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House of Representatives

The House met at 9 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4864. An act to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall continue beyond 9:50 a.m.

CONTROLLING GUN VIOLENCE IN OUR COMMUNITIES

The SPEAKER. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress has been to make the Federal Government a better partner, working with people back home to make our communities more livable, our families safer, healthier, and more economically secure. An important step towards that goal would be to reduce the threat of gun violence in our communities.

In no developed country in the world are families at greater risk of gun violence than in the United States. Why is this? I think that one of the problems is that the sheer magnitude and terrible frequency of gun violence has numbed the American public. It is hard to grasp the enormity of more than 12 children a day killed, the equivalent of a Columbine High School massacre just scattered around the country.

Part of our task must be to put a human face on those tragedies and then to propose simple, common sense steps to reduce gun violence.

My first experience with this tragedy involved a high school friend. Bob Boothman was one of five kids. He was sandwiched between two older twin sisters and two younger twins, a brother and a sister, a couple of years younger. The Boothman family was a place where people gravitated. It was warm and loving, lots of activity, friendly, full of life.

Then, one night in the fall of 1969, as Bob was driving home, things were turned upside down for that family. Someone in a car driving in the other direction fired a random shot that killed Bob. Bob, the student body officer, the boyfriend, the son, the brother, the trusted employee.

Life did go on for the Boothman family, their children, and today, their grandchildren. Yet, nothing quite filled the void of having lost this terrific young man. It was not just Bob that was the victim, but his parents, sisters, brother, friends. They were all victims of that violence, changing their lives forever.

Mr. Speaker, I share this painful memory not because we should dwell on these losses, but because they should inspire us to take steps to protect families in the future.

About the time that Bob lost his life, America declared war on drunk driving and death on our highways. Our battle for highway safety was enormously successful. We have cut the fatality rate in half by a series of simple common sense reforms. So too, we can launch a similar effort to protect Americans against gun violence. We can take simple, common sense steps, keeping guns out of the hands of more people with a pattern of reckless and dangerous behavior, treating the gun like the dangerous product that it is, making it harder for children to obtain and use them, cutting down on illegal sales and distribution.

Sadly, this Congress has been paralyzed by extremists on the issue of gun violence, and the Republican leadership has refused to even allow the conference committee on the Juvenile Justice bill to meet for 14 months to consider the Senate-approved gun amendments. They have not met since August of last year.

Luckily, in my State of Oregon, in November, we can vote for Measure 5, which would close the gun show loophole, a small, but significant step to make sure that all gun purchasers are subjected to background checks, to maybe help break the log jam here in Congress.

Mr. Speaker, Bob Boothman died on a cold November night in 1969. Since then, over 1 million Americans have lost their lives to gun violence, more than all of the Americans who have been killed in gun violence in war from the Civil War to this date. We as a Nation have celebrated the sacrifice of those million war dead; and we have worked to minimize, to prevent future conflicts and loss of life. So too, we need to memorialize the victims of gun

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violence, to make sure that their lives were not lost in vain, so that all of America's families can be safer, healthier, and more economically secure.

THREAT OF TUBERCULOSIS SPREADING RAPIDLY WORLDWIDE

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the threat of tuberculosis is spreading rapidly throughout the developing world. TB is the greatest infectious killer of adults worldwide, and it is the biggest killer of young women. More people died from tuberculosis last year around the world than any year in history. It kills 2 million people per year, one person every 15 seconds.

Not surprisingly, the statistics on access to TB treatment worldwide are pretty grim. Fewer than one in five of those with tuberculosis are receiving appropriate treatment, something called Directly Observed Treatment, Short Course. Based on World Bank estimates, DOTS treatment is one of the most cost-effective health interventions available, costing as little as $20 in developing countries to save a life and producing cure rates of up to 90 to 95 percent, even in the poorest countries.

We have a very small window of opportunity during which stopping TB would be very cost effective. If we wait, if we go too slowly, more strains of multidrug-resistant tuberculosis, so-called MDR–TB, will emerge. It will cost billions to control with no guarantee of success. Multidrug-resistant TB has been identified on every continent. According to the World Health Organization, MDR–TB ultimately threatens to return TB control to the pre-antibiotic era, which older people in this country are familiar with, where no cure for TB was available. In the U.S., TB treatment, normally about $2,000 per patient, skyrockets to $200,000 to $250,000 per patient when that patient is infected with MDR–TB, and treatment then may not even be successful.

The Prime Minister of India visited the United States recently and spoke in this Chamber. During his trip, he and I discussed the growing threat of tuberculosis and other infectious diseases in South Asia. India has more TB cases than anywhere else in the world. Each day, 1,200 Indians die of tuberculosis. The disease has become a very major barrier to social and economic development, costing the Indian economy an estimated $2 billion a year. Mr. Speaker, 300,000 children are forced to leave school each year because their parents have tuberculosis. More than 100,000 women with TB are rejected by their families, due to the social stigma attached to it.

A recent World Health Organization study in India found that in areas where effective tuberculosis treatment was implemented, the TB death rate fell 85 percent. India has undertaken an aggressive campaign to control tuberculosis, and they need the world's help. TB experts estimate it will cost an additional $1 billion each year worldwide to control this disease. In the Foreign Operations appropriations bill, international tuberculosis control efforts have been allocated bipartisanly, $60 million towards that $1 billion world effort. This is a significant improvement from last year where TB control received $35 million, and 3 years ago, when there was no money provided to TB at all.

Gro Bruntland, the general director of the World Health Organization, said tuberculosis is not a medical issue, it is a political issue. Getting Americans engaged in an international medical issue like tuberculosis, even when addressing that issue serves our international humanitarian interests and our domestic practical interests, is an uphill battle. We have an opportunity in this country and in this Chamber to save millions of lives now and prevent millions of needless deaths in the future.

VIOLENCE AGAINST WOMEN ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. GOODLING) is recognized during morning hour debates for 5 minutes.

Mr. GOODLING. Mr. Speaker, I take this time because today, we may have 40 minutes of a lot of to-do about nothing, because there are those who believe that the sky is falling on the Violence Against Women's Act. I want to read into the RECORD a letter that I sent to the Washington Post after one of their articles.

DEAR EDITOR: It would be inaccurate for your readers to conclude that the Committee on Education and the Workforce is holding up reauthorization of the Violence Against Women Act. There are three committees with jurisdiction; one of those is the Committee on Education and the Workforce. We have jurisdiction over several components of VAWA, one of which we just reauthorized last year, Runaway and Homeless Youth, which was signed into law on October 12, 1999. There is no need to deal with a program reauthorized that recently, since there has hardly been enough time to determine if further changes in the program are needed.

We also have jurisdiction over the Family Violence Prevention and Services Act, another component of VAWA, as well as the Child Abuse Prevention and Treatment Act, which my committee plans to reauthorize together next year, as we always have. This tandem reauthorization has occurred ever since 1988.

Mr. Speaker, we have grants that go to battered women's shelters and services and the National Domestic Violence Hotline. I want to make it very clear that we have had increases of 24 percent in the Battered Women's Shelters and Services, and we have had a 40 percent increase in the National Domestic Violence Hotline as far as funding is concerned since 1998.

I was an original cosponsor of FVPSA in 1984, and I have a long history of support for the programs. The programs are already funded for next year in the appropriation process as it goes through the different Chambers, well above the amount that they are funded for this year. So again, these programs will continue, these programs will continue at a higher expenditure than they have in the past; and, as I indicated, I am very proud that we have had a 24 percent and a 40 percent increase in two of those programs since 1998.

The sky is not falling on the Violence Against Women Act. The sky is even going higher and clearer without the necessity to do anything else at this particular time.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, in June this Congress approved the first substantive reform of our campaign finance laws since 1979. The bipartisan vote for approval followed months of discussion of the perverse impact on our democracy of clandestine political organizations organized under section 527 of the Internal Revenue Code.

While this was a small victory among many defeats on the campaign finance reform front, it was nevertheless significant. The path to progress, however, was a twisted path. Final approval followed repeated rejection of bipartisan reform proposals in the House Committee on Ways and Means. Finally, after months of delay, the House Republican leadership reversed course and brought up a 527 bill for our consideration here in the House, late at night, with no amendments permitted and very truncated debate.

During previous Committee on Ways and Means consideration on this matter, the gentleman from Pennsylvania (Mr. COYNE) and I had offered a more comprehensive alternative. Unfortunately, the provisions of this alternative were omitted from the final bill during the belated scrambling for immediate floor consideration. Now, many State and local officials are paying the price for this mistake with unnecessary time and effort in completing unnecessary filings here in Washington that duplicate those they were already making on the State level.

Mr. Speaker, I have just introduced legislation with a number of our colleagues to correct this error. This new bill will address the concerns of the State and local officials and organizations, it will apply the gift tax as an

added element of deterrence for undisclosed contributions as we previously proposed, and it will make other necessary technical corrections of errors that were committed in the course of rushing the previous bill to the floor late one night.

Mr. Speaker, while the problem of having the State and local committees make duplicative filings certainly did not have a bipartisan origin, it does demand a bipartisan solution. As with the original 527 bill that I first presented in March, I seek support of both Republican and Democratic colleagues to correct what one group has called ''the senseless duplication of efforts on the part of many State and local'' organizations forced to fill out forms and send them to the Internal Revenue Service, even if they have already made substantially the same public disclosure to State regulatory agencies.

Mr. Speaker, this bill will provide an exemption for those State and local groups that are meeting substantially the same public disclosure requirements as now apply to Federal 527 organizations. Simply, exempting the committees without requiring them to be ''substantially similar'' could create an unwise loophole in the modest bill that Congress has approved, but doing it as we propose and as we proposed in our previous legislation in the Committee on Ways and Means will reduce the burden on the Internal Revenue Service; and, more importantly, it would reduce the burden on many local and State organizations. Additionally, this bill removes the requirement that electronic filings be duplicated in writing, thereby reducing paperwork for both the filer and the IRS.

As with most bills that get rushed through the House, there are other ambiguities that require technical corrections. To prevent a misinterpretation that would weaken enforcement, this new bill will clarify, as did our old committee alternative, that all of the 527s' income, whether segregated or not, is to be considered taxable income in case of failure to file the required notice. Further, the bill will clear up an ambiguity as to whether the failure to file penalty is to be treated as a tax liability or a civil penalty, which could otherwise delay enforcement and collection. Through this change, the State and local groups, which may have filed late because of a lack of notice about the new law could be afforded the same ''reasonable cause'' arguments available to every other taxpayer under the civil penalty section. Finally, the bill will add back the omitted companion penalties that we proposed for fraudulent filings for violations of the new 527 law and the gift tax penalty for undisclosed contributions.

This legislation is narrowly drawn to secure approval now in the waning days of this Congress. But much more comprehensive additional reform is needed. Already, there are groups that are shifting from 527s to different tax status. Within the last few days, The Washington Post has reported that ''Political groups that want to keep their finances secret are changing their tax status in order to avoid having to reveal their donors and spending, making an end-run around a new law intended to crack down on anonymous political activity.''

Among the worst of these is a group called ''Citizens for Better Medicare'' that is determined to block our efforts to end price discrimination against seniors. This is discrimination by which our seniors in America are literally treated worse than dogs, having to pay the highest prices, not only more than animals in the United States, but more than people anywhere around the globe. This group has expended so much in political advertising on television that one commentator recently suggested it has practically become a third political party along with the Democrats and the Republicans.

Mr. Speaker, I hope that next year we can have comprehensive reform to address this problem we had anticipated and which could have been largely avoided had the alternative we advanced in the Committee on Ways and Means been adopted. But today, I ask my colleagues to join us in a modest change that can help our State and local committees and public officials and improve the reform legislation adopted in June.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 20 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 10 a.m.

PRAYER

The Reverend Jerry Pruitt, New Ark Christian Center, Beloit, Wisconsin, offered the following prayer:

Our Heavenly Father, You alone rule in the hearts of men and women. It is because of You that our great Nation stands as a beacon of hope to the rest of the world.

We thank You God that You also rule in the affairs of young people.

We ask for Your presence to be here as this very important session of Congress opens today. We know that we need Your wisdom here today. These servants to the American people want to do what is right and just. We commit this time to You as they bring peace and justice to our country and the world.

Thank You God for answering these requests. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PASCRELL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PASCRELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of Nebraska led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND JERRY PRUITT, NEW ARK CHRISTIAN CENTER, BELOIT, WISCONSIN

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to thank the Pastor, Jerry Pruitt, from the newly renamed Faith Builders International in Beloit, Wisconsin, formerly known as New Ark Christian.

Mr. Speaker, I have come to know Pastor Jerry Pruitt as a personal friend and a counselor, a man who has give guidance not only to myself, but to countless numbers of people throughout Northern Illinois and Southern Wisconsin.

Jerry Pruitt is a man who has built a church from the ground up, literally, to one where it is a beacon of hope, of religious pride, of Christian values, that is spreading throughout Southern Wisconsin, and now going international.

Mr. Speaker, it is a privilege to be here today to have Pastor Jerry Pruitt open today's proceedings with a prayer. We are very proud of him at home in Wisconsin. Now we are very proud of him here in the Nation.

Thank you very much, Mr. Speaker, for allowing the opportunity to have such a wonderful man, who has brought so much to so many people's lives, be with us today.

100 YEAR ANNIVERSARY OF LEES-McRAE COLLEGE, BANNER ELK, NORTH CAROLINA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, today, Lees-McRae College in Banner Elk, North Carolina, celebrates its centennial. It is altogether fitting that we pause to honor the vision and accomplishments of its founder, the Reverend Edgar Tufts, on this celebrated day.

For 100 years, Lees-McRae College has provided a quality, student-centered, values-based education. From its humble beginning in Edgar Tuft's study, Lees-McRae has grown into a fully accredited baccalaureate institution.

In addition, Lees-McRae is committed to being an integral part of the larger community, as witnessed by its outreach projects, cooperative programs with area schools, and humanitarian service activities.

Lees-McRae College is an institution of which the entire Nation should be proud, and we wish it well as it enters its second century.

AMERICAN JOBS BEING SHIPPED OVERSEAS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Pentagon wants to buy combat ships from foreign shipbuilders. Now, if that is not enough to sink your rubber ducky, check this out: we give billions to Russia and billions to China in tax breaks, and, even though the American worker builds the best ships in the world, the Pentagon now wants to buy ships from Russia and China.

Beam me up. Who is running the Pentagon, Monte Hall? I think it is time to tell the Pentagon that we can hire generals and admirals a hell of a lot cheaper from Korea too.

I yield back the fact that American jobs are literally being shipped overseas.

SERVE THE AMERICAN PEOPLE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this Republican Congress is working hard to pass legislation that meets the needs of Americans, such as providing prescription drug coverage, protecting the Medicare and Social Security trust funds, and paying down the national debt. Unfortunately, this administration and our colleagues on the other side of the aisle have rejected our proposals each and every time.

Now is the time, Mr. Speaker, to meet the needs of the American people.

Nevada is pioneering a plan for prescription drug coverage for our seniors, and this Congress should look seriously at providing similar coverage to all needy American seniors as well. But, like most Nevadans, we are tired of waiting for the Democrats to enact Social Security and Medicare lockbox acts, and they are tired of waiting for a real commitment by the Democrats to pay down our national debt.

