

Whereas many countries in Latin America face significant challenges in combating violence against women, and international cooperation is essential in addressing this serious issue;

Whereas the United States Agency for International Development (USAID) has provided assistance to the Government of Guatemala to implement judicial reform and rule of law programs, and in fiscal year 2006, Congress provided \$1,500,000 for programs to combat impunity, corruption, and crimes of violence, of which \$500,000 is to be allocated to strengthen the special prosecutorial units charged with investigating the murders of women in Guatemala;

Whereas the Government of Guatemala has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, done at Belem do Para, Brazil June 9, 1994, and other international human rights treaties, and the enactment of laws and the creation of state institutions to promote and protect the rights of women;

Whereas the Government of Guatemala has created special police and prosecutorial units to address the brutal murders of women in Guatemala;

Whereas in June 2006, the Government of Guatemala successfully abolished the "Rape Law" which had absolved perpetrators of criminal responsibility for rape and certain other crimes of violence upon the perpetrator's marriage with the victim;

Whereas legislators from various parties in Guatemala have joined lawmakers from Mexico and Spain to form the "Inter-parliamentary Network against 'Femicide'";

Whereas the Government of Guatemala and the United Nations recently entered into an agreement to establish the International Commission Against Impunity in Guatemala (CICIG), which has a mandate to investigate and promote the prosecution of illegal security groups and clandestine security organizations that function with impunity and are suspected of attacking human rights defenders, justice officials, and other civil society actors; and

Whereas continuing impunity for crimes against women is a threat to the rule of law, democracy, and stability in Guatemala: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sincerest condolences and deepest sympathy to the families of women and girls murdered in Guatemala, and recognizes their courageous struggle in seeking justice for the victims;

(2) expresses the solidarity of the people of the United States with the people of Guatemala in the face of these tragic and senseless acts;

(3) condemns the ongoing murders of women and girls in Guatemala, and encourages the Government of Guatemala to act with due diligence in order to promptly investigate these killings, prosecute those responsible, and continue to work toward eliminating violence against women;

(4) urges the Government of Guatemala to strengthen laws with respect to domestic violence and sexual harassment, to improve the integrity of the prosecutorial and judi-

cial systems, and to provide the resources and commitment necessary to adequately enforce justice for crimes against women;

(5) urges the President and the Secretary of State to continue to incorporate the investigative and preventative efforts of the Government of Guatemala regarding the murder of women and girls into the bilateral agenda between the Governments of Guatemala and the United States;

(6) encourages the Secretary of State to continue to support efforts by the Government of Guatemala to train and equip the special police and prosecutorial units of the Government of Guatemala to conduct thorough and proper investigations of crimes of violence against women, and to implement judicial reform and rule of law programs;

(7) encourages the Secretary of State and the Attorney General to provide assistance in establishing a comprehensive missing persons system and an effective state protection program for witnesses, victims' relatives, and human rights defenders;

(8) urges the Government of Guatemala to hold accountable those law enforcement and judicial officials whose failure to investigate and prosecute the murders adequately, whether through negligence, omission, or abuse, has led to impunity for these crimes;

(9) encourages the Secretary of State to support efforts to identify perpetrators and unknown victims through forensic analysis, including assisting the Government of Guatemala in adequately funding the National Institute for Forensic Science (INACIF) and training lab personnel in investigatory and evidence gathering protocols;

(10) urges the Secretary of State—

(A) to express support for the efforts of the victims' families and loved ones to seek justice for the victims,

(B) to express concern relating to any harassment of these families and the human rights defenders with whom they work, and

(C) to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(11) encourages the Secretary of State to continue to include in the Department of State's annual Country Reports on Human Rights Practices instances of failure to investigate and prosecute crimes, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of women and girls in Guatemala;

(12) recommends that the United States Ambassador to Guatemala continue to meet with the families of the victims, women's rights organizations, and the officials of the Government of Guatemala who are responsible for investigating these crimes; and

(13) recommends that the Secretary of State develop a comprehensive plan to address and combat the growing problem of violence against women in Latin America.

KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2516 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The bill clerk read as follows:

A bill (S. 2516) to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

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

Mr. LEAHY. Mr. President, I appreciate Senator MIKULSKI's commitment to helping those dedicated men and women who are not yet U.S. citizens but who have served all Americans as members of the Armed Forces. Easing the path to citizenship by removing duplicative procedures for these dedicated men and women is the right thing to do, and I am glad to support Senator MIKULSKI's efforts.

However, I also wish to note my concern with inclusion of language in the bill, at the administration's behest, that appears to anticipate a future expansion of the collection of biometric information from individuals who seek to become naturalized citizens or who seek other immigration benefits. In light of the purpose of Senator MIKULSKI's bill, which is to streamline the naturalization procedures for legal permanent residents serving in the military, it would make little sense to place additional obstacles in the path of those who have made the ultimate commitment to the United States.

I also register this concern to make clear that the language in this bill with respect to biometric information should in no way be misconstrued as authority for the administration to unilaterally expand the type of biometric information beyond what is currently required to obtain immigration benefits from the U.S. government. Federal immigration law is the province of the Congress, and Congress retains the sole power to determine the extent of rulemaking authority afforded to Federal immigration agencies. The involvement of Congress in these decisions is crucial to ensure that the procedures by which we admit or deny individuals entry to the United States take into account the interests of privacy, and are faithful to the welcoming traditions by which our nation has prospered. Only Congress can provide the deliberative, democratic process necessary to ensure that any future requirements are consistent with American values.

