

the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) APPEAL.—

(A) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of State under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(C) EFFECTIVE DATE.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7311, which was received from the House.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7311) to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Reauthorization Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

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

Mr. LEAHY. Madam President, I am glad the Senate today passed the William Wilberforce Trafficking Victims Protection Act, a bill that will strengthen our efforts to stop the abhorrent practice of human trafficking in the United States and around the world. I congratulate Senators BIDEN and BROWNBACK, Congressman BERMAN, and the many others who worked hard on this important legislation. I commend Senate and House leaders on this bill for putting aside significant differences to reach consensus on this important issue. I was pleased to support this bill as it moved through the Judiciary Committee this summer, and I am heartened that it will soon become law.

This bill enhances protections to the victims of these terrible crimes and provides new laws against the immoral practice of recruiting children to be soldiers. Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded or coerced into sexual or labor exploitation. These practices continue to victimize

hundreds of thousands around the world, mostly women and children, and we must continue to make the laws banning human trafficking more effective and meaningful.

The coerced and often violent subjugation and exploitation of women, girls, and children continues to plague many regions of the world. As news reports continue to reveal, women and girls from many nations are sold as slaves and forced to engage in the sex industry. Children are recruited, and sometimes even drugged, to become soldiers in war-torn regions of the world, and poor destitute immigrant workers are often duped or coerced to work in intolerable conditions that amount to forced labor. Even in the United States, we are not immune to the scourge of human trafficking, as evidenced by recent reports of Haitian children being brought to the United States as servants, who are then beaten and abused into servitude. Progress has been made to address these horrific problems, but we must continue to do more. This bill does.

I want to thank Senator BIDEN for introducing this bill in the Senate. I commend him for working with all the Federal agencies and constituent interests to address new issues that continue to come up in the fight against human trafficking. This bill will provide more protection to victims, particularly child victims of human trafficking, and will give prosecutors new tools to gain cooperation from witnesses and informants who can provide vital testimony in human trafficking prosecutions. This bill also contains tools to combat the equally abhorrent practice of recruiting or using child soldiers. I particularly appreciate Senator BIDEN's work to remove language that would have resulted in unintended mandatory minimum penalties in the bill.

We must rededicate our efforts to the prevention of human trafficking, the protection of its victims, and prosecution of those who would commit these heinous offenses. Nowhere on earth should it be acceptable to deceive, abuse, and force a person into a life of enslavement. To deny a person their right to freedom is an affront to the ideals of this Nation. Passage of this legislation is a first step toward correcting this terrible problem.

Mrs. FEINSTEIN. Madam President, I thank my colleagues for supporting the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

This trafficking bill includes a provision I authored over 8 years ago—the Unaccompanied Alien Minor Act—to ensure that unaccompanied children receive humane and appropriate treatment while in the custody of the U.S. Government.

Today Congress took an important step to protecting unaccompanied alien children, the most vulnerable immigrants.

I believe we have a special obligation to ensure that these children are treat-

ed humanely and fairly. Unfortunately, without this legislation, there would be no procedure to make sure that happens.

Currently, when a child is apprehended by immigration authorities, that child usually knows nothing about U.S. courts or immigration policies and frequently does not speak English. As a result, many are sent to detention facilities—often with adults or hardened criminals with no idea that they might be eligible for foster care or immigration relief.

This bill is necessary because every year, more than 7,000 undocumented and unaccompanied children are apprehended in the United States or at our borders. This bill deals with how these thousands of children will be treated while awaiting a final decision on their immigration status in this country.

Today Congress took the first step to ensure that unaccompanied minors in temporary Federal custody are treated as children and not as criminals.

I first became involved in this issue when I saw the treatment of a 15-year-old Chinese girl, who fled persecution in her country and had spent 9 months in a juvenile jail. She came to her asylum hearing shackled and in prison clothing. As she told her story to an immigration judge, she could not wipe away her tears because her hands were chained to her waist.

This bill seeks to protect children like this girl, who have escaped traumatic situations such as armed conflict, sweatshop labor, human trafficking, forced prostitution, and other life-threatening circumstances.

These children have seen their family members threatened, tortured and even murdered. Many have been targets of attacks themselves.

Indeed, it is through their resilience and indomitable spirit that they have found themselves in our country. And they need our help.

Yet, our Nation's response over the several years has been unacceptable. According to a report issued by Amnesty International in June of 2004, unaccompanied children have too often languished in an unregulated immigration system.

According to Amnesty International, investigators identified situations where children were strip-searched or kept in solitary confinement. Others were victims of extreme brutality or refugees from war zones and rather than being placed in appropriate facilities, they were thrown in juvenile jails.

Most children reported that they had not received weekly visits from officials specializing in juvenile care.

In addition, 83 percent of these facilities reported that they routinely restrained the children with handcuffs or leg irons when they are transported.

One attorney told the story of a 7-year-old boy who had been forced to appear before a judge in handcuffs.

The majority of these children have been forced to struggle through an immigration system designed for adults.

Today, Congress will pass the Unaccompanied Alien Child Protection Act to remedy this by requiring that children who pose no danger to themselves or others be placed in the least restrictive setting possible; requiring the Office of Refugee Resettlement to do a suitability assessment before placing the child with any agency or person; and prohibiting placing children, who have committed no crimes, in a prison with hardened criminals.

This legislation also requires, whenever possible, family reunification or other appropriate placement in the best interest of the unaccompanied alien children. For example, the Office of Refugee Resettlement must do a home study before placing a child into a home or foster care.

The bill also provides for pro bono legal representation for unaccompanied alien children in their immigration matters, where possible, at no expense to the Government. And finally, the bill requires training for Department of Homeland Security personnel and others who come into contact with unaccompanied children.

I would also like to be clear about what this bill would not do.

This legislation does not expand the current immigration rights of any child. Instead, it presumes that children will be placed in removal proceedings—unless they qualify for immigration benefits under current law.

It does not remove the jurisdiction and responsibility for adjudicating im-

migration status from the Department of Homeland Security or the Executive Office for Immigration Review, where such jurisdiction and responsibilities currently reside.

It does not interfere with the custodial rights of a parent or guardian in situations where a parent or guardian seeks to establish custody.

Like the Trafficking bill, these provisions have received broad bipartisan support. Among the endorsers of this legislation are organizations representing mental health and child welfare professionals, as well as legal, human rights, immigration and religious organizations. It is a moderate, reasonable bill that by and large addresses issues of a child's care and custody, and not issues of substantive immigration relief.

I thank my House and Senate colleagues for passing this important bill. I also specifically thank Senators BIDEN, BROWNBACK, KENNEDY, and LEAHY, as well as Representatives BERMAN, LOFGREN, and CONYERS for their hard work and leadership in securing the passage of this bill.

I urge the President to sign this important legislation.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 7311) was ordered to a third reading, was read the third time, and passed.

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ORDERS FOR THURSDAY,  
DECEMBER 11, 2008

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Thursday, December 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 7005.

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

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RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:45 p.m., recessed until Thursday, December 11, 2008, at 10 a.m.