This Republican Congress has acted on these priorities; and now, we too are tired of waiting. It is time for this administration and the House Democrats sign into law legislation which has passed this House and meets the needs of the American people.

I yield back the inaction of the Clinton-Gore Administration and the House Democrats, who are more concerned with political rhetoric than serving the American people.

IMPENDING ENERGY PRICE CRISIS

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, we find ourselves facing impending cold weather and a looming energy crisis. Oil prices and high energy costs must be an issue on the Nation's agenda.

The rising cost of home heating oil will have a devastating economic impact on 36 percent of the households in the Northeast. We in Congress cannot ignore this.

Currently, home heating oil inventories are down. In fact, stocks of crude oil, gasoline and heating oil in the United States have not been at levels this low since the middle 1970s, when our economy was thrown into turmoil.

The demand for fuel is predicted to increase significantly this winter. We need to do a few things. A home heating oil reserve in the Northeast with an effective trigger is critical to the stability and well-being of all of our constituents.

I am pleased that the President has heeded the bipartisan call of many in Congress to use the Strategic Petroleum Reserve to help lower the price of oil and satisfy some of the demand. Only a small percentage of the released oil will be used for home heating oil, but the message the President has given is clear: the Low Income Home Energy Assistance Program and its funding and weatherization assistance is also essential for low-income families.

We must continue to take steps to ensure that low-income families and seniors do not have to make the choice between staying warm or buying food.

TRIBUTE TO TAMMY NELSON, NEBRASKA'S ANGEL IN ADOPTION

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today to honor every family who has welcomed an adoptive or foster child into their home, but I want to express my special appreciation to Nebraska's ''Angel in Adoption,'' Tammy Nelson. The award is sponsored by the Congressional Coalition on Adoption.

Tammy and her husband, Jeff, provide a home for two adopted sons, three foster sons, two guardianship sons, one extended family son, and a biological son. That is nine boys, and they also have a grown daughter.

Tammy's busy schedule includes teaching adoption classes. She is also an assistant to a youth group in her church, and she even coaches a girls wrestling team. I have no idea how she gets it all done.

Obviously, Tammy has a strong commitment to her family and community. She makes a big difference in the lives of her children and children across the State. As a grandfather of two adoptive children, I can well understand how much love and dedication it takes to welcome adoptive children into a family.

I want to thank Tammy and Jeff, and everyone who is involved in providing safe, loving homes for our Nation's children.

BRINGING ABDUCTED CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today in my continued effort to bring to this House's attention my deepest concern for the American families destroyed by cases of international child abduction. Today, I will share with my colleagues the story of Gabrielle, Elizabeth and Ashley Millares, who were taken by their non-custodial father, Mr. Arle Millares, on December 25, 1996.

A felony warrant for child concealment was issued in January of 1997. Mr. Millares and the children are believed to be in the Philippines, his place of birth. He does not have American citizenship, nor has he ever had a Social Security number.

Mr. Millares and his children were featured in the December 1997 issue of the Front Line newsletter, a publication of the National Center for Missing and Exploited Children. Mrs. Jennifer Murphy, the custodial mother, has not seen nor heard from her children in over 6 years.

Mr. Speaker, I come to the floor for these daily one minutes because I care about families and reuniting children with parents. I urge my colleagues to

join me in spreading the message and taking a responsible role in bringing our children home.

SEPTEMBER 26, A NATIONAL DAY OF PRAYER AND THANKSGIVING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on this day, September 26, 1780, 220 years ago, the treason attempt of American General Benedict Arnold was discovered. General Washington reported to Congress, ''Treason of the blackest dye was yesterday discovered. General Arnold, who commanded at West Point, was about to deliver up that important post into the hands of the enemy. Such an event must have given the American cause a deadly wound if not a fatal stab. Happily, the treason has been timely discovered to prevent the fatal misfortune. The providential train of circumstances which led to it affords the most convincing proof that the liberties of America are the object of Divine protection.''

As a result, Congress called for a national day of prayer and thanksgiving, declaring in the resolution, ''It hath pleased Almighty God, the Father of all mercies, to rescue the person of our Commander-in-Chief and the army from imminent dangers at the moment when treason was ripened for execution. It is therefore recommended to the several States a day of public thanksgiving and prayer.''

On this day, 220 years ago, Congress called on the people of the United States to openly thank God for protecting America, a lesson we should still remember today.

THE MEDIA SHOULD GIVE US THE FACTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the media, newspapers, radio and TV stations, have a huge impact on our lives. They influence how we think and act.

Protected by the constitutional right to free speech, the media have few restraints on what they can say and do. They enjoy a ''public trust'' not to abuse their power. But I wonder how objective Washington political writers can be, when 89 percent acknowledged in a survey that they voted for Bill Clinton and AL GORE.

What concerns me is that we all need accurate and objective information if we are to reach informed opinions about national issues.

The media needs to treat their readers, listeners and viewers with respect, respect for their intelligence to make the right decisions for themselves and for our country. News stories should give us the unvarnished facts and then let us draw our own conclusions.

AMERICANS WANT A DEBT-FREE AND RESPONSIBLE GOVERNMENT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, do you know what? AL GORE is a spender. He wants to spend $1.4 trillion of our surplus on new government programs, eliminating any hope that Americans will get needed tax relief and stopping our efforts to eliminate our national debt.

Republicans have already successfully eliminated $350 billion of public debt and have dedicated 90 percent of the next year's surplus solely to debt reduction. Republicans will eliminate another $240 billion in debt in the next year alone.

The choice is easy: Do you want to spend $1.4 trillion in new government spending or have a debt-free America?

Mr. GORE needs to rip up his government credit card and join the Republicans in eliminating our national debt. Americans want, need, and deserve a responsible government and a debt-free America.

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AMERICA NEEDS NATIONAL POLICY ON ENERGY

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, this past week the administration announced that we were releasing fuel from our Strategic Reserve, and it had nothing to do with politics or the upcoming election.

And I thought, April Fools Day only came once a year.

This administration has proven that it has no energy policy, unless that means stealing secrets from Los Alamos, then they are quite inept. The administration goes after Microsoft, a domestic company with great entrepreneurs, and leaves OPEC, the Organization of Petroleum States, untouched.

We need in this country to create a national policy on energy. We need to look for alternative fuel sources and not be so reliant and so dependent on outside influences to take care of our oil. The recent announcement that we would release 30 million barrels of oil, as Tim Russert said on Meet the Press this week, will only last America 36 hours.

Mr. Speaker, we need a policy, not politics. We need help for American families, not quick sound bite solutions. We need new direction and new leadership, not the old standby rhetoric of saving America by using our most precious reserves for a political play rather than for helping American consumers.

THE JOURNAL

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 332, nays 47, answered ''present'' 1, not voting 53, as follows:

[Roll No. 488]

YEAS—332

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf

Mica	Reyes	Snyder
Miller (FL)	Reynolds	Souder
Miller, George	Riley	Spence
Minge	Rivers	Spratt
Moakley	Rodriguez	Stearns
Mollohan	Roemer	Strickland
Moore	Rogan	Stump
Moran (VA)	Rogers	Sununu
Morella	Rohrabacher	Sweeney
Murtha	Ros-Lehtinen	Tanner
Myrick	Rothman	Tauscher
Napolitano	Roukema	Tauzin
Neal	Roybal-Allard	Terry
Nethercutt	Rush	Thomas
Ney	Ryan (WI)	Thornberry
Northup	Ryun (KS)	Thune
Norwood	Salmon	Thurman
Nussle	Sanchez	Tiahrt
Obey	Sanford	Tierney
Olver	Sawyer	Toomey
Ortiz	Saxton	Towns
Ose	Scarborough	Traficant
Owens	Schakowsky	Turner
Oxley	Scott	Upton
Packard	Sensenbrenner	Velazquez
Pallone	Serrano	Walden
Pastor	Sessions	Walsh
Payne	Shadegg	Waters
Pease	Shaw	Watkins
Peterson (PA)	Shays	Watt (NC)
Petri	Sherman	Watts (OK)
Phelps	Sherwood	Waxman
Pickering	Shimkus	Weiner
Pitts	Shows	Weldon (FL)
Pombo	Shuster	Whitfield
Pomeroy	Simpson	Wicker
Porter	Sisisky	Wilson
Portman	Skeen	Wolf
Quinn	Skelton	Woolsey
Radanovich	Smith (NJ)	Wu
Rangel	Smith (TX)	Wynn
Regula	Smith (WA)	Young (FL)

NAYS—47

Baird	Hefley	Ramstad
Bilbray	Hill (MT)	Sabo
Borski	Hilleary	Schaffer
Brady (PA)	Hilliard	Slaughter
Capuano	Holt	Stark
Condit	Hulshof	Stenholm
Crane	Kucinich	Stupak
Crowley	LoBiondo	Taylor (MS)
DeFazio	Markey	Thompson (CA)
Dickey	McDermott	Thompson (MS)
English	McNulty	Udall (CO)
Filner	Moran (KS)	Udall (NM)
Gutierrez	Oberstar	Visclosky
Gutknecht	Pascrell	Wamp
Hall (OH)	Peterson (MN)	Weller
Hastings (FL)	Pickett	

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—53

Archer	Gillmor	Pelosi
Blunt	Hinchey	Price (NC)
Burton	Horn	Pryce (OH)
Campbell	Hyde	Rahall
Chenoweth-Hage	Jefferson	Royce
Clay	Jones (OH)	Sanders
Coburn	Kilpatrick	Sandlin
Collins	Klink	Smith (MI)
Costello	Lazio	Stabenow
Danner	McCollum	Talent
Dingell	McCrery	Taylor (NC)
Emerson	McIntosh	Vento
Engel	Millender-McDonald	Vitter
Fattah	Miller, Gary	Weldon (PA)
Ford	Mink	Wexler
Fossella	Nadler	Weygand
Franks (NJ)	Paul	Wise
Gibbons		Young (AK)

□ 1038

Mr. RYAN of Wisconsin changed his vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. TAYLOR of North Carolina. Mr. Speaker, on rollcall No. 488, I was unavoidably detained due to flight delays. Had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Recorded votes on postponed questions may be taken in several groups.

MISSING CHILDREN TAX FAIRNESS ACT OF 2000

Mr. RAMSTAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5117) to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit for missing children, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5117

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 ''Missing Children Tax Fairness Act of 2000''.

SEC. 2. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 151 of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) the dependent of the taxpayer for the taxable year in which the kidnapping occurred,

shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under this section,

''(ii) the credit under section 24 (relating to child tax credit), and

''(iii) whether an individual is a surviving spouse or a head of a household (such terms are defined in section 2).

''(C) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—For purposes of section 32, an individual—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of section 32(c)(3)(A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Pennsylvania (Mr. COYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. RAMSTAD).

GENERAL LEAVE

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5117, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first thank the gentleman from Texas (Chairman ARCHER) of the Committee on Ways and Means for clearing this bill for the suspension calendar and to the majority leader, the gentleman from Texas (Mr. ARMEY), the gentleman from Illinois (Speaker HASTERT) for putting this important legislation on a fast track bringing it up today.

Mr. Speaker, imagine the horror of learning that a stranger has kidnapped your child. Then imagine the courage needed to keep alive the hope of your child's recovery and safe return. Imagine the costs, the financial costs, incurred by heartbroken parents spending every last penny searching for their abducted child.

Mr. Speaker, imagine an agency of the Federal Government that steals your hope, that tells you your child is no longer part of your household. It does not get any worse from out-of-touch Washington bureaucrats than to deny the family of a kidnapped child the dependency exemption, even though the family continues to spend thousands of dollars searching for their child and maintains the child's bedroom.

Unbelievable, but true. This is exactly what the Internal Revenue Service has been doing to families of missing and abducted children.

Beside me right here, Mr. Speaker, is a picture of a young boy who was stolen from his family in 1989 in Minnesota. His name is Jacob Wetterling, and his story has touched countless lives throughout Minnesota and our Nation. Jacob was abducted from the small community of St. Joseph, Minnesota when he was 11 years old. A masked gunman took Jacob from his bicycle while his brother and his friend watched helplessly.

His family has not heard from Jacob since that day, but we all hope and pray with them for his safe return, and

Jacob's family has turned his tragedy into a national effort that has helped hundreds and hundreds of missing children in this country.

Jacob's parents, Patty and Jerry Wetterling, founded the Jacob Wetterling Foundation, an organization that helps prevent and respond to child abductions. Patty Wetterling, as most of my colleagues remember, is a tireless advocate for children traveling around the country, educating communities about child safety.

□ 1045

It was Patty's work that inspired me to introduce the Jacob Wetterling bill several years ago. Those of my colleagues who are here remember Patty's effective lobbying efforts to pass that bill, walking the halls of Congress, coming to my colleagues' offices, testifying before the Committee on the Judiciary, working tirelessly on that important legislation, which is now the law of the land, requiring people who are convicted of crimes against children to register with law enforcement whenever they move into a community.

The Jacob Wetterling law is working thanks to Patty Wetterling and others who fought for that bill that protects American children from predators.

This picture, Mr. Speaker, shows Jacob as he looked at the time he was kidnapped in 1989, this first picture on my colleagues' left. The picture beside it shows how Jacob might look today. That has been age enhanced.

Mr. Speaker, if anyone, anyone has any information about Jacob, they should call 1–800–THELOST, 1–800–T-H-E-L-O-S-T.

My thanks go to the National Center for Missing and Exploited Children, to Ernie Allen, and all those people there who work so hard with their help with this graphic and for all they do to help bring America's missing children home.

Mr. Speaker, the families of missing children fight countless battles. Fighting the IRS should not be one of them. In 1990, the year after Jacob was kidnapped, listen to this, Mr. Speaker, the year after this young boy was kidnapped, his parents, the Wetterlings, were informed they could no longer take the dependency exemption for Jacob on their tax return, this in spite of the fact the Wetterlings continued to spend a fortune looking for Jacob, making long distance phone calls, organizing searchers, printing fliers, mailing them throughout the Nation.

At the time, the Wetterlings did not fight the IRS. As Patty Wetterling said, one has to pick one's battles, and she was too exhausted from the other battles to fight the IRS.

Mr. Speaker, these families should not have to fight this battle. Congress needs to fight the battle for them and win it for families of abducted children.

This year, the IRS had a chance to clarify the dependency exemption for abducted children. A family whose child was stolen by a stranger asked the IRS whether they could continue taking the dependency exemption. They were spending thousands of dollars searching for their child, maintaining the child's room and so forth. The IRS answered in August. Do my colleagues know what their answer was. No. Not in the years after one's child was abducted, even if one maintains the child's room and spends money searching for the missing child.

That is why I and a number of Members on both sides of the aisle introduced the bill before us today, H.R. 5117, the Missing Children Tax Fairness Act. This bill will clarify that families whose children are abducted by strangers can continue to take the dependency exemption. It also clarifies other areas of the law so these families will be held harmless with respect to the child tax credit, earned income tax credit, and filing status. The bottom line is this, Mr. Speaker, no families' taxes will increase simply because a stranger abducts their child.

Mr. Speaker, just last week, officials at the IRS were informed that this legislation would be considered by the House today. Then on Friday, just this last Friday, the IRS suddenly and dramatically reversed itself and issued another advice memorandum saying that these parents may be able to claim a dependency exemption after all. This is a welcome change of heart by the IRS, but this legislation is still needed.

First, the IRS advice memorandum does not establish legal precedent. As we all know, the IRS could very well flip-flop again. We also need to clarify other areas of the Tax Code dealing with children so these families will no longer face the possibility of a tax hike.

It is my understanding that a few years ago, another family whose child was abducted asked the IRS about the dependency exemption. The IRS told them flatly, quote from the IRS official, ''We presume your child is dead.'' Mr. Speaker, it is time to put an end to that callous kind of response.

As Patty Wetterling put it best, ''I always felt it was awfully cold for the IRS to profit from our great loss.'' Patty also said, and I am quoting, ''I hope Congress will reverse the IRS and provide a huge emotional and financial relief for parents of missing and abducted children.''

Mr. Speaker, I am grateful to my colleagues for the bipartisan outpouring of support for H.R. 5117. Again, I want to express my gratitude to the gentleman from Texas (Chairman ARCHER) for clearing this bill for the Suspension Calendar and to our House leadership for putting it on a fast track.

Finally, Mr. Speaker, I urge my colleagues to listen to parents of abducted children, parents like Patty and Jerry Wetterling. Support basic tax fairness and hope for families of missing and abducted children.

I urge, in the name of tax fairness and hope, passage of H.R. 5117.

Mr. Speaker, I reserve the balance of my time.

Mr. COYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill before us today would codify the Internal Revenue Service's current position to allow a dependent exemption to the family of a missing child in the years after the child's abduction. This bill would also extend this fair approach to families with missing children for purposes of the child credit and earned income tax credit.

I support this bill, as does a broad bipartisan group of people in this Chamber and the administration. I want to applaud the cosponsors of this bill for bringing this to the attention of the committee on Ways and Means and particularly the gentleman from Minnesota (Mr. RAMSTAD). The gentleman from Minnesota (Mr. RAMSTAD) is the leading sponsor of the bill; and the gentlewoman from Florida (Mrs. THURMAN), the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from Tennessee (Mr. GORDON) are cosponsors of the legislation. They deserve our thanks for highlighting this problem and the area that it consumes in the tax laws of the country.

H.R. 5117, the Missing Children Tax Fairness Act of 2000, was introduced in response to an ill-advised IRS chief counsel and the advice in a memorandum that he presented which has, by the way, since been reversed.

On August 31, 2000, the New York Times reported that in April of this year, a taxpayer asked an IRS customer service representative if he could claim a dependent exemption for his kidnapped child for the 1999 tax year. The taxpayer also asked if the dependent exemption could be claimed in future years if the child's room was being maintained and money was being spent on such a search.

The IRS customer service representative contacted the IRS national office for a technical response. The IRS chief counsel's office replied that the allowance was legitimate in the year of the kidnapping but that in subsequent years no exemption could be claimed.

This is not the first time, as the gentleman from Minnesota (Mr. RAMSTAD) pointed out, that this issue has arisen. The press has reported a similar case involving 12-year-old Johnny Gosch who was kidnapped by a stranger in front of five witnesses in Des Moines, Iowa in 1982. His mother has said that the family's tax return was audited then in 1996 and the exemption that they claimed was denied the family.

Fortunately, the IRS has resolved this matter in the correct way and decided in favor of the family and similarly situated families. The IRS should be commended for acting in a timely fashion to resolve this particular sensitive matter. The bill is narrowly targeted and applies only when a child is abducted by a nonfamily member.

A study by the National Center for Juvenile Justice, a private research

group in Pittsburgh, Pennsylvania, found that only 24 percent of the abductions were carried out by strangers.

With bipartisan support and the support of the administration, it is appropriate that this bill be enacted into law. Without question, we should all support this bill and see its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. COYNE) for his kind words, the gentlewoman from Florida (Mrs. THURMAN) and the four other Members from his side of the aisle. I want to also thank the 22 Members from this side of the aisle who are co-sponsors of this bill.

I think we prove with this legislation that Congress can actually work in a bipartisan common sense way to right a wrong, to pass an important legislation.

Mr. Speaker, may I ask how much time is remaining.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Minnesota (Mr. RAMSTAD) has 10 minutes remaining. The gentleman from Pennsylvania (Mr. COYNE) has 16 minutes remaining.

Mr. RAMSTAD. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. HAYWORTH), an important member of the Committee on Ways and Means and a cosponsor of this legislation.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me.

Mr. Speaker, the glare of the camera lights is not present here. The press gallery is virtually empty. Yet, today, Mr. Speaker, with this legislation we will send a signal across America that I hope many in this town will heed. Because today, with passage of this legislation, we will reaffirm that there are members of both major parties here who are willing to put people before politics.

The gentleman from Minnesota (Mr. RAMSTAD) recounted it well. It is chilling, really, to think about the conversation that occurred between the mother of a missing child and an employee of the Federal Government, one charged presumably with the mission of service to our citizenry. In asking if the deduction for a dependent was still in effect, this Washington bureaucrat said, ''No, we presume your child to be dead.''

Mr. Speaker, is there anyone in this Chamber, no matter partisan label or political philosophy, who believes that was the right thing to do? Is there anyone who could condone that heartless act?

Our Founders warned us of placing overwhelming powers in the hands of a Federal bureaucracy. Individual freedoms are threatened; but, more importantly, common sense is often abandoned.

Now comes the welcome news, as the gentleman from Minnesota reports, and as the gentleman from Pennsylvania (Mr. COYNE) from the other side of the aisle confirms, that now the Internal Revenue Service has reconsidered. Small wonder, Mr. Speaker, that Justice Brandeis called sunlight the best disinfectant. But as our attention turns to other matters, the temptation for that callous group-think to overtake the Internal Revenue Service, again, I believe will be rife.

Mr. Speaker, I need not remind my colleagues that we have a constitutional mandate and responsibility to enact law, that that law is formulated in this Chamber, and signed into law at the other end of Pennsylvania Avenue by our Chief Executive.

Let us not leave this to bureaucratic women or, to be charitable, to misinterpretation. The stakes are too high for families ravaged by the trauma of losing a child.

□ 1100

Mr. Speaker, we should put ourselves in the place of those parents, the horror of the event, the uncertainty of the child's fate, and walking down a darkened hallway past an empty room; the daily fear and trauma that is as close literally as their own home. And to have this vast bureaucracy, in the name of compassion, take away from the treasure of that family and impose a penalty on that family for what can only be described as a horrible crime and a horrible curse, is deplorable.

My colleagues, we have a chance today to right that wrong. The press may not write about it, the punditocracy may leave it alone, but here is an opportunity to stand together to put people before politics and help parents in the most horrible of situations. Stand with us, regardless of partisan stripe, in the name of true compassion and common sense, and reject the heartless group-think of a bureaucracy out of touch with the American public. Reaffirm our constitutional responsibilities. Mr. Speaker, we need to right this wrong.

Mr. COYNE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. COYNE) for yielding me this time, and I also want to thank the gentleman from Minnesota (Mr. RAMSTAD) for bringing forward this legislation. I want to associate myself with the gentleman's entire statement, and I think each Member of this body concurs in the passion the gentleman has brought to this legislation. I expect and hope that it will receive unanimous support in this body.

Mr. Speaker, let me point out that the IRS has made tremendous progress over the last several years, thanks in large measure to the attention of this body and the leadership of Commissioner Rossotti in leading the IRS. They have made a lot of progress. But as this legislation points out, there is still more progress that we need to make collectively, in partnership, between the IRS and the legislative branch of government.

The IRS has conceded the point in this bill, but the gentleman from Minnesota (Mr. RAMSTAD) is correct, it is important that we pass this legislation because it is our responsibility to clarify the law. If there is any ambiguity on this point, we should speak very clearly for the taxpayer, because the taxpayer is correct in this situation, understanding that the IRS is responsible to interpret our laws.

Let me make one additional point, if I might, Mr. Speaker, and that is, as I pointed out, there is joint responsibility here between the executive and the legislative branch. We assumed and clarified that in the IRS Restructuring Act. We are now debating in conference the appropriation bill that includes the IRS. And let me just make the point that the IRS needs our continued support, which includes adequate tools to do the work we expect them to do, so that we have less of the types of emotional exchanges that occurred in this case.

There will always be problems, we know that; but let us provide the tools that we said we would to the IRS. Let us make sure the appropriation bill that is brought out of conference adequately finances the IRS and that we continue our oversight function. And I want to thank the gentleman from New York (Mr. HOUGHTON) and the gentleman from Pennsylvania (Mr. COYNE) for the work they do on the Ways and Means in oversight of the IRS. They are doing a tremendous service to this Nation.

This legislation should pass, but we should continue our commitment to support with adequate resources the IRS.

Mr. COYNE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this bill and congratulate the leadership on both sides of the aisle for bringing it to the floor for a vote today.

The IRS made a terrible decision for an aggrieved American family, and I believe every mother and father can identify with the sorrow that the family felt when they lost their child through kidnapping. The child was kidnapped and the IRS said the family could not take a child dependent tax benefit due to a legal interpretation of support. The family merely asked if the dependent exemption could be claimed in future years if the child's room was kept intact and money was being spent on the search for the child.

I am glad that the IRS reversed themselves yesterday. Their first response was callous, to say the least. The IRS should not profit or benefit from a child that is missing or one that

has been abducted. But as my colleagues have pointed out on both sides of the aisle, it is important that we take steps for the future so that this is not a sorrow or a problem that other families confront.

I do not believe that there is any opposition to this bill. Everyone I know has spoken to me of their strong support for it. But I would like to mention a bill that will be coming up for which there may be some opposition, and I believe it is the most important bill before Congress, which has the bipartisan support of the Women's Caucus, and that is the Violence Against Women's Act.

Enacted in 1994, VAWA has already provided crucial judicial and law enforcement training on violence against women, shelters for abused women, a national hot line that logs over 13,000 calls a month, and child abuse prevention programs that run across this country.

Two weeks ago, the Democratic leadership raised this issue directly with the President and the Republican leadership and sent a letter to Speaker HASTERT demanding a vote on this bill. I quote from the minority leader, the gentleman from Missouri (Mr. GEPHARDT), in part. He said, ''This is an epidemic problem in this country and we need to put the Federal Government behind it.''

I will put his letter in the RECORD and also mention that this is the first time that I have seen the Democratic leadership take a women's abuse issue and make it a top priority for the Democratic caucus. I congratulate the leadership and the many women in this body who have worked for years on this issue; my good friend, the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from Illinois (Mrs. BIGGERT), and others.

Mr. Speaker, I call upon my colleagues to have the same support for the Violence Against Women Act that we have for this correction for the child deduction and the IRS. And again, I congratulate the leadership on both sides of the aisle on this important bill.

Mr. Speaker, I include the letter I just referred to for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 12, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: We write to request that you bring H.R. 1248, the Violence Against Women Act of 2000 (''VAWA'') introduced by Representative Connie Morella, before the full House for consideration as soon as possible. H.R. 1248 has 224 bipartisan cosponsors and the support of domestic violence and sexual assault groups nationwide.

H.R. 1248 was referred to the Committee on the Judiciary, the Committee on Education and the Workforce, and the Committee on Commerce. The Committee on the Judiciary favorably approved H.R. 1248 by a voice vote on June 27, 2000, but unfortunately, the Committee on Education and Workforce and the Committee on Commerce have failed to consider this legislation. H.R. 1248 is stalled despite the fact that VAWA funding authorization expires on September 30, 2000. In recognition of this fact, the Senate last week hotlined the Biden-Hatch version of VAWA, S. 2787.

H.R. 1248 reauthorizes programs created by the Violence Against Women Act of 1994 for five years beyond 2000. It continues funding for VAWA programs such as law enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hotline, battered women's shelters and services, education and training for judges and court personnel, pro-arrest policies, rural domestic violence and child abuse enforcement, stalker reduction, and others. As passed by the Judiciary Committee, the bill also authorizes funding for new programs such as civil legal assistance, transitional housing, and a pilot program for supervised child visitation centers.

VAWA programs have made a crucial difference in the lives of domestic violence victims and their families. Since the passage of VAWA, intimate partner violence is down almost ten percent. Nevertheless, domestic violence is still too common, and each year about 850,000 violent crimes are committed against women by their current or former husbands or boyfriends. We must continue the commitment Congress made in 1994 to combat this violence.

We hope you will agree that VAWA reauthorization is an urgent priority, and will therefore encourage expedited Committee review and consideration by the full House as soon as possible.

Sincerely,

Richard A. Gephardt, Democratic Leader; John Conyers, Jr., Ranking Member, Committee on the Judiciary; William Clay, Ranking Member, Committee on Education and the Workforce; John D. Dingell, Ranking Member, Committee on Commerce.

Mr. COYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON), chairman of the Missing and Exploited Children's Caucus in the Congress.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to particularly start out by thanking the gentleman from Minnesota (Mr. RAMSTAD) for introducing the Missing Children's Fairness Act. This is a piece of legislation that is indeed greatly needed.

I was informed this morning, as the gentleman from Minnesota had stated, that under pressure from lawmakers the Internal Revenue Service has reversed a decision disqualifying parents from taking tax deductions for kidnapped children. While I am happy to hear that the IRS is reversing its decision, I am disheartened that it took the threat of legislation passing to go this route.

I come from a part of Texas where there have been a significant number of stranger abductions and deaths, particularly of young girls. We have had 27 in the last 12 years. I know the pain and suffering that these families go through, and to have this other kind of hardship tossed on them through a thoughtless act, in my opinion, just further complicates the effort that we are trying our best to make here in the United States House of Representatives by bringing the bond of a parent and a child closer, by making it easier for parents to search for their children, and to keep the hope alive that exists when a child is missing and they do not know where that young person might be.

This change in the form of an advisory opinion means that any parent whose child is abducted by a person outside the family may take the same deduction as any other parent with a dependent child: $2,800. People whose children are abducted suffer enough, and they should not have to have the IRS compound their suffering with more emotional or financial burden.

This bill will help many parents who continue to maintain their children's room, and maintain hope, more importantly, that their children will be found; people like C.H. and Suzy Caine, whose daughter Jessica was taken away a little over 2 years ago and they still have no clue as to where she is. They spend hundreds of thousands of dollars searching for their children and then find themselves hit with the fact that their child cannot be claimed as a deduction after the first year. They are already living with a tragedy.

I ask that we support this bill and thank the gentleman for introducing it.

Mr. COYNE. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Minnesota (Mr. RAMSTAD) has 4 minutes remaining.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. COYNE) and my friends on the other side of the aisle for their kind supportive, kind comments this morning. I appreciate them.

Mr. Speaker, we have a chance today to prove that Congress can work in a bipartisan, or as my governor, Governor Jesse Ventura, constantly reminds me, in a tripartisan timely way to right a wrong, to respond to a horrible, horrible antifamily, cruel and heartless ruling by the IRS.

Now, as Mr. CARDIN stated, and I join in his remarks, this is not a blanket condemnation of the IRS or all the good people who work there, and there are many good people who work there. This is aimed at this particular ruling, which can only bring more pain and devastation than the family of a missing abducted child can bear. We need to right this wrong. And we have a chance, with an overwhelming yes vote on H.R. 5117, to bring relief to these families who have already suffered so much.

I want to finally, Mr. Speaker, thank again Patty Wetterling and the Jacob Wetterling Foundation for their work on this legislation and all their work throughout the year, every single day, to help families of missing children. I want to thank Ernie Allen, of the Center for Missing and Exploited Children, for the work they do. I also want to

thank the gentleman from Texas (Mr. ARCHER), and the Speaker, the gentleman from Illinois (Mr. HASTERT), as well as the majority leader, the gentleman from Texas (Mr. ARMEY), for putting this important legislation on a fast track.

I would also like to thank the tax staff of the Committee on Ways and Means, particularly Chris Smith, who has worked hard on this legislation; my staff, particularly Dean Peterson and Karin Hope, my tax counsel on the Committee on Ways and Means, who have worked late nights getting this bill ready for today.

This has been a team effort. Again, we have proven that we can work together and join hands for an important bill on behalf of the American people.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 5117, as amended.

The question was taken.

Mr. RAMSTAD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BAYLEE'S LAW

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (4519) to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, as amended.

The Clerk read as follows:

H.R. 4519

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

TITLE I—BAYLEE'S LAW

SEC. 101. SHORT TITLE.

This title may be cited as ''Baylee's Law''.

SEC. 102. SAFETY AND SECURITY OF CHILDREN IN CHILDCARE FACILITIES.

The Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 22. SAFETY AND SECURITY OF CHILDREN IN CHILDCARE FACILITIES.

''(a) WRITTEN NOTICE TO PARENTS OR GUARDIANS.—

''(1) INITIAL NOTIFICATION.—Before the enrollment of any child in a childcare facility located in a public building under the control of the Administrator, the Administrator shall provide to the parents or guardians of the child a written notification containing—

''(A) an identification of the current tenants in the public building; and

''(B) the designation of the level of security of the public building.

''(2) NOTIFICATION OF NEW TENANTS.—After providing a written notification to the parents or guardians of a child under paragraph (1), the Administrator shall provide to the parents or guardians a written notification if any new Federal tenant is scheduled to take occupancy in the public building.

''(b) NOTIFICATION OF SERIOUS THREATS TO SAFETY OR SECURITY.—As soon as practicable after being informed of a serious threat, as determined by the Administrator, that could affect the safety and security of children enrolled in a childcare facility in a public building under the control of the Administrator, the Administrator shall provide notice of the threat to the parents or guardians of each child in the facility.

''(c) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit to Congress a comprehensive report on childcare facilities in public buildings under the control of the Administrator.

''(2) CONTENTS.—The report to be transmitted under paragraph (1) shall include—

''(A) an identification and description of each childcare facility located in a public building under the control of the Administrator; and

''(B) an assessment of the level of safety and security of children enrolled in the childcare facility and recommendations on methods for enhancing that safety and security.

''(3) WINDOWS AND INTERIOR FURNISHINGS.—In conducting an assessment of a childcare facility under paragraph (2)(B), the Administrator shall examine the windows and interior furnishings of the facility to determine whether adequate protective measures have been implemented to protect children in the facility against the dangers associated with windows and interior furnishings in the event of a natural disaster or terrorist attack, including the deadly effect of flying glass.''.

TITLE II—FEDERAL PROTECTIVE SERVICE REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Protective Service Reform Act of 2000''.

SEC. 202. DESIGNATION OF POLICE OFFICERS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is amended—

(1) in section 1 by striking the section heading and inserting the following:

''SECTION 1. POLICE OFFICERS.'';

(2) in sections 1 and 3 by striking ''special policemen'' each place it appears and inserting ''police officers'';

(3) in section 1(a) by striking ''uniformed guards'' and inserting ''certain employees''; and

(4) in section 1(b) by striking ''Special policemen'' and inserting the following:

''(1) IN GENERAL.—Police officers''.

SEC. 203. POWERS.

Section 1(b) of the Act of June 1, 1948 (40 U.S.C. 318(b)), is further amended—

(1) by adding at the end the following:

''(2) ADDITIONAL POWERS.—Subject to paragraph (3), a police officer appointed under this section is authorized while on duty—

''(A) to carry firearms in any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

''(B) to petition Federal courts for arrest and search warrants and to execute such warrants;

''(C) to arrest an individual without a warrant if the individual commits a crime in the officer's presence or if the officer has probable cause to believe that the individual has committed a crime or is committing a crime; and

''(D) to conduct investigations, on and off the property in question, of offenses that have been or may be committed against property under the charge and control of the Administrator or against persons on such property.

''(3) APPROVAL OF REGULATIONS BY ATTORNEY GENERAL.—The additional powers granted to police officers under paragraph (2) shall become effective only after the Commissioner of the Federal Protective Service issues regulations implementing paragraph (2) and the Attorney General of the United States approves such regulations.

''(4) AUTHORITY OUTSIDE FEDERAL PROPERTY.—The Administrator may enter into agreements with State and local governments to obtain authority for police officers appointed under this section to exercise, concurrently with State and local law enforcement authorities, the powers granted to such officers under this section in areas adjacent to property owned or occupied by the United States and under the charge and control of the Administrator.''; and

(2) by moving the left margin of paragraph (1) (as designated by section 202(4) of this Act) so as to appropriately align with paragraphs (2), (3), and (4) (as added by paragraph (1) of this subsection).

SEC. 204. PENALTIES.

Section 4(a) of the Act of June 1, 1948 (40 U.S.C. 318c(a)), is amended to read as follows:

''(a) IN GENERAL.—Except as provided in subsection (b), whoever violates any rule or regulation promulgated pursuant to section 2 shall be fined or imprisoned, or both, in an amount not to exceed the maximum amount provided for a Class C misdemeanor under sections 3571 and 3581 of title 18, United States Code.''.

SEC. 205. SPECIAL AGENTS.

Section 5 of the Act of June 1, 1948 (40 U.S.C. 318d), is amended—

(1) by striking ''nonuniformed special policemen'' each place it appears and inserting ''special agents'';

(2) by striking ''special policeman'' and inserting ''special agent''; and

(3) by adding at the end the following: ''Any such special agent while on duty shall have the same authority outside Federal property as police officers have under section 1(b)(4).''.

SEC. 206. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is amended by adding at the end the following:

''SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

''(a) IN GENERAL.—The Administrator of General Services shall establish the Federal Protective Service as a separate operating service of the General Services Administration.

''(b) APPOINTMENT OF COMMISSIONER.—

''(1) IN GENERAL.—The Federal Protective Service shall be headed by a Commissioner who shall be appointed by and report directly to the Administrator.

''(2) QUALIFICATIONS.—The Commissioner shall be appointed from among individuals who have at least 5 years of professional law enforcement experience in a command or supervisory position.

''(c) DUTIES OF THE COMMISSIONER.—The Commissioner shall—

''(1) assist the Administrator in carrying out the duties of the Administrator under this Act;

''(2) except as otherwise provided by law, serve as the law enforcement officer and security official of the United States with respect to the protection of Federal officers and employees in buildings and areas that are owned or occupied by the United States and under the charge and control of the Administrator (other than buildings and areas

that are secured by the United States Secret Service);

''(3) render necessary assistance, as determined by the Administrator, to other Federal, State, and local law enforcement agencies upon request; and

''(4) coordinate the activities of the Commissioner with the activities of the Commissioner of the Public Buildings Service.

Nothing in this subsection may be construed to supersede or otherwise affect the duties and responsibilities of the United States Secret Service under sections 1752 and 3056 of title 18, United States Code.

''(d) APPOINTMENT OF REGIONAL DIRECTORS AND ASSISTANT COMMISSIONERS.—

''(1) IN GENERAL.—The Commissioner may appoint regional directors and assistant commissioners of the Federal Protective Service.

''(2) QUALIFICATIONS.—The Commissioner shall select individuals for appointments under paragraph (1) from among individuals who have at least 5 years of direct law enforcement experience, including at least 2 years in a supervisory position.''.

(b) PAY LEVEL OF COMMISSIONER.—Section 5316 of title 5, United States Code, is amended by inserting after the paragraph relating to the Commissioner of the Public Buildings Service the following:

''Commissioner, Federal Protective Service, General Services Administration.''.

SEC. 207. PAY AND BENEFITS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

''SEC. 7. PAY AND BENEFITS.

''(a) SURVEY.—The Director of the Office of Personnel Management shall conduct a survey of the pay and benefits of all Federal police forces to determine whether there are disparities between the pay and benefit of such forces that are not commensurate with differences in duties or working conditions.

''(b) REPORT.—Not later than 12 months after the date of enactment of this section, the Director shall transmit to Congress a report containing the results of the survey conducted under subsection (a), together with the Director's findings and recommendations.''.

SEC. 208. NUMBER OF POLICE OFFICERS.

(a) IN GENERAL.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

''SEC. 8. NUMBER OF POLICE OFFICERS.

''After the 1-year period beginning on the date of enactment of this section, there shall be at least 730 full-time equivalent police officers in the Federal Protective Service. This number shall not be reduced unless specifically authorized by law.''.

SEC. 209. EMPLOYMENT STANDARDS AND TRAINING.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

''SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.

''The Commissioner of the Federal Protective Service shall prescribe minimum standards of suitability for employment to be applied in the contracting of security personnel for buildings and areas that are owned or occupied by the United States and under the control and charge of the Administrator of General Services.''.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) such sums as may be necessary to carry out this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

□ 1115

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4519 amends the Public Buildings Act of 1959. There are currently 113 child care centers and GSA controlled facilities serving almost 8,000 children throughout the United States.

H.R. 4519 was introduced by my colleague and the chairman of our subcommittee, the gentleman from New Jersey (Mr. FRANKS). I would like to insert in the RECORD at this point in time that the gentleman from New Jersey (Mr. FRANKS) is not only very proud of this legislation, the gentleman has been the leading light in making sure that this legislation came to the floor; and but for the pea soup that now envelops Washington, he would be here controlling the time on this bill.

Mr. Speaker, this bill instructs the General Services Administration to inform parents or guardians of children attending a child care center located in a GSA-controlled building of the current Federal agency tenants in that building. This important information is something that the parents of children enrolled in the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, in 1995 were not aware of.

This legislation in itself will not prevent senseless acts of violence. It will, however, allow parents to be better informed when choosing a child care center for their children.

This bill also requires the GSA to inform parents with children enrolled in child care centers of the level of security of the building, which is to be consistent with the Vulnerability Assessment and recommendations from the study made by the Department of Justice.

Other provisions included in the bill require GSA to report to Congress with recommendations for increasing safety and security and to assess windows and the dangers of flying glass hazards in GSA-controlled child care centers.

The bill's short title, ''Baylee's Law,'' is named after Baylee Almon, a 1-year-old killed while attending the child care center located in the Alfred P. Murrah Federal Building in Oklahoma City at the time of its bombing in 1995.

Aren Almon-Kok, Baylee's mother, has focused her energies toward creating a foundation that works to make people aware of the dangers of flying glass and to also make child care centers throughout the United States safer for children to attend.

I support this important measure, Mr. Speaker, and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to echo the comments of my good friend and neighbor the gentleman from Ohio (Mr. LATOURETTE) on his statement relevant to this issue. I would like to commend the chairman of the subcommittee the gentleman from New Jersey (Mr. FRANKS) for his work.

Rather than read my prepared statement that would reflect many of the statistics and documentation that the gentleman from Ohio (Mr. LATOURETTE) did such a fine job of doing, I would like to talk about the genesis of this matter, Mr. Speaker.

When the Alfred P. Murrah Building was bombed, I would like to say that our committee took a very serious look at security and there were a number of bills that were presented; and certainly this bill is one of those that leads to that sensitive nature of our committee to address those security issues.

In addition, and also for information for the House, the other body will be holding a hearing on H.R. 809, a bill that I sponsored that would reform the Federal Protective Service.

So the gentleman from New Jersey (Mr. FRANKS), as chairman of the committee, in this companion bill now takes a look at child care, security, notices, we also look at changing the security format and to make sure that our Federal buildings are more secure.

Let me just remind Congress that, at the time of the incident in Oklahoma, the great tragedy in Oklahoma City, there were three Federal buildings being guarded by one security guard who was a contract worker. And that is not to demean contract workers, but that is to show how we had taken for granted the security of our Federal buildings.

So I want to compliment the gentleman from New Jersey (Chairman FRANKS). I want to compliment the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; the gentleman from Ohio (Mr. LATOURETTE), and others who have helped to make this particular bill available on the floor today; and the ranking member of this committee, the gentleman from West Virginia (Mr. WISE), who is not here today.

Mr. Speaker, I rise in support of H.R. 4519, a bill to require the Administrator of the General Services Administration [GSA] to provide to parents enrolling children in childcare programs in public buildings under the control of GSA the following information: first, the current tenants in the building, and second, a designation of the level of security in the building.

In addition the bill requires the Administrator of GSA to notify parents of serious threats to the building. H.R. 4519 also requires that GSA report to Congress on its childcare facilities including an identification and description of

each childcare facility, and an assessment of the security at each facility. Finally, the bill requires, in determining the security assessment, the Administrator shall examine windows and interior furnishings to determine if adequate measures are in place to protect the children from flying glass and objects in the event of a natural disaster or terrorist attack.

Since 1985 the Federal Government has been actively involved in providing childcare services for Federal employees. Through GSA licensing agreements GSA provides guidance, assistance, and oversight to Federal agencies for the development of childcare centers. Total enrollment is approximately 7,865 children ranging in age from infants to 6 years. Eighty-four percent are enrolled full time at childcare centers, with the greatest number of children in the infant care age group.

Due to the increasing awareness of the threats to Federal buildings the committee incorporated its long-standing interest in public safety into a review of the childcare program. In order for a parent to make an informed decision regarding enrolling a child in particular center the subcommittee reported H.R. 4519, which requires GSA to provide certain security information to potential parents.

Mr. Speaker, the committee has a long tradition of supporting all measures that would increase security in Federal buildings. In addition to this bill, I have a bill, H.R. 809, pending in the Senate Environment and Public Works Committee that would make the Federal Protective Service an independent entity within the GSA. After holding several hearings and receiving testimony from a variety of witnesses including the GSA Office of Inspector General, the committee decided the current management structure, which has the protective service as part of the real estate program, is not the best way to provide a high level, professional protection program. Under the current arrangement there are serious issues involving command and control of Federal protective officers. My bill would enhance security, and along with this bill, would ensure the highest levels of security are available for the employees and the public who use Federal buildings.

Mr. Speaker, I support H.R. 4519 and urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make an observation, a real-life example that touches the State that the gentleman from Ohio (Mr. TRAFICANT) and I share and show why the Franks bill is going to be so important.

We have a Federal building located in Cleveland, Ohio, and it has one of the 113 child care centers located within it. Our committee has a rule that, and I believe the threshold is $1.8 million, if the GSA wants to engage in a remodeling program over $1.8 million, they need to come before the Congress and get the consent of Congress.

The folks in Cleveland, Ohio, worked very hard to be under that $1.8 million threshold so that they could construct a child care center within the Federal building in Cleveland, Ohio. Their proposed site, in order to come in under this limit to avoid the scrutiny of the Congress, was over the loading dock down there in downtown Cleveland.

We all remember how the explosives were delivered to the Alfred P. Murrah Federal Building in Oklahoma City in a truck. One of the wonderful things that the gentleman from New Jersey (Mr. FRANKS) has done by proposing this legislation and one of the good things that will happen when the Congress passes this legislation is this Vulnerability Assessment.