We all recognize the need for robust security at our borders. But over the last 7 years, the reputation of the United States as a welcoming nation has been diminished as a result of often misguided policies that take a reactionary, blunt, and hostile approach to immigration. The administration has met its failure to enact meaningful immigration reform with layer upon layer of security initiatives that in some cases do little more than foreclose the promise of our great Nation for so many who seek opportunity, advancement, or refuge. America's security now and in the future demands more than border walls and punitive, enforcement-only immigration policies.

Our future security, as well as our future prosperity, depends upon the balance that has been absent for so long.

Mr. BROWN. I ask unanimous consent that the Mikulski substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid on the table, with no intervening action or debate and any statements be printed in the RECORD.

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

The amendment (No. 4177) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kendell Frederick Citizenship Assistance Act".

SEC. 2. FINGERPRINTS AND OTHER BIOMETRIC INFORMATION FOR MEMBERS OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 552a of title 5, United States Code (commonly referred to as the "Privacy Act of 1974"), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

(1) the individual may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440);

(2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;

(3) the individual—

(A) submitted an application for naturalization not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; or

(B) provided the required biometric information to the Department of Homeland Security through a United States Citizenship and Immigration Services Application Support Center at the time of the individual's application for adjustment of status if filed not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; and

(4) the Secretary of Homeland Security determines that the biometric information provided, including fingerprints, is sufficient to conduct the required background and security checks needed for the applicant's naturalization application.

(b) MORE TIMELY AND EFFECTIVE ADJUDICATION.—Nothing in this section precludes an individual described in subsection (a) from submitting a new set of biometric information, including fingerprints, to the Secretary of Homeland Security with an application for naturalization. If the Secretary determines that submitting a new set of biometric information, including fingerprints, would result in more timely and effective adjudication of the individual's naturalization application, the Secretary shall—

(1) inform the individual of such determination; and

(2) provide the individual with a description of how to submit such biometric information, including fingerprints.

(c) COOPERATION.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall determine the format of biometric information, including fingerprints, acceptable for usage under subsection (a). The Secretary of Defense, or any other official having custody of the biometric information, including fingerprints, referred to in subsection (a), shall—

(1) make such prints available, without charge, to the Secretary of Homeland Security for the purpose described in subsection (a); and

(2) otherwise cooperate with the Secretary of Homeland Security to facilitate the processing of applications for naturalization under subsection (a).

(d) ELECTRONIC TRANSMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense and the Director of the Federal Bureau of Investigation, implement procedures that will ensure the rapid electronic transmission of biometric information, including fingerprints, from existing repositories of such information needed for military personnel applying for naturalization as described in subsection (a) and that will safeguard privacy and civil liberties.

(e) CENTRALIZATION AND EXPEDITED PROCESSING.—

(1) CENTRALIZATION.—The Secretary of Homeland Security shall centralize the data processing of all applications for naturalization filed by members of the United States Armed Forces on active duty serving abroad.

(2) EXPEDITED PROCESSING.—The Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall take appropriate actions to ensure that applications for naturalization by members of the United States Armed Forces described in paragraph (1), and associated background checks, receive expedited processing and are adjudicated within 180 days of the receipt of responses to all background checks.

SEC. 3. PROVISION OF INFORMATION ON MILITARY NATURALIZATION.

(a) IN GENERAL.—Not later than 30 days after the effective date of any modification to a regulation related to naturalization under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), the Secretary of Homeland Security shall make appropriate updates to the Internet sites maintained by the Secretary to reflect such modification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, not later than 180 days after each effective date described in subsection (a), should make necessary updates to the appropriate application forms of the Department of Homeland Security.

SEC. 4. REPORTS.

(a) ADJUDICATION PROCESS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), including the process that—

(A) begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete; and

(B) ends on the date of the final disposition of such application.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a description of—

(A) the methods used by the Secretary of Homeland Security and the Secretary of Defense to prepare, handle, and adjudicate such applications;

(B) the effectiveness of the chain of authority, supervision, and training of employees of the Federal Government or of other entities, including contract employees, who have any role in such process or adjudication; and

(C) the ability of the Secretary of Homeland Security and the Secretary of Defense to use technology to facilitate or accomplish any aspect of such process or adjudication and to safeguard privacy and civil liberties

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States and the Inspector General of the Department of Homeland Security shall conduct a study on the implementation of this Act by the Secretary of Homeland Security and the Secretary of Defense, including an assessment of any technology that may be used to improve the efficiency of the naturalization process for members of the United States Armed Forces and an assessment of the impact of this Act on privacy and civil liberties.

(2) REPORT.—Not later than 180 days after the date on which the Secretary of Homeland Security submits the report required under subsection (a), the Comptroller General and the Inspector General shall submit a report to the appropriate congressional committees on the study required by paragraph (1) that includes recommendations for improving the implementation of this Act.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services of the Senate;

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

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

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

The bill (S. 2516), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 390 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 390) designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution