he and his family faced in Egypt, but his application was approved and he was granted this status in the United States.

There are no other avenues for Joseph and Sharon to pursue relief here in the United States. If they are deported, they will be forced back to a country where they sincerely fear for their safety.

Since arriving in the United States more than twelve years ago, Joseph and Sharon have built a family here, including four children who are United States citizens: Jessica, age 14, Rebecca, age 13, Rafael, age 12, and Veronica, age 7. Jessica, Rebecca, and Rafael attend school in California and maintain good grades. Veronica is attending second grade at Camarillo Heights Elementary School.

Joseph and Sharon worked hard to achieve financial security for their children, and they created a meaningful place for their family in California. Both earned college degrees in Egypt. Joseph, who has his Certified Public Accountant license, has opened his own accounting firm.

Joseph and Sharon carry strong support from friends, members of their local church, and other Californians who attest to their good character and community contributions.

I am concerned that the entire family would face serious and unwarranted hardships if forced to relocate to Egypt. For Jessica, Rebecca, Rafael, and Veronica, the only home they know is in the United States. It is quite possible these four American children would face discrimination or worse in Egypt on account of their religion, as was the experience of many of their family members.

Joseph and Sharon have made a compelling plea to remain in the United States. These parents emphasize their commitment to supporting their children and making a healthy and productive place for them to grow up in California. I believe this family deserves that opportunity.

I respectfully ask my colleagues to support this private relief bill on behalf of Joseph Gabra and Sharon Kamel.

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. 589

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Joseph Gabra and Sharon Kamel shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Joseph Gabra and Sharon Kamel, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Joseph Gabra and Sharon Kamel under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), or, if applicable, the total number of immigrant visas that are made available to natives to the country of birth of Joseph Gabra and Sharon Kamel under section 202(e) of that Act (8 U.S.C. 1152(e)).

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 590. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I come to the floor today to reintroduce private relief legislation for Claudia Marquez Rico. I first introduced a private bill for Claudia back in 2006. This young woman has lived in California for most of her life. She suffered tremendous hardship after the sudden death of her parents more than ten years ago. I believe she deserves the special relief granted by a private bill.

Claudia was born in Jalisco, Mexico. She was only 6 years old when her parents brought her, and her two younger brothers, to the United States.

Ten years ago, tragedy struck this family. Early in the morning on October 4, 2000, while driving to work, Claudia's parents were killed in a horrific car accident when their vehicle collided with a truck on a rural road.

Suddenly orphaned, Claudia and her siblings were fortunate enough to have a place to go. They were welcomed into the loving home of their aunt, Hortencia, and uncle, Patricio, who are both United States citizens. Hortencia and Patricio are active at Buen Pastor Catholic Church. Patricio is a youth soccer coach. This couple raised the Marquez children as their own, counseling them through the loss of their parents and helping them with their school work. They became the legal guardians of the Marquez children in 2001.

Claudia likely would have resolved her immigration status, were it not for poor legal representation. The death of the Marquez parents meant that Claudia and her siblings should have qualified for special immigrant juvenile status. Congress created this special immigrant status to protect children under extraordinary circumstances and spare them the hardship of deportation when a state court deems the children to be dependents as a result of abuse, abandonment, or neglect. In fact, Claudia's younger brother, Omar, was granted this special immigrant juvenile status, providing him legal permanent residency.

However, the lawyer for the Marquez children failed to secure this relief for Claudia. She has now reached the age of majority without having resolved her immigration status, making her ineligible for this special relief.

It is important to take note that the lawyer who handled this case was faced with charges on numerous counts of professional incompetence and moral turpitude for mishandling immigration cases. The California State Bar accused him of a ''despicable and far-reaching pattern of misconduct.'' As a result, the lawyer resigned from the Bar and is currently ineligible to practice law in California.

Claudia deserved a fair chance at resolving her immigration status, but her attorney's egregious behavior stripped her of this opportunity.

Claudia, nonetheless, finished school despite these adverse circumstances. She secured a job in Redwood City, California, and she currently lives with her younger sister, Maribel, in Menlo Park, where they care for their grandfather. Claudia also provides financial support to her two brothers, Jose and Omar, whenever necessary. She is still active in the local community, attending San Clemente Catholic Church in Hayward.

It would be an injustice to add to the Marquez family's misfortune by tearing these siblings apart. Claudia and her siblings have come to rely on each other in the absence of their deceased parents, and Claudia is clearly a central support of this family. Moreover, Claudia has never visited Mexico and has no close relatives in the country. She was so young when her parents brought her to the United States that she has no memories of Mexico.

I am reintroducing a private relief bill on Claudia's behalf because I believe her removal from the United States would go against our standard of fairness and would only cause additional hardship on a family that already endured so much.

I respectfully ask my colleagues to support this private relief legislation on behalf of Claudia Marquez Rico.

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. 590

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

SECTION 1. PERMANENT RESIDENT STATUS FOR CLAUDIA MARQUEZ RICO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Claudia Marquez Rico shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Claudia Marquez Rico enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Claudia Marquez Rico, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Claudia Marquez Rico shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(f) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 591. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I offer private immigration relief legislation to provide lawful permanent resident status to Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola. The Arreolas are Mexican nationals living in the Fresno area of California.

Mr. and Mrs. Arreola have lived in the United States for over 20 years. Two of their five children, Nayely, age 27, and Cindy, age 22, also stand to benefit from this legislation.

The other three Arreola children, Robert, age 21, Daniel, age 17, and Saray, age 16, are United States citizens. Today, Esidronio and Maria Elena and their two eldest children face deportation.

The story of the Arreola family is compelling and I believe they merit Congress' special consideration for

such an extraordinary form of relief as a private bill.

The Arreolas are facing deportation in part because of grievous errors committed by their previous counsel, who has since been disbarred. In fact, the attorney's conduct was so egregious that it compelled an immigration judge to write the Executive Office of Immigration Review seeking the attorney's disbarment for his actions in his client's immigration cases.

Mr. Arreola came to the United States in 1986 and was an agricultural migrant worker in the fields of California for several years. As a migrant worker at that time, he would have been eligible for permanent residence through the Special Agricultural Workers or SAW program, had he known about it.

Maria Elena was living in the United States at the time she became pregnant with her daughter Cindy. She returned to Mexico to give birth because she wanted to avoid any problems with the Immigration and Naturalization Service.

Because of the length of time that the Arreolas were in the United States, it is likely that they would have qualified for suspension of deportation, which would have allowed them to remain in the United States legally. However, their poor legal representation foreclosed this opportunity.

One of the most compelling reasons for my introduction of this private bill is the devastating impact the deportation of Esidronio and Maria Elena would have on their children—three of whom are American citizens—and the other two who have lived in the United States since they were toddlers. For these children, this country is the only country they really know.

Nayely, the oldest, was the first in her family to graduate from high school and the first to graduate college. She attended Fresno Pacific University, a regionally ranked university, on a full tuition scholarship package and worked part-time in the admissions office. She graduated from Fresno Pacific University with a degree in Business Administration and is working on her graduate degree. Nayely recently got married and now has a newborn son.

At a young age, Nayely demonstrated a strong commitment to the ideals of citizenship in her adopted country. She worked hard to achieve her full potential both through her academic endeavors and community service. As the Associate Dean of Enrollment Services at Fresno Pacific University states in a letter of support, ''[T]he leaders of Fresno Pacific University saw in Nayely, a young person who will become exemplary of all that is good in the American dream.''

In high school, Nayely was a member of Advancement Via Individual Determination, a college preparatory program in which students commit to determining their own futures through achieving a college degree. Nayely was also President of the Key Club, a community service organization. Perhaps the greatest hardship to this family, if forced to return to Mexico, will be her lost opportunity to realize her dreams and further contribute to her community and to this country.

Nayely's sister, Cindy, also recently married and has a three-year-old daughter. Both Nayely and Cindy are barred from adjusting their status based on their marriages because they grew up in the United States undocumented.

The Arreolas also have other family who are United States citizens or lawful permanent residents of this country. Mrs. Arreola has three brothers who are American citizens, and Mr. Arreola has a sister who is an American citizen. They have no immediate family in Mexico.

According to immigration authorities, this family has never had any problems with law enforcement. I am told that they have filed their taxes for every year from 1990 to the present. They have always worked hard to support themselves.

As I mentioned, Mr. Arreola was previously employed as a farm worker, but now has his own business in California repairing electronics. His business has been successful enough to enable him to purchase a home for his family. He and his wife are active in their church community and in their children's education.

It is clear to me that this family has embraced the American dream. Enactment of the legislation I have reintroduced today will enable the Arreolas to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

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. 591

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-Saucedo, Marina Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola under section 202(e) of such Act (8 U.S.C. 1152(c)).

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 592. A bill for the relief of Alicia Aranda De Buendia and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am reintroducing a private relief bill on behalf of the Buendias, a family who has lived in the Fresno area of California for more than 20 years. The beneficiaries of this bill include Alicia Aranda de Buendia and her daughter, Ana Laura Buendia Aranda. I believe this family merits Congress' special consideration.

Mrs. Buendia works season after season in California's labor-intensive agriculture industry. She currently works for a fruit packing company in Reedley, California. Mrs. Buendia and her husband have raised two outstanding children, Ana Laura, age 23, and Alex, age 21, who have both always excelled in school.

Ana Laura earned a 4.0 GPA at Reedley High School, and was offered an academic scholarship at the University of California, Berkeley. Unfortunately, she could not accept the scholarship because of her undocumented status.

Ana Laura nonetheless persisted. She enrolled at the University of California, Irvine and recently graduated with a major in Chicano Studies and Art.

Remarkably, the Buendias should have been able to correct their immigration status years ago. In 1999, it appeared they had succeeded when an Immigration Judge granted the family cancellation of removal based on the hardship their son, Alex, would face if deported to Mexico. However, the decision was appealed and ultimately overturned. At this point, the Buendias have exhausted their options to remain together as a family here in the United States.

In the more than 20 years of living in California, the Buendias have shown that they are committed to working to achieve the American dream. They

have a strong connection to their local community, as active members of the Parent Teachers Association and their church. They pay their taxes every year, paid off their mortgage, and remain free of debt. They have shown that they are responsible, maintaining health insurance, savings accounts, and retirement accounts.

Moreover, the Buendia children are excellent students pursuing higher education here in the United States. Without this private bill, these young adults will be separated from their family or forced to relocate to a country they simply do not know. I do not believe it is in the Nation's best interest to prevent talented youth raised here in the United States, who have good moral character and outstanding academic records, from realizing their future.

I respectfully ask my colleagues for their support of the Buendia family.

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. 592

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ALICIA ARANDA DE BUENDIA AND ANA LAURA BUENDIA ARANDA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Alicia Aranda De Buendia and Ana Laura Buendia Aranda shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alicia Aranda De Buendia or Ana Laura Buendia Aranda enter the United States before the filing deadline specified in subsection (c), Alicia Aranda De Buendia or Ana Laura Buendia Aranda, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Alicia Aranda De Buendia and Ana Laura Buendia Aranda, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Alicia Aranda De Buendia and Ana Laura Buendia Aranda under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Alicia Aranda De Buendia and Ana Laura Buendia Aranda under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 593. A bill for the relief of Guy Privat Tape and Lou Nazie Raymonde Toto; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Guy Privat Tape and Lou Nazie Raymonde Toto. Mr. Tape and Ms. Toto are citizens of the Ivory Coast, but have been living in the San Francisco area of California for approximately 19 years.

The story of Mr. Tape and Ms. Toto is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Mr. Tape and Ms. Toto were subjected to numerous atrocities in the early 1990s in the Ivory Coast. After participating in a demonstration against the ruling party, they were jailed and tortured by their own government. Ms. Toto was brutally raped by her captors and several years later learned that she had contracted HIV.

Despite the hardships that they suffered, Mr. Tape and Ms. Toto were able to make a better life for themselves in the United States. Mr. Tape arrived in the U.S. in 1993 on a B1/B2 non-immigrant visa. Ms. Toto entered without inspection in 1995 from Spain. Despite being diagnosed with HIV, Ms. Toto gave birth to two healthy children, Melody, age 14, and Emmanuel, age 10.

Since arriving in the United States, this family has dedicated themselves to community involvement and a strong work ethic. They are active members of Easter Hill United Methodist Church.

Mr. Tape is employed as a security guard and unfortunately, in 2002, he was diagnosed with prostate cancer. While his doctor states that the cancer is currently in remission, he will continue to require life-long surveillance to monitor for recurrence of the disease.

In addition to raising her two children, Ms. Toto obtained a certificate to be a nurse's aide and currently works as a Resident Care Specialist at a nursing home in San Pablo, California. Ms. Toto continues to receive medical treatment for HIV. According to her doctor, without access to adequate health care and laboratory monitoring, she is at risk of developing life-threatening illnesses.

Mr. Tape and Ms. Toto applied for asylum when they arrived in the U.S., but after many years of litigation, the claim was ultimately denied by the 9th Circuit Court of Appeals.

Although the regime which subjected Mr. Tape and Ms. Toto to imprisonment and torture is no longer in power, Mr. Tape has been afraid to return to the Ivory Coast due to his prior association with former President Laurent Gbagbo. As a result, Mr. Tape strongly believes that his family will be targeted if they return to the Ivory Coast.

One of the most compelling reasons for permitting the family to remain in the United States is the impact their deportation would have on their two U.S. citizen children. For Melody and Emmanuel, the United States is the only country they have ever known. Mr. Tape believes that if the family returns to the Ivory Coast, these two young children will be forced to enter the army.

This bill is the only hope for this family to remain in the United States. To send them back to the Ivory Coast, where they may face persecution and inadequate medical treatment for their illnesses would be devastating to the family. I have received approximately 30 letters from the church community in support of this family.

I ask my colleagues to support this private bill.

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. 593

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

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY PRIVAT TAPE AND LOU NAZIE RAYMONDE TOTO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Guy Privat Tape and Lou Nazie Raymonde Toto shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Guy Privat Tape or Lou Nazie Raymonde Toto enters the United States before the filing deadline specified in subsection (c), Guy Privat Tape or Lou Nazie Raymonde Toto, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Guy Privat Tape and Lou Nazie Raymonde Toto, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 203(a) of the Immigration and Nationality

Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 594. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce a private relief bill on behalf of Javier Lopez-Urenda and Maria Leticia Arenas. Javier and Leticia, originally from Mexico, are the parents of three U.S. citizen children, Bryan, age 19, Ashley, age 15, and Nancy, age 9. This family lives in Fremont, California.

I first introduced a bill for Javier and Leticia in 2009, and I continue to believe they deserve Congress' special consideration for such an extraordinary form of relief as a private bill. Javier and Leticia are outstanding parents, volunteers, workers, and leaders in their community. Javier and Leticia came to the United States after each suffered the loss of a parent.

Leticia left Mexico at age 17 after her mother died from cancer. Javier came to the United States in 1990, at age 23, several years after the murder of his father in Michoacán, Mexico.

Javier had been living and working in the United States for 23 years when I first learned about this case. He originally entered the country looking for work to support his extended family. Today, Javier is a Maintenance Engineer at Full Bloom Baking Company in San Mateo, California, where he has been an employee for over 19 years. In fact, Javier was the second employee hired at Full Bloom when the company first began.

Javier's fellow co-workers at Full Bloom have written compelling letters to me about Javier's hard work ethic and valuable contributions. The company owners assert that with his help, the company grew to be one of the largest commercial bakeries in the Bay Area, today employing approximately 385 people.

They write that Javier is a mentor to others and maintains a ''tremendous amount of 'institutional knowledge' that can never be replaced.'' One of his co-workers wrote, ''Without Javier at the bakery, the lives of hundreds of people will change.''

Javier made attempts to legalize his status in the United States. At one point, he received an approved labor certification. However, his case could not be finalized due to poor timing and a lengthy immigration process. It took three years, for example, for his labor certification to be approved. By that time, Javier was already in removal proceedings and his case is now closed.

During consideration of Javier's case, the Ninth Circuit Court of Appeals acknowledged the difficult situation Javier faces. The Court wrote, ''We are not unmindful of the unique and extremely sympathetic circumstances of this case. By all accounts, Petitioner has been an exemplary father, employee, and member of his local community. If he were to be deported, he would be separated from his wife, three U.S. citizen children, and the life he has worked so hard to build over the past 17 years. In light of the unfortunate sequence of events leading up to this juncture and Petitioner's positive contributions to society, Petitioner may very well be deserving of prosecutorial grace.''

Unfortunately, the Court ultimately denied the case. Javier and his wife have no additional avenues for adjusting their status. A private bill is the only way for them to remain in the United States.

I believe it is important to consider the potentially harmful impact on Javier and Maria Leticia's three U.S. citizen children, Bryan, Ashley, and Nancy, should their parents be deported. Ashley, and Nancy are still in school in California, and Bryan is currently serving in the U.S. Marine Corps.

Javier owns their home in Fremont. He is the sole financial provider for his wife and children, while also providing some financial support to extended family members in Mexico. Javier and Leticia are good parents and play active roles in their children's lives. The Principal of Patterson Elementary School described Javier and Leticia as ''two loving and supportive parents who are committed to their children's success.''

All too often, deportation separates U.S. citizen children from their parents. In 2009, the Inspector General of the Department of Homeland Security found that, in the last ten years, at least 108,434 immigrant parents of American citizen children were removed from this country. Other reports show that deporting a parent causes trauma and long-lasting harm to children.

Moreover, the deportation of Javier and Leticia would be a significant loss to the community. Leticia is currently volunteering and training for a job with Bay Area Women Against Rape in Oakland, which provides services to survivors of sexual assault. She also works as a certified health promoter at the Tiburcio Vazquez Health Center in Fremont.

Javier's community involvement is just as impressive. He has volunteered with the Women's Foundation of California, Lance Armstrong's Livestrong Foundation, the Saint Patrick Proto Cathedral Parish, the American Red Cross, and the California AIDS Ride.

Patricia W. Chang, a long-time community leader in California and current CEO of the Feed the Hunger Foundation, writes: ''Asking Mr. Urenda to leave the United States would deprive his children of their father, an upstanding resident of the country. It would deprive the community of an active participant, leader, and volunteer.''

Judy Patrick, President/CEO of the Women's Foundation of California, states that Javier ''is a model participant in this society.''

Clearly, Javier and Leticia have earned the admiration of their community here in the United States. They are the loving parents of three American children. Javier is a valued employee at Full Bloom Baking Company. This family shows great potential, and I believe it is in our Nation's best interest to allow them to remain here with their children and to continue making significant contributions to California and the Nation as a whole.

I respectfully ask my colleagues to support this private relief bill.

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. 594

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JAVIER LOPEZ-URENDA AND MARIA LETICIA ARENAS.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Javier Lopez-Urenda and Maria Leticia Arenas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Javier Lopez-Urenda or Maria Leticia Arenas enter the United States before the filing deadline specified in subsection (c), that alien shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only to an application for issuance of an immigrant visa or an application for adjustment of status that is filed, with appropriate fees, within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Javier Lopez-Urenda and Maria Leticia Arenas, the Secretary of State shall instruct the proper officer to reduce by two, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 595. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a bill for the private relief of Shirley Constantino Tan. Ms. Tan is a Filipina national living in Pacifica, California. She is the proud mother of 16-year-old U.S. citizen twin boys, Jashley and Joreine, and the spouse of Jay Mercado, a naturalized U.S. citizen.

I believe Ms. Tan merits Congress' special consideration for this extraordinary form of relief because I believe her removal from the United States would cause undue hardship for her and her family. She faces deportation to the Philippines, which would separate her from her family and jeopardize her safety.

Ms. Tan experienced horrific violence in the Philippines before she left to come to the United States. When she was only 14 years old, her cousin murdered her mother and her sister and shot Shirley in the head. While the cousin who committed the murders was eventually prosecuted, he received a short jail sentence. Fearing for her safety, Ms. Tan fled the Philippines just before her cousin was due to be released from jail. She entered the United States legally on a visitor's visa in 1989.

Ms. Tan's current deportation order is the result of negligent counsel. Shirley applied for asylum in 1995. While her case appeal was pending at the Board of Immigration Appeals, her attorney failed to submit a brief to support her case. As a result, the case was dismissed, and the Board of Immigration Appeals granted Shirley voluntary departure from the United States.

Shirley never received notice that the Board of Immigration Appeals granted her voluntary departure. Shirley's attorney moved offices, did not receive the order, and ultimately never informed her of the order. As a result, Shirley did not depart the United States and the grant of voluntary departure automatically became a deportation order. She learned about the deportation order for the first time on January 28, 2009, when Immigration and Customs Enforcement agents took her into immigration custody.

Because of her attorney's negligent actions, Ms. Tan was denied the opportunity to present her case in U.S. immigration proceedings. Shirley later filed a complaint with the State Bar of California against her former attorney. She is not the first person to file such a complaint against this attorney.

In addition to the hardship that would come to Ms. Tan if she is deported, Shirley's deportation would be a serious hardship to her two United States citizen children, Jashley and Joreine, who are minors.

Jashley and Joreine are currently attending Terra Nova High School in Pacifica, California, where they continue to be excellent students on the honor roll. The children are involved in their school's music program, playing the clarinet and the flute. The children's teacher wrote a letter to me in which she described Shirley's involvement in Jashley and Joreine's lives, referring to Shirley as a ''model'' parent and describing her active role in the school community. In addition to caring for her two children, Shirley is the primary caregiver for her elderly mother-in-law.

If Ms. Tan were forced to leave the United States, her family has expressed that they would go with Shirley to the Philippines or try to find a third country where the entire family could relocate. This would mean that Jashley and Joreine would have to leave behind their education and the only home they know in the United States.

While Shirley and Jay are legally married under California law at this time, Shirley cannot legally adjust her immigration status through the regular family-based immigration procedures.

I do not believe it is in our Nation's best interest to force this family, with two United States citizen children, to make the choice between being separated and relocating to a country where they may face safety concerns or other serious hardships.

Ms. Tan and her family are involved in their community in Pacifica and own their own home. The family attends Good Shepherd Catholic Church, volunteering at the church and the Mother Theresa of Calcutta's Daughters of Charity. Shirley has the support of dozens of members of her community who shared with me the family's spirit of commitment to their community.

Enactment of the legislation I am introducing on behalf of Ms. Tan today will enable this entire family to continue their lives in California and make positive contributions to their community.

I ask my colleagues to support this private bill.

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. 595

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIRLEY CONSTANTINO TAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shirley Constantino Tan shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shirley Constantino Tan enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Shirley Constantino Tan, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. LEAHY:

S. 597. A bill to ensure the effective administration of criminal justice; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, 50 years ago today, the Supreme Court issued its landmark decision in Gideon v. Wainwright. That case affirmed a fundamental principle of our democratic society, that no person, regardless of economic status, should face prosecution without the assistance of a lawyer. It is worth pausing today to celebrate Gideon and the extraordinary idea that in a free society the government which seeks to convict someone must also assume the cost of providing an effective defense.

In the last 50 years, we have come a long way in ensuring equal justice for all Americans and there is much about our criminal justice system in which to take pride. But we must also be honest and recognize that in too many courtrooms it is better to be rich and guilty than poor and innocent. The rich will have competent counsel, but those who have little often find their lives placed in the hands of underpaid court-appointed lawyers who are inexperienced, overworked, inept, uninterested, or worse.

The bottom line is that the promise made in Gideon remains unfulfilled. At

the core of this problem is the fact that too many States still lack adequate programs for providing effective representation. That failure results in miscarriages of justice, including wrongful convictions, in violation of our constitutional obligation to provide effective assistance of counsel. In his column yesterday in The New York Times, Lincoln Caplan noted, ''by well-informed estimates, at least 80 percent of state criminal defendants cannot afford to pay for lawyers and have to depend on court-appointed counsel.'' A recent article on the front page of USA Today correctly calls the problem a ''national crisis,'' highlighting one public defender's office in Pennsylvania that has four investigators to handle its 4,000 cases a year and where some lawyers have no desk or phone. A similar AP article which ran in the Washington Post cites additional examples of this ongoing failure of our criminal justice system, including one public defender in Indianapolis who was asked to represent 300 clients at a time. I know what it takes to work a case effectively from my time as a prosecutor, and no lawyer can provide effective counsel to 300 defendants at once.

We can no longer ignore the disturbing examples discussed in these articles. We are on notice that a constitutional right is consistently being violated and, if we are to call ourselves a country of laws, it is our obligation as a nation, and particularly as the Congress, to take action and make a change. That is why today, I am introducing the Gideon's Promise Act of 2013. This legislation takes important new steps to breathe life into Gideon and ensure the fairness of our criminal justice system for all participants.

I first introduced this legislation last Congress, as part of the reauthorization of the Justice For All Act. That law, passed in 2004, was an unprecedented bipartisan piece of criminal justice legislation. It was the most significant step Congress had taken in many years to improve the quality of justice in this country and to improve public confidence in the integrity of the American justice system. I plan to reintroduce the reauthorization of the Justice for All Act, again, later this spring and it will include this critical provision to ensure that our criminal justice system operates effectively and consistent with our constitutional obligations.

The Gideon's Promise Act takes several important new steps to improve the quality of the criminal justice system. First, it seeks to encourage States to adopt a comprehensive approach in using the Federal funds received through the Edward Byrne Memorial Justice Assistance Grant, JAG, Program. This will help to ensure that their criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need. Specifically, the bill reinstates a previous requirement of the Byrne JAG Program that States develop, and update annually, a strategic plan detailing how grants received under the program will be used to improve the administration of the criminal justice system. The requirement was removed from the Byrne JAG grant application several years ago, but groups representing States and victims have requested that it be reinstated in order to improve the efficient and effective use of criminal justice resources. The plan must be formulated in consultation with local governments and all segments of the criminal justice system. The Attorney General will also be required to provide technical assistance to help States formulate their strategic plans.

This legislation also takes important new steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive constitutionally adequate representation. It requires the Department of Justice to assist States that want help developing an effective and efficient system of indigent defense, and it establishes a cause of action for the Federal Government to step in when States are systematically failing to provide the representation called for in the Constitution.

This is a reasonable measure that gives the States assistance and time needed to make necessary changes and seeks to provide an incentive for States to do so. As a former prosecutor, I have great faith in the men and women of law enforcement, and I know that the vast majority of the time our criminal justice system does work fairly and effectively. I also know that the system only works as it should when each side is well represented by competent and well-trained counsel. That realization was reflected in the testimony of District Attorney Patricia Lykos of Houston that competent defense attorneys are critical to a prosecutor's job. Our system requires good lawyers on both sides. Incompetent counsel can result not only in needless and time-consuming appeals but, far more importantly, can lead to wrongful convictions and overall distrust in the criminal process.

In working on this legislation, I have also learned that the most effective systems of indigent defense are not always the most expensive. In some cases, making the necessary changes may also save States money.

I remain committed to ensuring that our criminal justice system operates as effectively and fairly as possible. Unfortunately, we are not there yet. Too often the quality of justice a defendant receives in our system depends on how much he or she can pay for an attorney. The Constitution requires that we do better. Americans need and deserve a criminal justice system that keeps us safe, ensures fairness and accuracy, and fulfills the promise of our Constitution for all people.

This bill will take important steps to bring us closer to that goal and I urge all Senators to support this legislation.

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

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

S. 597

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gideon's Promise Act''.

SEC. 2. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To request a grant''; and

(2) by adding at the end the following:

''(6) A comprehensive State-wide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

''(A) be designed in consultation with local governments, and all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

''(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions; and

''(D) be updated every 5 years, with annual progress reports that—

''(i) address changing circumstances in the State, if any;

''(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(iii) provide an ongoing assessment of need;

''(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

''(v) reflect how the plan influenced funding decisions in the previous year.

''(b) TECHNICAL ASSISTANCE.—

''(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

''(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

''(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

''(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2014 through 2018 to carry out this subsection.''.

(b) PROTECTION OF CONSTITUTIONAL RIGHTS.—

(1) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by officials or employees of any governmental agency with responsibility for the administration of justice, including the administration of programs or services that provide appointed counsel to indigent defendants, that deprives persons of their rights to assistance of counsel as protected under the Sixth Amendment and Fourteenth Amendment to the Constitution of the United States.

(2) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may, in a civil action, obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(3) EFFECTIVE DATE.—Paragraph (2) shall take effect 2 years after the date of enactment of this Act.

[From the New York Times, Mar. 9, 2013]

THE RIGHT TO COUNSEL: BADLY BATTERED AT 50

(By Lincoln Caplan)

A half-century ago, the Supreme Court ruled that anyone too poor to hire a lawyer must be provided one free in any criminal case involving a felony charge. The holding in Gideon v. Wainwright enlarged the Constitution's safeguards of liberty and equality, finding the right to counsel ''fundamental.'' The goal was ''fair trials before impartial tribunals in which every defendant stands equal before the law.''

This principle has been expanded to cover other circumstances as well: misdemeanor cases where the defendant could be jailed, a defendant's first appeal from a conviction and proceedings against a juvenile for delinquency.

While the constitutional commitment is generally met in federal courts, it is a different story in state courts, which handle about 95 percent of America's criminal cases. This matters because, by well-informed estimates, at least 80 percent of state criminal defendants cannot afford to pay for lawyers and have to depend on court-appointed counsel.

Even the best-run state programs lack enough money to provide competent lawyers for all indigent defendants who need them. Florida set up public defender offices when Gideon was decided, and the Miami office was a standout. But as demand has outpaced financing, caseloads for Miami defenders have grown to 500 felonies a year, though the American Bar Association guidelines say caseloads should not exceed 150 felonies.

Only 24 states have statewide public defender systems. Others flout their constitutional obligations by pushing the problem onto cash-strapped counties or local judicial districts.

Lack of financing isn't the only problem, either. Contempt for poor defendants is too often the norm. In Kentucky, 68 percent of poor people accused of misdemeanors appear in court hearings without lawyers. In 21 counties in Florida in 2010, 70 percent of misdemeanor defendants pleaded guilty or no contest—at arraignments that averaged less than three minutes.

The Supreme Court has said that poor people are entitled to counsel ''within a reasonable time'' after a case is initiated. But defendants, after their arrest, can spend weeks or even months in jail without a lawyer's help. In a Mississippi case, a woman charged with shoplifting sat in jail for 11 months before a lawyer was appointed.

The powerlessness of poor defendants is becoming even more evident under harsh sentencing schemes created in the past few decades. They give prosecutors, who have huge discretion, a strong threat to use, and have led to almost 94 percent of all state criminal cases being settled in plea bargains—often because of weak defense lawyers who fail to push back.

The competency of lawyers is, of course, most critical in death penalty cases. In dozens of states, capital cases are routinely handled by poorly paid, inexperienced lawyers. And yet, only very rarely are inmates ever granted a new trial because of incompetent counsel.

In a Georgia death penalty case last year, the United States Court of Appeals for the Fifth Circuit ruled that even though the main defense lawyer drank a quart of vodka each night of the trial, there was no need for a retrial. The lawyer was himself preparing to be criminally prosecuted for stealing client funds, and presented very little evidence about the defendant's intellectual disability. But the court said the defendant had a fair trial because proof that he killed a sheriff's deputy outweighed any weakness in his legal representation.

In an infamous 1996 Texas death-penalty case, the Texas Court of Criminal Appeals upheld a defendant's death sentence even though his lead counsel slept during the trial.

The Supreme Court has made it possible for courts to uphold such indefensible lawyering. In 1984, in Strickland v. Washington, the court said that for a defendant to be entitled to a new trial, he must show both that his lawyer's advice was deficient and that the deficiency deprived him of a fair trial—a very high hurdle. And the court's majority defined competency as requiring only that the lawyer's judgment be ''reasonable under prevailing professional norms.''

Justice Thurgood Marshall, writing in dissent, said the result of this empty standard ''is covertly to legitimate convictions and sentences obtained on the basis of incompetent conduct by defense counsel.'' That is exactly what has happened in the past three decades. In fact, incompetent counsel for poor defendants is so widespread that under this standard the prevailing professional norm has been reduced to mediocrity.

After 50 years, the promise of Gideon v. Wainwright is mocked more often than fulfilled. In a forthcoming issue of The Yale Law Journal, Stephen Bright, president of the Southern Center for Human Rights in Georgia, and Sia Sanneh, a lawyer with the Equal Justice Initiative in Alabama, recommend that all states have statewide public defender systems that train and supervise their lawyers, limit their workloads and have specialized teams in, for example, death-penalty cases.

There is no shortage of lawyers to do this work. What stands in the way is an undemocratic, deep-seated lack of political will.

[From the Washington Post, Mar. 17, 2013]

50 YEARS AFTER LANDMARK RULING, LAWYER'S HELP IS LEGAL FICTION FOR MANY ACCUSED OF CRIME

(By Associated Press)

WASHINGTON.—It is not the happiest of birthdays for the landmark Supreme Court decision that, a half-century ago, guaranteed a lawyer for criminal defendants who are too poor to afford one.

A unanimous high court issued its decision in Gideon v. Wainwright on March 18, 1963, declaring that states have an obligation to provide defendants with ''the guiding hand of counsel'' to ensure a fair trial for the accused.

But in many states today, taxpayer-funded public defenders face crushing caseloads, the quality of legal representation varies from county to county and people stand before judges having seen a lawyer only briefly, if at all.

''There is no denying that much, much needs to be done,'' Attorney General Eric Holder said Friday at a Justice Department event to commemorate the anniversary.

Clarence Earl Gideon had been in and out of jail in his nearly 51 years when he was arrested on suspicion of stealing wine and some money from vending machines at a Panama City, Fla., pool hall in 1961. Gideon asked the judge for a lawyer before his trial, but was turned down. At the time, Florida only provided lawyers for indigent defendants in capital cases.

A jury soon convicted Gideon and the state Supreme Court upheld the verdict on appeal. Then, from his Florida prison cell, Gideon scratched out his Supreme Court appeal in pencil on prison stationery. It arrived at the court early in 1962, when the justices were looking for a good case to take on the issue of indigent defense. The court appointed Washington lawyer Abe Fortas, a future justice, to represent him.

Just two months after hearing arguments, Justice Hugo Black wrote for the court that ''in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.''

Five months later, Gideon got a lawyer and a new trial, and the attorney poked holes in the prosecution's case. A jury quickly returned its verdict: not guilty.

So that was the promise of Gideon—that a competent lawyer for the defense would stand on an equal footing with prosecutors, and that justice would prevail, at least in theory.

A half-century later, there are parts of the country where ''it is better to be rich and guilty than poor and innocent,'' said Sen. Patrick Leahy, D–Vt., chairman of the Senate Judiciary Committee and a former prosecutor. Leahy said court-appointed lawyers often are underpaid and can be ''inexperienced, inept, uninterested or worse.''

Regardless of guilt or innocence, few of those accused of crimes are rich, while 80 percent say they are too poor to afford a lawyer.

People who work in the criminal justice system have become numb to the problems, creating a culture of low expectations, said Jonathan Rapping, a veteran public defender who has worked in Washington, D.C., Atlanta and New Orleans.

Rapping remembers walking into a courtroom in New Orleans for the first time for a client's initial appearance before a judge. Several defendants in jump suits were shackled together in one part of the courtroom. The judge moved briskly through charges against each of the men, with a lawyer speaking up for each one.

Then he called a name and there was no lawyer present. The defendant piped up. ''The guy said he hadn't seen a lawyer since he was locked up 70 days ago. And no one in the courtroom was shocked. No one was surprised,'' Rapping said.

Complaints about the quality of representation also are difficult to sustain, under a high bar that the Supreme Court set in a 1984 case. The relatively few cases in which a lawyer's work is deemed so bad that it violates

his client's rights typically have an outlandish set of facts that would be funny if the consequences weren't tragic. ''You see too many instances of ineffective assistance of counsel, too many instances where you think, 'Was this lawyer crazy?''' Supreme Court Justice Elena Kagan said at the Justice Department event.