When parents who send their children to child care centers in Federal buildings, not only when they have the opportunity to know whether or not the Internal Revenue Service is located within the building, the Federal Bureau of Investigation, the CIA, or whoever may be a tenant in the building, they will also have the opportunity to know where that facility is located and what the risk is of a truck being delivered to a loading dock in a situation that could present quite a danger to their youngsters.

So this is a good bill, not only from that standpoint, but as I mentioned during my earlier remarks, Mrs. Almon-Kok has spent a considerable period of time working on the hazards of flying glass, and this is going to have implications not only for what happens at child care centers at GSA-controlled structures, but I think it is going to have long-standing consequences for centers not in GSA control where children may be located for a period of time.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, one of the things in H.R. 809 that I think is very important as a companion bill now to this piece of legislation is the Federal Protective Services, after the Alfred P. Murrah tragedy, had recommended that there would be no more child care centers near loading docks or loading dock areas.

Quite frankly, looking at the bureaucratic side of this, the Public Buildings Service, which really has the control over the law enforcement, did not take that with great regard, as evidenced by the statement of my friend from that which occurred up there in Cleveland.

So if we are to take a look at now the whole situation, with one contract guard guarding three facilities, there was a major tragedy, then the Federal Protective Service recommended to the Public Buildings Service, who is a real estate arm, do not put child care facilities near loading docks, now we have in Cleveland, Ohio, a disregard for the Federal Protective Services' bit of recommendation, if you will, relative to that whole area.

Let me just say this: I think it is very important that this bill not only be passed but that H.R. 809 be passed by the other body, for the following reason: Law enforcement issues should not be determined by real estate agents. They should be determined by law enforcement personnel.

I notice now that the chairman of our subcommittee is here. Before I close, I want to compliment him on his work with law enforcement and with security. And this bill, as I have stated earlier, is a good companion bill to H.R. 809. There is no reason why in Cleveland, Ohio, a child care center should be built over a loading dock. If it were not for the gentleman from Ohio (Mr. LATOURETTE) and others, we might not have that opportunity to question it. But this legislation would prohibit that, and I commend him.

Mr. LATOURETTE. Mr. Speaker, I want to thank my loquacious friend, the gentleman from Ohio (Mr. TRAFICANT) for his comments.

Mr. Speaker, I ask unanimous consent that the balance of my time be yielded to the chairman of our subcommittee, the gentleman from New Jersey (Mr. FRANKS) to dispense as he sees fit.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 5 years have passed since 168 Americans, including 19 children, lost their lives in the bombing of the Murrah Federal Building in Oklahoma City. But the image of the lifeless body of little Baylee Almon being carried from that building in the arms of an Oklahoma City fireman is one that still haunts us all.

Over the past months, as we have worked to get this important legislation to the floor, I have had the good fortune to get to work with and know Mrs. Aren Almon-Kok. Aren was Baylee Almon's mother.

Like most parents, Aren assumed that when she dropped her daughter off at the Federal building in Oklahoma City every morning, Baylee would be perfectly safe. After all, the building was located in an area with security guards and other enhanced safety features that we do not find in most private buildings.

But as she recounted for me the events of that horrendous day in April 5 years ago, Aren revealed a chilling fact. She had no idea that the building that provided day-care services for her child housed a variety of Federal agencies that are often the target of terrorist threats, including the Bureau of Alcohol, Tobacco and Firearms, as well as the FBI.

Neither the General Services Administration, which oversees the building, nor the child care center had ever informed the parents about high-profile law enforcement agencies being housed in that building or any other security risks involved in that building.

In fact, the commissioner of Public Buildings Service, Mr. Robert Peck, admitted that GSA does not notify parents or other occupants of the building about the potential safety concerns that residents in that building may be exposed to.

The Commissioner stated that if parents are concerned about this issue, they should look at the building director.

That response, Mr. Speaker, is simply not acceptable.

Parents deserve to know all the facts that could impact their children's safety and security before they decide to enroll their child in a particular day-care center located in a Federal building.

We have before us today Baylee's Law. It will require the General Services Administration to affirmatively reach out to parents who place their child in Federal day-care centers and provide them with written information about the other tenants of the building and the security designation of that building.

GSA would also be required to notify parents of any new tenants that move into the building when the new tenant could increase the safety threat to the facility.

In the event that the GSA receives information about a serious threat that could jeopardize the safety of children in a day-care center, parents are to be notified immediately.

Mr. Speaker, this important legislation can provide a new level of protection for the 7,600 children who are now being cared for at day-care centers located in 114 Federal buildings across the country.

Mr. Speaker, I want to thank our subcommittee staff, Matt Wallen and Susan Britta for their fine work; and I urge all of my colleagues to support this important piece of legislation.

Mr. Speaker, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 19, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN, Next week the House may consider H.R. 4519, ''Baylee's Law.'' While H.R. 4519 primarily contains provisions related to matters solely in the jurisdiction of the Committee on Transportation and Infrastructure, I recognize that certain provisions in the bill regarding the General Services Administration's policies concerning childcare facilities located in public buildings are under the jurisdiction of the Committee on Government Reform.

I agree that allowing this bill to go forward in no way impairs upon your jurisdiction over these provisions, and I would be pleased to place this letter and any response you may have in the Congressional Record during our deliberations on this bill. In addition, if a conference is necessary on this bill, I would support any request to have the Committee on Government Reform be represented on the conference with respect to the matters in question.

I look forward to passing this bill on the Floor soon and thank you for your assistance.

Sincerely,

BUD SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 19, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request and in the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over H.R. 4519—Baylee's Law. The bill amends the Public Buildings Act of 1959 concerning public safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration.

As you know, House Rules grant the Committee on Government Reform wide jurisdiction regarding the overall economy, efficiency and management of government operations and activities. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature. I would also request that members of the Government Reform Committee be appointed as conferees if a conference committee is appointed.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
Chairman.

Mr. OBERSTAR. Mr. Speaker, I commend Economic Development Subcommittee Chairman FRANKS for his interest in safety at childcare centers, and especially his interest in stopping the terrible destruction and injury caused by flying glass.

The General Services Administration (GSA) childcare program is a very successful program, with 85 percent of its childcare centers accredited by the National Association for the Education of Young Children. Approximately 7,000 youngsters, ranging in age from infancy to 5 years old, are enrolled in GSA childcare centers located in 113 Federal facilities across the country.

H.R. 4519 will ensure that parents of children in GSA childcare centers have the best available information regarding the tenants at these Federal facilities. H.R. 4519 instructs GSA to notify parents before they enroll their children in a childcare center located in a Federal building of the current Federal agencies occupying the building and the level of security of that particular Federal building. It also requires GSA to notify parents of any change in the Federal tenants in the building. This bill will ensure that this information is readily available to parents.

The short title for this bill is ''Baylee's Law''. It is named for Baylee Almon, a one-year-old child attending the childcare center located in the Murrah Federal Building in Oklahoma City at the bombing in 1995. She and fourteen other small children were killed in that tragic incident.

I urge all Members to support this bill.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4519, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

''A bill to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, to provide for reform of the Federal Protective Service, and for other purposes.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4519.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APOLLO EXPLORATION AWARD ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2572) to direct the Administrator of NASA to design and present an award to the Apollo astronauts.

The Clerk read as follows:

H.R. 2572

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 ''Apollo Exploration Award Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On July 20, 1969, Neil A. Armstrong and Edwin E. ''Buzz'' Aldrin Jr., became the first humans to set foot on another celestial body, during the Apollo 11 mission, accompanied in lunar orbit by Michael Collins.

(2) Between 1969 and 1972, ten other Americans courageously completed the first human exploration of the lunar surface, accompanied by five command module pilots:

(A) Apollo 12—Charles J. ''Pete'' Conrad Jr., Alan L. Bean, and Richard F. Gordon Jr.

(B) Apollo 14—Alan B. Shepard Jr., Edgar D. Mitchell, and Stuart A. Roosa.

(C) Apollo 15—David R. Scott, James B. Irwin, and Alfred M. Worden.

(D) Apollo 16—John W. Young, Charles M. Duke Jr., and Thomas K. Mattingly II.

(E) Apollo 17—Eugene A. Cernan, Ronald E. Evans, and Harrison H. Schmitt.

(3) In April 1970, James A. Lovell Jr., John L. Swigert Jr., and Fred W. Haise Jr., valiantly made a safe return from the Moon on the Apollo 13 mission, after their command module was disabled by an explosion.

(4) The enormous successes of the Apollo lunar landing missions were only possible due to the pioneering work of the previous Apollo missions, which performed critical testing of the spacecraft and methods, and conducted the first human travel to the Moon:

(A) Apollo 7—Walter M. Schirra Jr., Donn F. Eisele, and R. Walter Cunningham.

(B) Apollo 8—Frank Borman, James A. Lovell Jr., and William A. Anders.

(C) Apollo 9—James A. McDivitt, David R. Scott, and Russell L. Schweickart.

(D) Apollo 10—Thomas P. Stafford, John W. Young, and Eugene A. Cernan.

(5) In January 1967, astronauts Virgil I. Grissom, Edward H. White, and Roger B. Chaffee lost their lives in a tragic fire in the command module while testing the spacecraft which would have carried them on the first manned Apollo mission.

(6) Since the time of the Apollo program, the program's astronauts have promoted space exploration and human endeavor by sharing their experiences with the American people and the world, stimulating the imagination and the belief that any goal can be achieved.

(7) Sadly, astronauts John L. Swigert Jr., Donn F. Eisele, Ronald E. Evans, James B. Irwin, Stuart A. Roosa, Alan B. Shepard Jr., and Charles J. ''Pete'' Conrad Jr., have died since completing their missions.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the American people should provide a fitting and tangible tribute to each of the astronauts of the Apollo program, to recognize and commemorate their bravery, substantial scientific and technical accomplishments, and unique contributions to American and world history.

SEC. 4. APOLLO EXPLORATION AWARD.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration (hereinafter in this Act referred to as the ''Administrator'') shall design and present an appropriate award, to be named the ''Apollo Exploration Award'', commemorating the accomplishments of the astronauts who flew in the Apollo program.

(b) DESIGN.—The Administrator shall ensure that the Apollo Exploration Award shall have the following characteristics:

(1) A lunar rock sample shall be the central feature of the award.

(2) The design of the award shall permit free access to and removal of the lunar sample by the award recipient.

(c) PRESENTATION.—The Administrator shall present one award created under this Act to each of the following Apollo astronauts, or if such person is deceased, to his closest living family member or heir (as determined by the Administrator):

(1) Buzz Aldrin (formerly known as Edwin E. Aldrin Jr.) of Apollo 11.
(2) William A. Anders of Apollo 8.
(3) Neil A. Armstrong of Apollo 11.
(4) Alan L. Bean of Apollo 12.
(5) Frank Borman of Apollo 8.
(6) Eugene A. Cernan of Apollo 10 and Apollo 17.
(7) Roger B. Chafee of Apollo 1.
(8) Michael Collins of Apollo 11.
(9) Charles J. ''Pete'' Conrad Jr. of Apollo 12.
(10) R. Walter Cunningham of Apollo 7.
(11) Charles M. Duke Jr. of Apollo 16.
(12) Donn F. Eisele of Apollo 7.
(13) Ronald E. Evans of Apollo 17.
(14) Richard F. Gordon Jr. of Apollo 12.
(15) Virgil I. Grissom of Apollo 1.
(16) Fred W. Haise Jr. of Apollo 13.
(17) James B. Irwin of Apollo 15.
(18) James A. Lovell Jr. of Apollo 8 and Apollo 13.
(19) Thomas K. Mattingly II of Apollo 16.
(20) James A. McDivitt of Apollo 9.
(21) Edgar D. Mitchell of Apollo 14.
(22) Stuart A. Roosa of Apollo 14.
(23) Walter M. Schirra Jr. of Apollo 7.
(24) Harrison H. Schmitt of Apollo 17.
(25) Russell L. Schweickart of Apollo 9.
(26) David R. Scott of Apollo 9 and Apollo 15.
(27) Alan B. Shepard Jr. of Apollo 14.
(28) Thomas P. Stafford of Apollo 10.
(29) John L. Swigert Jr. of Apollo 13.
(30) Edward H. White of Apollo 1.
(31) Alfred M. Worden of Apollo 15.
(32) John W. Young of Apollo 10 and Apollo 16.

SEC. 5. PROHIBITION ON PROFIT.

No person may use an award presented under this Act for monetary gain or profit.

SEC. 6. TRANSFER OF AWARD.

(a) IN GENERAL.—Notwithstanding any other provision of law, ownership interest in an award presented under this Act may not be—

(1) sold, traded, bartered, or exchanged for anything of value; or

(2) otherwise transferred, other than to a family member of the original recipient of the award or by inheritance.

(b) EXCEPTION FOR PUBLIC DISPLAY.—The prohibition in subsection (a) does not apply to a transfer to a museum or nonprofit organization for the purpose of public display.

(c) REVERSION.—Ownership of an award presented under this Act reverts to the Administrator if—

(1) no person inherits the award after the death of its owner; or

(2) the award is not being displayed publicly under subsection (b).

SEC. 7. RECALL OF LUNAR MATERIAL.

(a) IN GENERAL.—The Administrator may recall a lunar sample contained in an award presented under this Act if the Administrator determines that the particular lunar sample is required for scientific purposes.

(b) PROMPT RETURN.—The Administrator shall promptly return a lunar sample recalled under subsection (a) to its owner when such sample is no longer required for scientific purposes.

(c) REPLACEMENT.—The Administrator may replace a lunar sample recalled under subsection (a) with a substantially equivalent lunar sample if the Administrator determines that such recalled lunar sample will not be promptly returned in its entirety and without substantial degradation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2572.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I would like to thank my colleague the gentleman from Indiana (Mr. SOUDER) for sponsoring this bill, which he introduced on the 30th anniversary of the Apollo 11 landing on the moon last year.

The enormous success of the Apollo program clearly stands as a watershed event in American history and one of man's greatest scientific achievements. The Apollo Exploration Award Act provides a fitting and tangible tribute to each of the astronauts who dedicated themselves and risked their lives for the Apollo program.

□ 1130

It recognizes and commemorates their bravery, substantial scientific and technical achievements, and unique contributions to American and world history.

I would like to note that these tremendous accomplishments were only possible due to the ingenuity, diligence, and determination of the men and women of NASA and the aerospace community who made the Apollo program a success. I only wish it were possible to recognize each and every one of these men and women for their contributions to the program as well.

Since the time of the Apollo program, the astronauts have promoted space exploration and scientific excellence by sharing their experiences with the American people and the world, stimulating the imagination and the belief that any goal can be achieved. I believe these contributions need to be recognized.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I want to speak in support of H.R. 2572, the Apollo Exploration Award Act. I think the chairman has done a very good job of ushering this bill to this stage and of explaining the bill here, so I will be rather brief.

I think the bill recognizes a very important chapter in our Nation's space program, the Apollo Moon landing project that we were all so very proud of. And it honors the contributions of those very brave space explorers, the Apollo astronauts, who helped humanity to achieve the dream of finally setting foot on the Moon.

It is hard to believe that more than 3 decades have passed since Neil Armstrong and Buzz Aldrin first stepped out onto the lunar surface while Mike Collins orbited overhead.

Their accomplishments and those of the Apollo astronauts who followed them made all of us proud to be Americans. And so it is fitting that we honor them with this award.

It is also fitting that we honor the brave astronauts who preceded them in the missions that helped prepare for that first Moon landing. In that process we especially need to remember the three heroes, Virgil ''Gus'' Grissom, Edward White, and Roger Chaffee, who lost their lives in the tragic Apollo 1 fire back in 1967. They made the ultimate sacrifice to help push back the frontier, and I am glad that this bill recognizes their contributions.

Mr. Speaker, some day in the not-too-distant future I expect that we will go back to the Moon; and I believe we will ultimately go further, to Mars and beyond. When we do, we will be building on the accomplishments of not only

the brave astronauts that we honor in this piece of legislation but also on the efforts of all of the thousands and thousands of men and women who worked on the Apollo project. Their contributions, large and small, all helped make Apollo a success.

While we cannot honor each of them by name, I hope that they take pride in what they accomplished and know that we salute them.

Mr. Speaker, back several Congresses ago, as a matter of fact in the 103rd Congress, I introduced and passed through the House a concurrent resolution, H. Con. Res. 261. It was a resolution to honor the lunar astronauts and to increase their military rank, not to increase their pay nor their retirement but simply to increase their rank. We sent it over to the Senate and the Senate reduced it to saying they would be called Honorable from here on and did nothing for them along the line of their rank. I think we missed a chance to show them greater courtesy and greater honor, and many of them talked to me, that many of them really and truly wanted. H.R. 2572 is a way also for us to say thank you to these astronauts who helped lead us to the Moon.

I urge my colleagues to vote to suspend the rules and pass H.R. 2572.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), who is the author of this bill.

Mr. SOUDER. Mr. Speaker, I would first like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER), the subcommittee chairman, for bringing this bill to the floor and also Speaker HASTERT, who, when he chaired the subcommittee on oversight, held a number of hearings to try to promote an increasing awareness of our space program and try to rekindle the national interest; and also the cosponsors of this bill, particularly the gentleman from Florida (Mr. WELDON), the principal cosponsor, and the 33 other cosponsors, including many Democrats, all of whom join with me today to provide a historic recognition of the accomplishments of the Apollo program on its 30th anniversary. In doing so we hope to recapture some of the vision and excitement of the space program for Americans as we enter the 21st century.

We are currently in the midst of observing the 30th anniversary. I introduced this bill on July 20, 1999, on the anniversary of the first lunar landing. It is by no means an exaggeration to say that the landing was one of the most significant events in human history. The Apollo program not only was and still is one of the most significant technological accomplishments but also marked the first time that mankind left the planet Earth to explore another celestial body.

The Apollo program demonstrated that it is possible for Americans to accomplish anything if they have a dream and a vision to work and to make it come true. As astronaut Walt Cunningham said, ''Today we fail not because of our inability to do something, we fail today because of our unwillingness to tackle it in the first place. We are unwilling to take a chance, stick our neck out and go and do some of these things.''

The Apollo astronauts have continued to stand as living monuments to that drive and vision. Many of today's adults were not even born at the time of the Apollo landing, even though they and their children hold the potential to be the generation that first sets foot on Mars. The vision is still a living vision, however, because it is rekindled by the Apollo astronauts who continue to bear witness to the possibility of making even seemingly outlandish dreams into reality.

We recently had sad reminders of just how precious these men are. Apollo 12 astronaut Pete Conrad was laid to rest last year in Arlington National Cemetery. Four of the 12 men to have set foot on the Moon have now passed away. A total of seven of the Apollo astronauts are no longer with us. Just outside this Chamber stands one of the newest additions to Statuary Hall, a statue of Apollo 13 astronaut Jack Swigert of Colorado, who was elected to the House but never was able to serve.

In my view, there would be no better recognition for these heroes nor better way to rekindle the accomplishments of Apollo in the public imagination than this award. The only fitting commemoration for those who have touched the Moon or made that great achievement possible could be a piece of the Moon itself. And such recognition is long overdue.

In addition, this is a simple issue of fairness. On the same day I introduced this bill, the Apollo 11 astronauts visited the Oval Office and presented President Clinton with a Moon rock which he promptly put beside his desk in the Oval Office. NASA has already given out a number of lunar samples to foreign leaders with no restrictions at all. In fact, a sample that was dedicated to ''the People of Honduras'' recently was found in private hands. If Bill Clinton can have a Moon rock in his office and we can give them to foreign leaders, I think it is only fair and just that the men who risked their lives for science and for their country of all people should have the same honor.

When Neil Armstrong and Buzz Aldrin landed on the Moon in 1969, Bill Clinton was home for the summer from Oxford, according to David Marannis, ''feverishly trying to find a way to avoid entering the Army as a drafted private.'' And it is dumbfounding to me that after the President received his Moon rock, his administration apparently yesterday decided to oppose this bill giving a Moon rock to the astronauts who performed the missions. Furthermore, it is not just that some 250 foreign leaders have been given pieces of the Moon rock but none to our astronauts.

NASA has recovered more than 2,000 different samples of the Moon in six landings, so the rocks required for presentation would be a tiny portion of our total holdings. The bill also maintains careful control over the lunar rocks, preventing them from being sold or transferred to anyone besides the astronaut, his family, or a museum. And the lunar material could be recalled by NASA if needed for scientific research.

Mr. Speaker, America was founded on the principle of exploration. We have it in our power to continue this great tradition as a spacefaring Nation. I urge my colleagues to support this legislation.

APOLLO EXPLORATION ACT—QUESTIONS AND ANSWERS

Rep. Mark Souder

H.R. 2572, The Apollo Exploration Award Act, would create an award to be presented as a lasting commemoration for the American astronauts who made the first voyages to the moon. The award would contain an actual lunar sample (or ''moon rock'') retrieved on the Apollo missions as a uniquely fitting and appropriate presentation. This fact sheet answers questions about the bill and responds to some issues which have been raised by NASA.

Q: Why bring up the bill now?

A. The bill was introduced on the 30th anniversary of the Apollo 11 lunar landing in July of 1999. Some of the former Apollo astronauts have now died, and as time passes others will become less able to participate in public events and commemorations. Because we are still fortunate to have most of the former astronauts engaged in public life, this is a fitting time to provide an appropriate recognition of the extraordinary significance of their deeds with the benefit of historical hindsight. In doing so, the bill is also intended to remind the American public of their accomplishments and rekindle the vision of a great American space program.

The bill has significant bipartisan support, particularly from members who represent NASA facilities. Of the 34 cosponsors, 14 are Democrats. NASA was contacted and provided with a copy of the bill at the time of its introduction.

Q: Our ''Moon Rocks'' are a national asset—would this harm their preservation and scientific research?

A: The Apollo missions collected 2,196 lunar samples weighing 843 pounds. The bill provides for just 32 awards to be issued to the Apollo Astronauts—a minuscule portion (1.5 percent) of our holdings. In addition, the bill explicitly provides that NASA may recall any of the lunar samples used for the award should they be needed for scientific research.

Q: Would this bill set a bad precedent by transferring moon rocks for commemorative purposes?

A: The fact of the matter is that NASA has already transferred moon rocks for commemorative purposes, with far fewer restrictions than are contained in this bill. A number of the Apollo crews made ''goodwill tours'' of foreign nations, during which lunar samples were presented to heads of state by the astronauts as a commemoration. Although these were ostensibly presented as gifts to each country rather than to the individuals, we are not aware of any restrictions placed on these rocks. In fact, at least one of these samples, presented to the ''People of

Honduras,'' found its way into private hands. We are unable to find ''any'' accounting for the whereabouts of the samples that were presented to foreign countries. NASA officials at the time of the missions said they could make available 150 to 200 presentation samples—a number which makes the 32 samples here look very modest indeed.

In addition, the Apollo 11 crew recently presented a rock to President Clinton for commemorative purposes. Although NASA goes to great lengths to specify that that rock is ''on loan,'' White House Spokesman Barry Toiv said ''I have a feeling it will be here awhile.'' President Clinton put the rock by his desk in the Oval Office.

The samples in question are not being presented to strangers to NASA or to the public at large—they would go to the astronauts who went to get them. This is only fitting, just and appropriate.

Q: What controls are put on the samples? Could the astronauts sell them?

A: The bill puts very tight controls on the samples. Astronauts could not sell or transfer their award or receive any monetary gain from its use. They could only keep it, give or leave it as an inheritance to members of their family under the same conditions, or loan it to a museum. If these conditions are not met, the award and lunar sample return to the possession of NASA.

Q: Wouldn't that require NASA to keep track of the awards?

A: Technically, the bill does not require NASA to keep track of the awards—it gives them a right of recall if the lunar samples are needed for scientific purposes. Moreover, even if NASA chose to track the awards, it is difficult to imagine that keeping track of 32 of them would be an undue burden on the Agency. In fact, NASA already lends (and successfully tracks) up to 10 lunar samples a week to schools across the country.

[From the Indianapolis Star, July 18, 1999]

PURDUE ENJOYS HISTORIC LUNAR LINKS

(By Scott Thien)

When it comes to moon missions, Purdue rules one of America's greatest achievements.

That's because Boilermakers Neil Armstrong of Apollo 11 and Eugene Cernan of Apollo 17 were the first and last men to walk on the moon.

In fact, 21 current and former astronauts attended the university, most in the School of Aeronautics and Astronautics. And roughly 10 percent—24 out of 268—of all U.S. astronauts have links to Indiana, either by birth or education.

Famous ties, to be sure, but the state has little other tangible evidence of America's six lunar landings.

Currently, Indiana has no permanent public display of moon rocks, lunar dust or any of the core samples from the 842 pounds gathered during the Apollo missions from 1969 to 1972. Twenty-one states and 12 foreign countries have such displays, which are administered by the Johnson Space Center in Houston. And, officials of the National Aeronautics and Space Administration say, none of the material is privately owned—not even by the 12 moonwalkers.

That's not to say NASA is stingy. At the end of the Apollo program, every U.S. state and nearly every country in the world received a commemorative plaque with a mounted sliver of moon material. Indiana's sample, which came from the historic Apollo 11 mission, eventually found its way into the bowels of the Indiana State Museum. The sample—several plastic-encased, porous-looking black pebbles about one-sixteenth of an inch each—occasionally is displayed, museum officials say.

Both Indiana and Purdue universities have moon material for research, but none is publicly displayed.

So, is Indianapolis out of luck for a lunar look on Tuesday's 30th anniversary of the Apollo 11 landing? Check out The Children's Museum.

Through Aug. 31, a 5.5-ounce dark chunk of the moon will be displayed outside the SpaceQuest Planetarium, along with period articles, photos and models of Apollo spacecraft. The 4- to 6-inch-long rock, on loan from the John Glenn Space Center in Cleveland, was gathered from the moon's Base North Massif Mountain in the Valley of Taurus-Littrow during the 1971 Apollo 15 mission. For hours and admission, call the museum at (317) 334-3322.

FAST FACTS

What became of the moon rocks? Here's a quick look:

In NASA, military vaults: 711 pounds
Studied, returned to NASA: 60 pounds
Sent out for study: 15 pounds
Loaned to museums or schools: 24 pounds
Destroyed in experiments: 22 pounds
Gifts to foreign heads of state: 0.6 pounds
Used but not destroyed in experiments: 7 pounds
Lost: 0.078 pounds.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to speak in support of this very, very important legislation.

As many people know, the Apollo missions departed from Cape Canaveral Kennedy Space Center, which is in my Congressional district. Indeed, for most of the people in my congressional district, they refer to the area they live in as the Space Coast. Space has been the heart of the area, the community, now going on for 4 decades; and, indeed, the area has been home on and off for the Apollo astronauts for years.

I wholeheartedly support this piece of legislation and I think it is extremely fair and appropriate to do this. The Apollo astronauts put their lives on the line. Indeed, the gentleman who was running the Apollo program at the time, his name was George Mueller, felt that there was only about a 10 percent chance when the first Moon mission took off that the crew would return safely. And, of course, not only did they, we were able to go back several more times after Apollo 11 and successfully bring safely the crew back to Earth.

But this mission was not without its risk and its price. According to my conversations with the astronauts involved, the hours were excruciatingly long, separation from family was huge, there was an incredible amount of stress after the initial Apollo 1 fire taking the lives of three crew members, and after all of these years to have these Moon rocks essentially sitting in a vault collecting dust and to have a scenario where we are giving specimens out to politicians, of all people. But to not give a specimen to the heroes who actually put their lives on the line and actually went to the Moon I think is wrong and that it is very fitting and appropriate for us to now at this time honor those heroes who went to the Moon and extend to them a specimen.

Now, the gentleman from Indiana has inserted a whole host of safeguards in this legislation. They cannot sell it for money. NASA can retrieve the specimens if there is some tremendous scientific need for them. Actually, the scientists have analyzed these things over and over again and they are just rocks. There is no great need, and it is extremely unlikely that they would ever have to be reclaimed.

Mr. Speaker, I rise in strong support of the legislation. I applaud the gentleman for coming up with this idea. He should be commended. I would encourage all of my colleagues on both sides of the aisle to vote in support of this bill.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2572.

The question was taken.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CORRECTING ENROLLMENT OF H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000, 2001, AND 2002

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 409) directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 1654.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. HALL of Texas. Mr. Speaker, reserving the right to object, I yield to the gentleman from Wisconsin for his explanation of the justification for this resolution and its consideration under the expedited procedure.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Texas for yielding.

This resolution changes the title of section 205 from Space Station Management to Space Station Research Utilization and Commercialization Management in order to make the title more informative. It also replaces specific references to the Russian Service

Module in section 201 with generic references to any Russian element in the International Space Station's critical path, and moves the due date for an educational study required in section 317 from October 1, 2000, to December 1, 2000.

Finally, the resolution removes some commas to reduce the number used in a series to address stylistic preferences. These are minor changes that do not affect the substance of the bill adopted by the House on a vote of 399–17 on September 14. They have been discussed with the minority and with the other body and all parties have agreed to them.

Mr. HALL of Texas. I thank the gentleman for his explanation.

Mr. Speaker, the minority concurs in the necessity to correct the enrollment of H.R. 1654. Therefore, we do not object to the immediate consideration of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 409

Resolved by the House of Representatives (the Senate concurring), that the Clerk of the House of Representatives shall make the following corrections in the enrollment of the bill H.R. 1654:

(1) In section 1(b), in the item relating to section 205 in the table of contents, insert ''research utilization and commercialization'' after ''Space station''.

(2) In section 2(4)—

(A) insert ''the'' after ''commercial providers of''; and

(B) strike the comma after ''reusable space vehicles''.

(3) In section 201(b)—

(A) strike ''the Russian Service Module, other'' and insert ''any'';

(B) strike '', or Russian'' and insert ''or any Russian'';

(C) strike ''the Russian Service Module, or any other Russian element in the critical path or Russian launch service'' and insert ''any Russian element in the critical path or any Russian launch services''; and

(D) strike the comma after ''with the permanent replacement''.

(4) In section 203(a)(2), strike the comma after ''Sciences and Applications''.

(5) In the section heading of section 205, insert ''**RESEARCH UTILIZATION AND COMMERCIALIZATION**'' after ''**SPACE STATION**''.

(6) In section 303, strike the comma after ''fullest extent feasible''.

(7) In section 317(b), strike ''October'' and insert ''December''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1145

ELECTRONIC COMMERCE ENHANCEMENT ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4429) to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, as amended.

The Clerk read as follows:

H.R. 4429

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 ''Electronic Commerce Enhancement Act of 2000''.

TITLE I—ELECTRONIC COMMERCE

SEC. 101. FINDINGS.

The Congress finds the following:

(1) Commercial transactions on the Internet, whether retail business-to-customer or business-to-business, are commonly called electronic commerce.

(2) In the United States, business-to-business transactions between small and medium-sized manufacturers and other such businesses and their suppliers is rapidly growing, as many of these businesses begin to use Internet connections for supply-chain management, after-sales support, and payments.

(3) Small and medium-sized manufacturers and other such businesses play a critical role in the United States economy.

(4) Electronic commerce can help small and medium-sized manufacturers and other such businesses develop new products and markets, interact more quickly and efficiently with suppliers and customers, and improve productivity by increasing efficiency and reducing transaction costs and paperwork. Small and medium-sized manufacturers and other such businesses who fully exploit the potential of electronic commerce activities can use it to interact with customers, suppliers, and the public, and for external support functions such as personnel services and employee training.

(5) The National Institute of Standards and Technology's Manufacturing Extension Partnership program has a successful record of assisting small and medium-sized manufacturers and other such businesses. In addition, the Manufacturing Extension Partnership program, working with the Small Business Administration, successfully assisted United States small enterprises in remediating their Y2K computer problems.

(6) A critical element of electronic commerce is the ability of different electronic commerce systems to exchange information. The continued growth of electronic commerce will be enhanced by the development of private voluntary interoperability standards and testbeds to ensure the compatibility of different systems.

SEC. 102. REPORT ON THE UTILIZATION OF ELECTRONIC COMMERCE.

(a) ADVISORY PANEL.—The Director of the National Institute of Standards and Technology (in this title referred to as the ''Director'') shall establish an Advisory Panel to report on the challenges facing small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The Advisory Panel shall be comprised of representatives of the Technology Administration, the National Institute of Standards and Technology's Manufacturing Extension Partnership program established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), the Small Business Administration, and other relevant parties as identified by the Director.

(b) INITIAL REPORT.—Within 12 months after the date of enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the immediate requirements of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall—

(1) describe the current utilization of electronic commerce practices by small and medium-sized manufacturers and other such businesses, detailing the different levels between business-to-retail customer and business-to-business transactions;

(2) describe and assess the utilization and need for encryption and electronic authentication components and electronically stored data security in electronic commerce for small and medium-sized manufacturers and other such businesses;

(3) identify the impact and problems of interoperability to electronic commerce, and include an economic assessment; and

(4) include a preliminary assessment of the appropriate role of, and recommendations for, the Manufacturing Extension Partnership program to assist small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices.

(c) FINAL REPORT.—Within 18 months after the date of enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year assessment of the needs of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall include—

(1) a 3-year planning document for the Manufacturing Extension Partnership program in the field of electronic commerce; and

(2) recommendations, if necessary, for the National Institute of Standards and Technology to address interoperability issues in the field of electronic commerce.

SEC. 103. ELECTRONIC COMMERCE PILOT PROGRAM.

The National Institute of Standards and Technology's Manufacturing Extension Partnership program, in consultation with the Small Business Administration, shall establish a pilot program to assist small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The goal of the pilot program shall be to provide small and medium-sized manufacturers and other such businesses with the information they need to make informed decisions in utilizing electronic commerce-related goods and services. Such program shall be implemented through a competitive grants program for existing Regional Centers for the Transfer of Manufacturing Technology established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k). In carrying out this section, the Manufacturing Extension Partnership program shall consult with the Advisory Panel and utilize the Advisory Panel's reports.

TITLE II—ENTERPRISE INTEGRATION

SEC. 201. ENTERPRISE INTEGRATION ASSESSMENT AND PLAN.

(a) ASSESSMENT.—The Director shall work to identify critical enterprise integration standards and implementation activities for major manufacturing industries underway in the United States. For each major manufacturing industry, the Director shall work with industry representatives and organizations currently engaged in enterprise integration activities and other appropriate representatives as necessary. They shall assess the current state of enterprise integration within the industry, identify the remaining steps in achieving enterprise integration, and work toward agreement on the roles of

the National Institute of Standards and Technology and of the private sector in that process. Within 90 days after the date of the enactment of this Act, the Director shall report to the Congress on these matters and on anticipated related National Institute of Standards and Technology activities for the then current fiscal year.

(b) PLANS AND REPORTS.—Within 180 days after the date of the enactment of this Act, the Director shall submit to the Congress a plan for enterprise integration for each major manufacturing industry, including milestones for the National Institute of Standards and Technology portion of the plan, the dates of likely achievement of those milestones, and anticipated costs to the Government and industry by fiscal year. Updates of the plans and a progress report for the past year shall be submitted annually until for a given industry, in the opinion of the Director, enterprise integration has been achieved.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term ''Director'' means the Director of the National Institute of Standards and Technology;

(2) the term ''enterprise integration'' means the electronic linkage of manufacturers, assemblers, and suppliers to enable the electronic exchange of product, manufacturing, and other business data among all businesses in a product supply chain, and such term includes related application protocols and other related standards; and

(3) the term ''major manufacturing industry'' includes the aerospace, automotive, electronics, shipbuilding, construction, home building, furniture, textile, and apparel industries and such other industries as the Director designates.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4429.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, small and medium-sized manufacturers contribute greatly to our Nation's economic growth, creating thousands of new jobs each year and providing all Americans with quality manufactured goods.

The emergence of electronic commerce has the potential to assist small and medium-sized manufacturers develop new products and markets, interact more quickly and efficiently with suppliers and customers and improve productivity by increasing efficiency and reducing transaction costs and paperwork.

Despite the benefits electronic commerce has to offer, small and medium-sized manufacturers face significant challenges in integrating electronic commerce into their operation because of the complexity of multiple technologies, expensive deployment costs and the lack of interoperability standards.

H.R. 4429, the Electronic Commerce Enhancement Act of 2000, helps to assist small and medium-sized businesses to successfully integrate and utilize electronic commerce technologies and business practices. Specifically, the bill requires the National Institute of Standards and Technology of the Department of Commerce to assist small and medium-sized manufacturers by assessing critical enterprise integration standards in implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

This bill was unanimously approved by the Committee on Science on July 26 of this year. I wish to commend the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA), and the chairwoman of the subcommittee, the gentlewoman from Maryland (Mrs. MORELLA), for their efforts, and urge my colleagues to support its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4429 is a very important piece of legislation, and I wish to compliment the gentleman from Michigan (Mr. BARCIA) and our chairman for their persistence in focusing the Congress on the impacts that electronic commerce is having on our small businesses throughout this country. Competing as a small businessman can be very tough under the very best of circumstances, and it gets just that much harder during times of rapid change. Today, computers and e-commerce are turning the world of many small businessmen and women on their head. They do not know which way to go.

The gentleman from Michigan (Mr. BARCIA) and his cosponsors have written legislation that will really help small businesses. It will help them tremendously in obtaining the information and expertise necessary to make intelligent business decisions as they move onto the Internet. This help will be available through the Manufacturing Extension Program of the Department of Commerce.

The gentleman from Michigan (Mr. BARCIA), the gentlewoman from Michigan (Ms. RIVERS), and the gentlewoman from Michigan (Ms. STABENOW) also introduced H.R. 4906 earlier this year. It is a bill that very aggressively addresses another small business problem that is just around the corner.

According to recent testimony before the Committee on Science, European governments are spending over $45 million per year to develop standards that will permit companies to exchange manufacturing data instantaneously and in effect establish virtual manufacturing enterprises. H.R. 4906 provides for a meaningful U.S. role in the development of these standards and for creating the tools that small businesses will need to participate in this new mode of business interaction.

We appreciate the willingness of the gentleman from Wisconsin (Chairman SENSENBRENNER) to add sections from H.R. 4906 to the bill before us today, and I urge my colleagues to support H.R. 4429.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Speaker, I rise today in support of H.R. 4429, The Electronic Commerce Enhancement Act of 2000.

H.R. 4429 is a bipartisan effort to assist small and medium-sized enterprises in bringing their businesses on line. I introduced this bill, along with the gentleman from California (Mr. CALVERT), the gentleman from Washington (Mr. BAIRD), the gentleman from Pennsylvania (Mr. DOYLE), and the gentleman from Colorado (Mr. UDALL) earlier this year. This bill is the result of Subcommittee on Technology hearings and a district workshop I held on the electronic commerce needs of small and medium-sized manufacturers.

As large companies move their business transactions on line, small businesses must go on line also. Unfortunately, many of these smaller manufacturers do not have the information they need to make informed decisions on e-commerce-related purchases and services. As one small manufacturer put it, ''I know whether I need a $20,000 or a $30,000 truck, but I do not have any idea of whether I need a $5,000 or a $50,000 e-mail server.''

The goal of this legislation is to provide American small business with information and knowledge they need to make these critical business decisions. This bill builds upon the successful Manufacturing Extension Partnerships Program, or MEP. In addition, H.R. 4429 authorizes the establishment of an advisory panel to determine the e-commerce needs of small businesses nationwide.

The MEP, working with this advisory panel, will establish a pilot program that will allow MEP centers to provide small manufacturers with the information they need to make informed purchases of e-commerce products and services.

In addition, this legislation incorporates some provisions of H.R. 4906, the Enterprise Integration Act, which I introduced along with the gentlewoman from Michigan (Ms. RIVERS). These provisions address the issue of interoperability in the manufacturing supply chain. The adoption of e-commerce business practices within supply chains is often hindered by the lack of interoperability of software, hardware and networks in exchanging product data and other key business information.

A recent study showed that the U.S. automotive supply chain alone suffers at least $1 billion in lost productivity due to problems of interoperability. Other industries with complex manufacturing requirements are expected to suffer similar losses, including aerospace, electronics, shipbuilding and construction, to name just a few.

The National Institute of Standards and Technology has supported the first phase of an interoperability program in the auto industry called STEP. In my home State of Michigan, STEP proved to be highly successful and was strongly supported by the auto industry and manufacturers in their supply chain. The provisions of H.R. 4429 build upon this prior experience.

NIST is authorized to perform an assessment to identify critical enterprise integration standards and implementation activities for major manufacturing industries and to report to Congress on the appropriate role for working with industry in this area.

I want to especially this morning thank the Subcommittee on Technology chairwoman, the gentlewoman from Maryland (Mrs. MORELLA), for the series of hearings that she has held on e-commerce during this past 2-year session. These hearings have brought attention to the challenges facing our small manufacturers as they enter the world of electronic business.

I also want to especially thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the ranking member, the gentleman from Texas (Mr. HALL), for their gracious efforts to move this bill through the Committee on Science and bringing it to the floor so expeditiously.

In closing, I believe this bill represents sound and reasonable policy and builds upon the successful track record of the Manufacturing Extension Partnership Program and the National Institute of Standards and Technology.

I urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in support of H.R. 4429, the Electronic Commerce Enhancement Act of 2000. I want to thank the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), for helping to bring this bill to the floor. I want to thank the ranking member, the gentleman from Texas (Mr. HALL), for his yeoman-like work in this. Certainly I value the leadership of the ranking member of the Subcommittee on Technology for the work that he has done and his leadership in helping to forward this very important measure.

During a busy day, most Americans probably do not even stop to think about the daily impact small manufacturing has on our lives; yet it is all but impossible to get through a day without using products that are created by small manufacturers. Everything from the clothes we wear, to the chairs we sit on, to the telecommunications equipment that we use to broadcast these House proceedings live can be attributed in part to the products of small manufacturers.

Small manufacturers make up over 95 percent of all United States manufacturers, and employ one out of every 10 American workers. It is not surprising that small manufacturers contribute so greatly to our Nation's economic growth and prosperity; and in recognition of this vital sector of our economy, we declared last year the year of the small manufacturer.

Last fall, as has been mentioned, the Subcommittee on Technology, which I Chair and on which the gentleman from Michigan (Mr. BARCIA) is the ranking member, convened a hearing looking at the challenges and the opportunities facing small and medium-sized manufacturers in the coming decade. As implementing successful electronic commerce strategies emerge is one of the industry's top priorities, it is estimated that sales in electronic commerce alone will reach nearly $3.2 trillion by the year 2003.

Successfully implemented, e-commerce business strategies have the potential to significantly increase productivity and revenues for many small manufacturers. Electronic commerce can help small manufacturers develop new products and markets, while at the same time allowing them to interact more quickly and efficiently with their suppliers and customers.

We had a number of small manufacturers as well as the National Association of Manufacturers testify at our hearing last fall, and they all agreed that we need to address this issue and that the National Institute of Standards and Technology, such a gem in our Federal laboratory system, can play a very important role in helping to achieve that goal.

Mr. Speaker, I urge my colleagues to join in support of the Electronic Commerce Enhancement Act of 2000.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I am pleased to rise in support of H.R. 4429, a bill that recognizes the importance of the Internet to our economy, and especially the importance of the Internet as a tool in business to business transactions.

Unfortunately, as Internet opportunities opened up, many small and medium-sized manufacturers, who are crucial to our economy, were not able to exploit the potential of e-commerce activities because of problems of interoperability.

The costs of this barrier of interoperability are enormous. According to a recent National Institutes of Standards and Technology study of product data exchange in the automotive sector alone, the inability to inefficiently exchange product data through the automotive supply chain conservatively costs the Internet about $1 billion per year.

This bill would allow the NIST to work with business and industry to develop voluntary standards that will assure that U.S. firms will and can continue to exploit the power of the Internet to collaborate with trading partners and, through greater speed and agility, to participate in global markets.

It also allows for a constructive U.S. role in the development of these standards and for helping equip small businesses with the instruments necessary for this new way of doing business.

I thank the gentleman from Michigan (Mr. BARCIA) for introducing this important bill, and I urge my colleagues to support it.

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Mr. HALL of Texas. Mr. Speaker, we have no more speakers, and I yield back the balance of our time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4429, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read as follows: ''A bill to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.''.

A motion to reconsider was laid on the table.

NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2000

Mr. SWEENEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4946) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4946

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 ''National Small Business Regulatory Assistance Act of 2000''.

SEC. 2. PURPOSE.

The purpose of this Act is to establish a pilot program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal regulations;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and

(5) utilize the service delivery network of Small Business Development Centers to improve access of small business concerns to programs to assist them with regulatory compliance.

SEC. 3. DEFINITIONS.

In this Act, the definitions set forth in section 34(a) of the Small Business Act (as added by section 4 of this Act) shall apply.

SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

The Small Business Act (15 U.S.C. 637 et seq.) is amended—

(1) by redesignating section 34 as section 35; and

(2) by inserting after section 33 the following new section:

"SEC. 34. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration.

''(2) ASSOCIATION.—The term 'Association' means the association, established pursuant to section 21(a)(3)(A), representing a majority of Small Business Development Centers.

''(3) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term 'participating Small Business Development Center' means a Small Business Development Center participating in the pilot program.

''(4) PILOT PROGRAM.—The term 'pilot program' means the pilot program established under this section.

''(5) REGULATORY COMPLIANCE ASSISTANCE.—The term 'regulatory compliance assistance' means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.

''(6) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'Small Business Development Center' means a Small Business Development Center described in section 21.

''(7) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

''(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers, the Association, and Federal compliance partnership programs.