She recounted a case from last term in which a lawyer advised his client to reject a plea deal with a seven-year prison term and go to trial The lawyer said prosecutors could not prove a charge of intent to murder because the victim had been shot below the waist. 'The defendant was convicted and sentenced to 30 years in prison.

Kagan was part of the 5–4 decision in the defendant's favor.

In some places, lawyers are overwhelmed by their caseloads. A public defender in Indianapolis lasted less than a year in his job after being asked to represent more than 300 defendants at a time, said Norman Lefstein, former dean of the Indiana University Robert H. McKinney School of Law.

''A lawyer with an S on his chest for Superman couldn't represent these people. He simply couldn't do it. There are only so many hours in a day. But it's not just caseload. It's the other support services that go along with it,'' including investigators, said Lefstein, who has studied problems in indigent defense for decades.

In Luzerne County, in northeastern Pennsylvania, the chief public defender told the local court he would stop accepting certain cases because his office had too many clients, too few lawyers and not enough money. A judge's ruling in June acknowledged the lack of money and manpower, but forbade the defender's office to turn away cases. The judge's ruling was encouraging, Leftein said, but on his last visit to Wilkes-Bane in January he found ''the caseloads are worse than ever.''

Eighteen states, including California, Illinois, New York and Pennsylvania, leave the finding of indigent defense entirely to their counties, said Rhoda Billings, a former chief justice of the North Carolina Supreme Court who has looked at the issue for the American Bar Association. Those states ''have a significant disparity in the appointment of counsel'' from one county to the next, Billings said.

Public defenders in those counties often report to elected officials or their appointees, rather than independent boards that are insulated from politics. But even programs run at the statewide level are not free of political influence, Billings said, citing the case of a New Mexico public defender fired by the governor.

The lack of independence raises questions about whether decisions are being made in the best interests of clients, Rapping said.

The avalanche of cases and politics come together to present a formidable obstacle to alleviating some of the problems that afflict the system in some states. Politicians do not like asking voters for money for indigent defense.

''Arguing for more money to defend criminals is not the easiest way to win a close election,'' said former Vice President Walter Mondale. As Minnesota's attorney general in the early 1960s, Mondale recruited 21 other states to join in a brief urging the court to rule as it did and rejected a plea from Florida to support limits on states' responsibilities to poor defendants.

Heralded for its powerful statement about the right to a lawyer, the Gideon decision also left states on their own to pay for the provision of counsel, Lefstein said. ''It came as an unfunded mandate to 50 state governments and that problem endures,'' he said, noting that in England, Parliament provides money to local governments to pay for legal representation of the poor.

''The federal government does next to nothing to support indigent defense in the United States,'' Lefstein said.

Since becoming attorney general more than four years ago, Holder has shown a commitment to the issue. He established an ''Access to Justice'' program and made Harvard Law School professor Laurence Tribe its initial director. The department also has sent a few million dollars to defense programs across the country. He announced nearly $2 million in new grants on Friday.

The right announced by the Supreme Court 50 years ago only covers criminal cases. It has never been extended to civil matters, although as Mondale pointed out, they can lead to people losing their homes, their families, being confined in a mental institution or being thrown out of the country.

To people in those situations, he said, the distinction between criminal and civil law ''doesn't make much of a difference.''

[From USA Today, Mar. 12, 2013]

YOU HAVE THE RIGHT TO COUNSEL. OR DO YOU?

50 YEARS AFTER THE U.S. SUPREME COURT ENSHRINED THE CONSTITUTIONAL RIGHT TO A LAWYER, BUDGET REALITIES ARE UNDERMINING JUSTICE IN AMERICA

(By Rick Hampson)

WILKES-BARRE, PA.—The first face visitors see when they walk into the public defender's office here is a photo of Clarence Gideon, the drifter, drinker, gambler and thief who became a hero of American jurisprudence.

It was in his case, Gideon v. Wainwright, that the Supreme Court ruled 50 years ago this month that everyone accused of a serious crime has a constitutional right to a lawyer, whether they can afford it or not.

When he was charged with breaking into a pool hall outside Panama City, Fla., Gideon asked for a court-appointed lawyer. After the judge said no, he represented himself, was found guilty and sentenced to five years. From prison, he appealed to the Supreme Court, which took his case and ordered a new trial.

If he came back today, Clarence Gideon might rue the quality of legal representation he'd receive. He might not get any at all.

Such was the fate last year of some indigent criminal defendants who walked in the public defender's door here and past Gideon's gaze. They were told that, because of a shortage of staff lawyers, the office was turning down all but the most serious new cases. They were given a letter to show the judge.

Al Flora, Luzerne County chief public defender, says that ethically and legally he had no choice: His overburdened lawyers couldn't take on new clients and do justice to those they already had. He sued county officials—his bosses—to let him hire more lawyers and to stop them from retaliating against him.

The situation in Luzerne County reflects what experts say is a national crisis in indigent legal defense that has thwarted Gideon's promise of legal equality.

Many public defenders are overwhelmed by caseloads, and financially pressed states and counties are levying fees and applying means tests for granting counsel. ''We're not calling the anniversary a celebration,'' says Edwin Burnette of the National Legal Aid and Defender Association. ''There's nothing to celebrate.''

Flora is not the only rebel. The Florida Supreme Court is considering a similar attempt by the Miami-Dade County public defender's office to limit its caseload. Last year, the Missouri Supreme Court authorized public defenders with unmanageable caseloads to decline new cases, and the American Bar Association urged states and counties not to fire public defenders who do.

The problem is money. An explosion in the number of criminal cases has overwhelmed the indigent defense system, which represents about 80% of all accused.

The right to counsel is stronger than ever; it was expanded by the Supreme Court during its last term. Although few in state and county government quarrel with the principle of Gideon, few are eager to cover the ever-growing tab for its realization.

That worries advocates on each side of Gideon, including Bruce Jacob, the former Florida assistant attorney general who argued the state's case before the Supreme Court, and former vice president Walter Mondale, who as attorney general of Minnesota in 1963 filed a brief supporting Gideon.

''We're not close to fulfilling the promise of Gideon,'' Jacob says. Although more defendants see a lawyer than 50 years ago, he says, many advocates don't have time to give clients ''effective representation.''

Any celebration of the anniversary should be ''subdued,'' Mondale says, because ''we've missed the mark, and we may be going backwards.''

Others, while conceding the problem, take a more positive view. ''For the most part, public defenders and prosecutors get it right,'' says Scott Burns, director of the National District Attorneys Association. ''Gideon would celebrate this anniversary.''

'I AM ENTITLED . . . TO COUNSEL'

Clarence Gideon was jailed before he was old enough to drive and behind bars for much of his young adulthood. By the time he was 51, he'd been convicted of five felonies, including thefts from a government armory and a country store.

His biographer, Anthony Lewis, described him as a ''used-up man'' who looked 15 years older than his age. In a letter, Gideon admitted ''the utter folly and hopelessness'' of much of his life.

On Aug. 4, 1961, facing trial on a charge that would send him back to prison, Gideon told the judge, ''The United States Supreme Court says I am entitled to be represented by counsel.''

The only problem: It had not, and he was not.

Beginning with Betts v. Brady (1942), the court had refused to declare a blanket constitutional right to counsel in non-capital state felony trials unless defendants faced ''special circumstances,'' such as youth, illiteracy or unusually complex issues.

Undeterred, the imprisoned Gideon mailed the court a petition for a new trial. Handwritten in pencil on lined prison paper, it began with anachronistic legalese: ''Comes now the petitioner . . .''

The court received many petitions like it every week from prisons around the country, but Gideon had two things in his favor.

First, he had raised the constitutional issue at trial, which meant he could use it to appeal.

Second, he didn't claim special circumstances, and—whether Gideon knew it or not—a majority of the justices already were inclined to jettison Betts v. Brady in favor of a flat constitutional right to counsel.

All the court needed was a case on which to rule. And here came Gideon.

On March 18, 1963, the court ruled unanimously that Gideon's conviction was unconstitutional because he'd been denied his request for counsel.

Justice Hugo Black wrote that in our adversarial justice system, the ''noble idea (that) every defendant stands equal before the law . . . cannot be realized if the poor man charged with a crime has to face his accusers without a lawyer.''

The case was sent back to Florida, which had quickly established a network of public defenders. But Gideon insisted on a private practitioner, Fred Turner. It was a shrewd choice.

Turner interviewed Gideon in jail and spent several days investigating. He checked out the pool hall. He drove to the town where the prosecution witness had been earlier on the night of the crime. He picked pears with the witness's mother in her yard. He became convinced the witness was the perpetrator.

The jury took just over an hour: Not guilty. Gideon went out and got a hamburger.

The jailbird's name became synonymous with freedom. In Florida alone, 976 prisoners were released because of Gideon; an additional 500 got a new trial.

After his release, Gideon stayed out of trouble. He died of cancer in 1972 at 61, too soon to see himself played by Henry Fonda in the 1980 TV movie Gideon's Trumpet.

His gravestone in Hannibal, Mo., bears a message drawn from a letter he wrote in prison. It reflects his belief that he was part of something bigger than himself: ''I believe each era finds an improvement in law,'' Gideon wrote. ''Each year brings out something new for the benefit of mankind.''

ALL WE CAN DO IS TRIAGE

After the inspirational Gideon v. Wainwright poster in the reception area, it's all downhill in the Luzerne public defender's office.

The walls are scuffed, the carpets stained. File folders are stacked on the floor. ''It's a mess,'' admits Al Flora, leading a tour. ''Half the time the secretaries can't find the right file.'' As a result, clients sometimes aren't notified of their court dates.

Some of the office's 21 lawyers have no desk or personal phone. The top of a file cabinet serves as a desk for one lawyer. A nightstand in a corner accommodates another.

The office, which handles about 4,000 cases a year in this northeastern Pennsylvania county of 320,000, has only four investigators and four secretaries. Lawyers often have to type their own briefs. They have little time to take depositions or seek discovery of prosecution evidence.

A third of Flora's lawyers have never tried a case. They're smart and energetic, he says, but so inexperienced that if given a full caseload, ''they'd crack. . . . All we can do is triage cases.''

He says some public defenders ''don't want to talk about the problem. I decided to go the other way. This has to stop.''

Traditionally, Southern states have had the worst record of giving poor defendants counsel. But Jonathan Rapping, founder of the Southern Public Defender Training Center, says the problem now is more acute in Northeastern jurisdictions with shrunken industrial bases and chronic fiscal woes.

That describes Luzerne County, which gets no state funds for public defenders. Last year, Flora's $2.7 million budget was cut 7%, and later—until a judge intervened—a hiring freeze blocked him from filling five lawyers' slots that were budgeted.

In six months, he turned away more than 500 applicants for legal counsel, an approach that antagonized county officials. John Dean, a county attorney, has accused Flora of regarding the county as ''nothing more than a checkbook'' and suggested he handle more cases himself.

In June, a judge told Flora to resume taking all comers and told the county to let Flora hire more lawyers. Since then, the county has paid for a computerized case management system and promised to find more office space.

AN EROSION OF JUSTICE

In the past 18 months, a third of the office's lawyers have left. One was Ed Olexa, 38. He'd read Gideon in law school but didn't bargain for what he found when he became a public defender four years ago.

Although he was a $34,000-a-year part-timer—19 hours a week—he usually had 150 to 170 cases, far in excess of the maximum recommended by the American Bar Association for full-time defenders. The cases took up 40 to 50 hours a week. Along with his private cases, he worked up to 70 hours a week.

He often was scheduled to appear before two or three different judges at the same time in different places around the county. He'd meet clients for the first time in the courtroom—some straight from jail, still in handcuffs—and go before the judge with only the complaint and a hurried conversation with his client as background.

That, he says, was the worst: No time to establish rapport with clients or get the details that can win an acquittal. No time to do what Turner did for Gideon. Instead, he spent his time asking judges for more time. ''It offended my sense of justice,'' he says.

And his clients'. He won't discuss their specific complaints but says, ''The best attorney in the world would be incompetent under those circumstances.''

Over time, most experts say, the costs are clear. Poor people arrested for misdemeanors plead guilty and go free rather than wait to see a public defender, even though a conviction on their record might hurt their chances for employment, loans or housing. At worst, the innocent go to jail, and the guilty go free.

The Luzerne chief public defender is a part-time post; the county plans to make it full time. Flora has applied.

''I want to see it done right,'' he says. ''I believe people who are impoverished and can't afford a lawyer deserve one. If we can't provide that, then what kind of society do we really have?''

By Mrs. FEINSTEIN (for herself and Mr. NELSON):

S. 598. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce, with my distinguished colleague, Senator BILL NELSON, the Deepwater Drilling Royalty Relief Prohibition Act.

Specifically, the bill prohibits the Interior Department from waiving royalty payments due to American taxpayers as compensation for the oil industry's exploitation of Federal oil and gas resources in waters exceeding 400 meters of depth.

It is necessary because Congress has established a number of royalty-relief programs for oil and gas production in our deepest Federal waters.

However, as the BP Deep water Horizon catastrophe showed, encouraging this most dangerous and often dirty form of oil drilling is not in the public interest.

The disastrous impacts of the Deepwater Horizon explosion illustrate the enormous environmental and safety risks of offshore drilling—particularly in deep waters. 11 people died and 17 others were injured when the Deepwater Horizon caught fire. 5 million barrels of oil gushed into the Gulf of Mexico.

It took 9,700 vessels, 127 aircraft, 47,829 people, nearly 2 million gallons of toxic dispersants, and 89 days to plug the well and stop the flow of oil. And the scope of the disaster was tremendous. Oil slicks spread across the Gulf of Mexico, forcing the closing of 40 percent of Gulf waters to all commercial and recreational fishing. Pelicans and other wildlife struggled to free themselves from crude oil. Wildlife responders collected 8,183 birds, 1,144 sea turtles, and 109 marine mammals killed or negatively affected by the spill. Many more perished and sank to the ocean depths without detection.

More than 650 miles of Gulf coastal habitats—including salt marshes, mudflats, mangroves, and sand beaches—were oiled. Tar balls spoiled the pristine white sand beaches of Florida, while wetlands were coated with toxic sludge. Oyster beds could take years to recover.

The plumes of underwater oil created zones of toxicity for aquatic life. Recent studies have determined the BP spill was ''definitely linked'' to ''widespread signs of distress'' and the slow death of deepwater coral within seven miles of the blowout site.

The response techniques, such as the use of dispersants, may have their own toxic consequences to both wildlife and the spill response workers. A recent report asserts that the mixture of toxic dispersants and crude oil has now weathered into tar product, and that the ''unholy mix'' is allowing potentially carcinogenic concentrations of organic pollutants to remain in the environment.

The impacts of an oil spill are so dramatic and devastating, it seems clear to me that this is not an area in which we should be subsidizing development.

In 1969, off Santa Barbara, California, a natural gas blowout caused an unprecedented oil spill.

The drilling technology 40 years ago was not able to prevent a disaster, nor could it stop the flow of oil, which went on for more than 11 days. Unfortunately, today's technology also cannot prevent well-head blowouts or quickly stop the flow of oil.

The Deepwater Horizon drill rig was less than 10 years old when it caused a devastating blow out. A similar rig that caused the 2009 spill in the Montara oil and gas field in the Timor Sea—one of the worst in Australia's history—was even newer, designed and built in 2007. That spill continued unchecked for 74 days.

The failures that led to these catastrophes were human and technological. But they demonstrate that we are a long way from spill-free offshore oil and gas production technology.

In deep waters, the risks are higher and the scope of the damage even greater, because drilling in deep water presents even more challenges than drilling in shallow water or on shore. This was demonstrated during the Deepwater Horizon disaster.

Methane hydrate crystals form when methane gas mixes with pressurized cold ocean waters—and the likelihood

of these crystals forming increases dramatically at a depth of about 400 meters. These crystals interfere with response and containment technologies. They formed in the cofferdam dome that was lowered onto the gushing oil in the Gulf, which failed to stop the oil in the early days of the spill.

When a remotely operated underwater vehicle bumped the valves in the ''top hat'' device, the containment cap had to be removed and slowly replaced to prevent formation of these crystals again.

In order to drill at deeper depths, many technical difficulties must be overcome. The ocean currents on the surface and in the water column exert torque pressure on the pipes and cables, which are longer and heavier.

The water temperature decreases closer to the sea floor, but the temperature of the ground under the ocean increases the deeper the well—sometimes reaching temperatures in excess of 350 degrees Fahrenheit.

The ocean pressure increases dramatically at depth, but the pressure in a well can exceed 10,000 pounds per square inch.

Drills must be able to pass through tar and salts, and the well bores must remain intact.

The volume of drilling mud and fluids is greater, the weight of the cables heavier, and many technical procedures can only be accomplished with the use of remotely operated vehicles thousands of feet below the surface.

American taxpayers should not forego revenue in order to incentivize offshore drilling at these dangerous depths. It is not good environmental policy, and it's not good energy policy either. We need to move to cleaner renewable fuels.

I believe that global warming presents a serious environmental and economic threat—and scientists agree that the biggest culprit of global warming is manmade emissions produced by the combustion of fossil fuels like oil and coal.

Taxpayer-funded incentives should be utilized to develop and deploy clean energy technologies that address this crisis, instead of encouraging the fossil fuels at the root of the problem through oil and gas royalty relief.

Congress has worked to move in this direction. In 2007, we passed the Ten in Ten Fuel Economy Act which will raise fuel economy standards for passenger vehicles to 54 miles per gallon by 2025.

Over the past four years, renewable energy generation in the United States has more than doubled—due in large part to Federal tax incentives, financing mechanisms, and a vastly improved permitting process. In 2012, a whopping 44 percent of new electric generating capacity added to the grid was wind power.

The Federal government is helping the United States adopt a cleaner energy future.

Royalty relief for dangerous oil and gas development, however, is not advancing this goal.

Let me make one final point: oil companies—the primary recipients of royalty relief—do not need taxpayer help. They are already reaping record profits.

Higher gasoline prices are causing families pain at the pump, but they are a boon to the world's five largest oil companies. BP, Chevron, ConocoPhillips, ExxonMobil, and Shell made a combined $118 billion in profits in 2012, or an average of almost $500 for each car in America.

Moreover, the big three publicly owned U.S. oil companies—ExxonMobil, Chevron, and ConocoPhillips paid effective federal tax rates in 2011 of 13 percent; 19 percent; and 18 percent respectively. Yet we continue to use taxpayer dollars to add to their bottom line. This is unacceptable.

Oil reserves under Federal waters are a public resource. When a private company profits from those public resources, American taxpayers should also benefit.

I urge my colleagues to support this legislation and ensure that royalties owed to the taxpayers are not waived to incentivize risky off-shore drilling. In these critical economic times, every cent of the people's money should be spent wisely.

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. 598

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Deepwater Drilling Royalty Relief Prohibition Act''.

SEC. 2. PROHIBITION ON ROYALTY INCENTIVES FOR DEEPWATER DRILLING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) with royalty-based incentives in any tract located in water depths of 400 meters or more on the outer Continental Shelf.

(b) ROYALTY RELIEF FOR DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(c) ROYALTY RELIEF.—Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended by adding at the end the following:

''(D) PROHIBITION.—Notwithstanding subparagraphs (A) through (C) or any other provision of law, the Secretary shall not reduce or eliminate any royalty or net profit share for any lease or unit located in water depths of 400 meters or more on the outer Continental Shelf.''.

(d) APPLICATION.—This section and the amendments made by this section—

(1) apply beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published as of that date; and

(2) do not apply to a lease in effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 77—EXPRESSING THE SENSE OF CONGRESS RELATING TO THE COMMEMORATION OF THE 180TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND THE KINGDOM OF THAILAND

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

S. RES. 77

Whereas 2013 marks the 180th anniversary of the March 20, 1833 signing of the Treaty of Amity and Commerce between the United States and the Kingdom of Thailand (formerly known as Siam), which initiated diplomatic relations between the two countries during the administration of President Andrew Jackson and the reign of King Rama III;

Whereas Thailand was the first treaty ally of the United States in the Asia-Pacific region and remains a steadfast friend of the United States with shared values of democracy, rule of law, universal human rights, human security, open societies, and a free market;

Whereas in December 2003, the United States designated Thailand as a major ally outside the North Atlantic Treaty Organization, which improved the security of both countries, particularly by facilitating joint counterterrorism efforts;

Whereas for more than 30 years, Thailand has been the host country of Cobra Gold, the United States Pacific Command's annual multinational military training exercise, which is designed to ensure regional peace and promote regional security cooperation;

Whereas Thailand has played a leading role in the development of the Association of Southeast Asian Nations by helping the regional group develop into a more cohesive and comprehensive entity that ensures regional security and prosperity and serves as a valued partner in Asia for the United States;

Whereas on December 5, 2012, the people of Thailand celebrated the 85th birthday of His Majesty King Bhumibol Adulyadej, the world's longest-serving monarch, who is loved and respected for his lifelong dedication to the social and economic development of the people of Thailand;

Whereas on July 3, 2011, the Royal Thai Government held nationwide parliamentary elections, the results of which affirmed Thailand's commitment to the democratic process;

Whereas approximately 500,000 people of Thai descent live in the United States, joining in the pursuit of the American Dream;

Whereas Thailand is a valued trading partner of the United States, with bilateral trade totaling approximately $40,000,000,000 per year; and

Whereas the bonds of friendship and mutual respect between the United States and Thailand are strong:

Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 180th anniversary of diplomatic relations between the United States and the Kingdom of Thailand;

(2) offers sincere congratulations to the Kingdom of Thailand and the people of Thailand for their affirmation of the value of democracy;

(3) commemorates the 85th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers sincere congratulations and