''(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

''(1) IN GENERAL.—In carrying out the pilot program, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such centers will provide—

''(A) access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990;

''(B) training and educational activities;

''(C) confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal regulations, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

''(D) technical assistance; and

''(E) referrals to experts and other providers of compliance assistance.

''(2) REPORTS.—

''(A) IN GENERAL.—Each participating Small Business Development Center shall transmit to the Administrator a quarterly report that includes—

''(i) a summary of the regulatory compliance assistance provided by the center under the pilot program; and

''(ii) any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.

''(B) ELECTRONIC FORM.—Each report referred to in subparagraph (A) shall be transmitted in electronic form.

''(C) INTERIM REPORTS.—During any time period falling between the transmittal of quarterly reports, a participating Small Business Development Center may transmit to the Administrator any interim report containing data or information considered by the center to be necessary or useful.

''(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator may not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the pilot program, except that the Administrator shall require such a disclosure if ordered to do so by a court in any civil or criminal enforcement action commenced by a Federal or State agency.

''(d) DATA REPOSITORY AND CLEARINGHOUSE.—

''(1) IN GENERAL.—In carrying out the pilot program, the Administrator, acting through the office of the Associate Administrator for Small Business Development Centers, shall—

''(A) act as the repository of and clearinghouse for data and information submitted by Small Business Development Centers; and

''(B) transmit to the President and to the Committees on Small Business of the Senate and House of Representatives an annual report that includes—

''(i) a description of the types of assistance provided by participating Small Business Development Centers under the pilot program;

''(ii) data regarding the number of small business concerns that contacted participating Small Business Development Centers regarding assistance under the pilot program;

''(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the pilot program;

''(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the pilot program, including any activities conducted in partnership with Federal agencies;

''(v) data and information regarding each case known to the Administrator in which 1 or more Small Business Development Centers offered conflicting advice or information regarding compliance with a Federal regulation to 1 or more small business concerns; and

''(vi) any recommendations for improvements in the regulation of small business concerns.

''(e) ELIGIBILITY.—

''(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the pilot program only if the center is certified under section 21(k)(2).

''(2) WAIVER.—With respect to a Small Business Development Center seeking assistance under the pilot program, the Administrator may waive the certification requirement set forth in paragraph (1) if the Administrator determines that the center is making a good faith effort to obtain such certification.

''(3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 2000.

''(f) SELECTION OF PARTICIPATING CENTERS.—

''(1) IN GENERAL.—In consultation with the Association and giving substantial weight to the Association's recommendations, the Administrator shall select 2 Small Business Development Centers from each of the following groups of States to participate in the pilot program, except that the Administrator may not select 2 Small Business Development Centers from the same state:

''(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

''(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.

''(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

''(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

''(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

''(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

''(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.

''(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

''(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.

''(J) Group 10: Washington, Alaska, Idaho, and Oregon.

''(2) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 60 days after promulgation of regulations under section 4.

''(g) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) shall not apply to assistance made available under the pilot program.

''(h) EVALUATION AND REPORT.—Not later than 3 years after the establishment of the pilot program, the Comptroller General of the United States shall conduct an evaluation of the pilot program and shall transmit to the Administrator and to the Committees on Small Business of the Senate and House of Representatives a report containing the results of the evaluation along with any recommendations as to whether the pilot program, without or without modification, should be extended to include the participation of all Small Business Development Centers.

''(i) LIMITATION ON USE OF FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this section.''.

SEC. 5. PROMULGATION OF REGULATIONS.

After providing notice and an opportunity for comment and after consulting with the Association (but not later than 180 days after the date of enactment of this Act), the Administrator shall promulgate final regulations to carry out this Act, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the Association under the pilot program; and

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Ms. VELAZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask my colleagues to support H.R. 4946, the National Small Business Regulatory Assistance Act of 2000.

This bill is intended to assist small business owners in their efforts to comply with the onslaught of Federal regulations which have substantially increased over the past 20 years. H.R. 4946 is designed to utilize the existing infrastructure of Small Business Development Centers to provide regulatory counseling and coordination of Federal regulatory outreach to America's small business community.

We know that the vast majority of small business owners are honest and hard-working people who want to do the right thing. Clearly, this bill is an effort to help these small business owners. Just think, Mr. Speaker, it is highly unlikely that my colleagues or their staffs, or even the staffs of the committees, read the Federal Register on a daily basis. Yet that is what the government asks small business owners to do in order to determine which regulations affect them and what they must do to comply with those regulations.

Let me give an example: The proposed regulation to prevent ergonomic injuries is just 11 pages long; however, OSHA admits that these 11 pages are not self-explanatory and determining the best method of complying will require a small business owner to wade through nearly 1,500 pages of supplemental explanation and economic analysis.

Small business owners want to comply with Federal regulations, but often they simply do not have the time or the expertise to determine how to comply with proposed rules. This causes loss of revenue. Oftentimes, that revenue would be used to grow for jobs. When that happens, Mr. Speaker, it hurts us all.

H.R. 4946, is designed to assist small business owners navigate through the maze of Federal regulations which continue to pour forth from the Federal Government. H.R. 4946 would establish a pilot program in 20 Small Business Development Centers, SBDCs, throughout the United States. These 20 centers would be charged with providing small business owners access to information and resources, including current Federal and State programs designed to provide small business owners with regulatory compliance assistance, training materials and educational activities such as conferences and seminars, confidential free-of-charge one-on-one in-depth counseling regarding compliance assistance, technical assistance, and referral to other experts such as professors in the university or colleges where the participating SBDC is located.

The SBDCs would track information and H.R. 4946, as amended, would provide this information to the administrator of the SBA for collection in a clearinghouse. This will enable Federal agencies and Congress to ensure consistency of regulatory compliance assistance to small business.

The cooperation envisioned by H.R. 4946 is not necessarily new. Some Small Business Development Centers already are thinking outside the box. This bill will, however, help foster those relationships with different Federal agencies.

Mr. Speaker, I come to the floor with firsthand knowledge of how effective this type of process can be. Before being elected to Congress, I served as the Commissioner of Labor in New York State. I know firsthand the difficulty that exists in trying to balance the needs of running a small business and maintaining a safe working environment and creating jobs.

While I was State Labor Commissioner, I instituted an exhaustive review process that resulted in a 30 percent reduction of outdated, unnecessary, duplicative or oppressive restrictions on New York's businesses.

The result, after that reduction in regulations, Mr. Speaker, was an increase in worker safety, an increase in safety in the workplace.

As a former State regulator, I understand that penalizing first and asking questions later is not necessarily the best use of a regulators' time or their resources. If the pilot programs prove successful, and given my experience in New York, I think they will, then we will be on our way to a win-win situation for all involved.

Mr. Speaker, before closing, let me briefly mention the amendments made to the version reported out of committee. After substantial discussion with small business owners and Small Business Development Center directors, it was determined that certain technical corrections were necessary to fine tune the operation of the pilot programs.

First, the administrator of the SBA will maintain the central clearinghouse of information and make reports to the President and Congress.

Second, to ensure that the assessment of the program is not biased, the General Accounting Office will provide a 3-year review of the program.

And third, H.R. 4946, as amended, will provide significant guidance to the administrator in the development of regulations needed to place the program in operation, but at the same time ensure that the program is not unduly delayed by bureaucratic debate.

H.R. 4946 is a good bill, Mr. Speaker, that passed out of the committee unanimously. I ask my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my support for H.R. 4946 and commend the gentleman from New York (Mr. SWEENEY) for his work on addressing one of the most pressing issues affecting small businesses, the need for clear and understandable regulations.

Small businesses support safe workplace regulations and the need for a clean environment. They recognize that these regulations are put in place not just for protection of their customers and employees, but to protect the business and the community as a whole. The fact is regulatory issues are a major concern for small businesses. And while this bill relieves some of the regulatory burden, there is more we will need to do to ensure that the process is fair and equitable.

However, what often frustrates them the most is the simple fact that the regulations governing many of these areas have one common and disturbing denominator: They are often too confusing and unload a heavier burden on small businesses. Penalties, I might add, that small businesses cannot afford to fight against, or in some cases pay the stiff fine the regulation often imposes.

To alleviate this problem, some agencies like OSHA, EPA, and IRS provide compliance assistance aimed at helping small businesses. And while these programs are very helpful, many business owners fear that if they seek any compliance assistance from these agencies, their businesses will be left open to possible fines and sanctions without actually understanding the regulation they violated.

To address this problem, the legislation offered by the gentleman from New York sets up a pilot program in partnership the Nation's Small Business Development Centers, SBDCs. It is aimed at assisting small businesses in complying with the array of regulations that exist.

With locations in every community and a reputation for providing solid small business assistance, SBDCs will offer an additional avenue for helping smaller companies understand and comply with regulations. This proposal makes good business sense, both for small companies and for the Federal Government that serves a multitude of interests.

Once again, I would like to commend the gentleman from New York (Mr. SWEENEY) for his work on the committee and on this critical issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I too want to commend and congratulate the gentleman from New York (Mr. SWEENEY) for introducing such a meaningful piece of legislation.

All of us know that small businesses are, indeed, a backbone of the economy in this country. And we also know that as we become more civilized, there is need to protect the workplace and make it as worker friendly as we possibly can, to make it as safe for those who work as we can.

That means standards. In many instance those small businesses have difficulty complying because of not having the person-power to figure out how to comply meaningfully with the regulation. Or they may not have the money, the resources, the cash flow.

This bill provides an opportunity to assist small businesses to be in compliance, to know how to comply, and to do it well. It is a good piece of legislation. Again, I commend the gentleman from New York and urge all Members to support it.

Mr. SWEENEY. Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, we have taken a big step toward helping businesses deal with the issue of regulatory burden. Unfortunately for many small companies today, the added weight of government regulations can cost many business owners serious long-term financial hardship.

This bill will take a big step toward making regulatory compliance a manageable task for small businesses. However, while this bill achieves a number of objectives, there is more we need to do to provide a better understanding of the entire Federal regulatory system.

Again, I commend the gentleman from New York (Mr. SWEENEY) for his hard work on this bill, and I look forward to working with him and other members of the committee as we move this entire process forward.

Mr. Speaker, I yield back the balance of my time.

Mr. SWEENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing I want to thank the gentlewoman from New York (Ms. VELAZQUEZ), my colleague and friend, the ranking member of the committee, for her support throughout this process, as well as the gentleman from Illinois (Mr. DAVIS). I would just point out that all three of us, as do many of the members of the committee, represent districts that substantially rely on the small business community to create jobs in their areas. Especially those areas in a district like mine that happens to be economically depressed or finding itself at times in real competition as the world changes in terms of the economy.

I also want to thank the gentleman from Missouri (Chairman TALENT) for scheduling a field hearing on this issue and bringing the bill to markup. I want to also thank the Committee on Small Business staff for all of their hard work on this legislation.

I think the Small Business Regulatory Assistance Act of 2000 is an important effort to help small businesses and small business owners comply with Federal regulations. I urge my colleagues to support it. I think this is a job-growing proposition.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SWEENEY) that the House suspend the rules and pass the bill, H.R. 4946, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4946.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPORT WORKING CAPITAL LOAN IMPROVEMENT ACT OF 2000

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4944) to amend the Small Business Act to permit the sale of guaranteed loans made for export purposes before the loans have been fully disbursed to borrowers.

The Clerk read as follows:

H.R. 4944

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 ''Export Working Capital Loan Improvement Act of 2000''.

SEC. 2. SALE OF GUARANTEED LOANS MADE FOR EXPORT PURPOSES.

Section 5(f)(1)(C) of the Small Business Act (15 U.S.C. 634(f)(1)(C)) is amended to read as follows:

''(C) each loan, except each loan made under section 7(a)(14), shall have been disbursed to the borrower prior to any sale.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELAZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4944 makes a technical correction to the Export Working Capital Guarantee Program of the Small Business Administration. The export working capital program provides a 90 percent guarantee for revolving capital needs covering up to $750,000 for small business exporters.

However, this is a very underused program. Only 429 international trade loans were facilitated by this program in 1999. The problem is that the SBA would like to be able to sell these loans on the secondary market. However, secondary market sales of guaranteed loans are conducted infrequently. Current law requires that all 7(a) loans, including export working capital loans, must be fully disbursed to the borrower prior to becoming included in the secondary market sale.

Export working capital loans are often approved, disbursed, and repaid so quickly that they miss the window of opportunity for inclusion in a secondary market sale.

The purpose of the Export Working Capital Loan Improvement Act of 2000 is to exempt export working capital loans from the disbursement requirement under the SBA's 7(a) loan program. This change will allow export working capital loans to be sold to the secondary market. Passage of H.R. 4944 hopefully will free up more trade financing for small business exporters.

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The lack or the complexity of trade finance is a major barrier to small businesses.

Last month, I participated in a forum in Rockford, Illinois, in the district I represent, a forum which was sponsored by the Office of International Trade at the SBA to encourage more local banks to become interested in trade finance. This is a difficult process, because even in this era of globalization, many bankers are still not quite sure how they can be repaid for international loans.

H.R. 4944 will remove the uncertainty for small or international trade loans administered by the SBA. The bill will make trade finance a more attractive option for banks. Increasing the availability of export finance thus will encourage more small businesses to enter into the trade arena.

Mr. Speaker, if my colleagues have seen the recent headlines about U.S. trade deficits hitting another record, we must be concerned, as I am, about our national export strategy. For the month of July, U.S. exports dropped 1.5 percent.

While this bill is surely not a cure-all to this program, it is one small step we can take to encourage more lenders to offer trade finance to small business exporters.

Mr. Speaker, I urge my colleagues to support me and join me in voting for the Export Working Capital Loan Improvement Act of 2000.

Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4944, the Export Working Capital Loan Improvement Act of 2000. The change proposed in this bill will make an exception to the requirement that export working capital loans will fully be disbursed before they can be sold on the secondary market.

This exception would only be carved out for export working capital loans and will not apply to any other SBA loan programs. This change is necessary so that SBA can sell export working capital loans on the secondary market. Selling loans on the secondary market is an important part of the SBA's financial planning, as it keeps the subsidy rate for the loan programs down, therefore requiring less direct appropriation from Congress.

Mr. Speaker, the Export Working Capital Program, a combined effort of the SBA and the Ex-Im Bank, is an important program that provides short-term working capital to small business exporters. The two agencies have joined their working capital programs to offer an efficient, unified approach to the Federal Government's support of export financing.

The technical change in this bill is important to the long-term stability of the Export Working Capital Loan Program, and, more importantly, to the small businesses that use the program.

According to a joint SBA and Commerce Department study, nearly 97 percent of the U.S. firms engage in exporting our small businesses. This same study shows that small business accounts for nearly one-third of total U.S. export sales.

And according to U.S. Census Bureau data, about 88 percent of the U.S. companies engage in exporting are small business with fewer than 100 employees. Small businesses are the engine driving our economy; as such, small business exporters play an important role in our economic success.

Mr. Speaker, I would like to commend the sponsor of the bill, the gentleman from Illinois (Mr. MANZULLO), for bringing this matter to our attention. This problem is an example of the unintended consequences that statutes can have, and it says a lot about the nature of the Committee on Small Business that we caught the problem and are working to correct it in a bipartisan manner.

Again, I support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I have no more speakers, and I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I, first of all, want to commend my colleague, the gentleman from Illinois (Mr. MANZULLO), for introducing this legislation.

Mr. Speaker, I rise in strong support of H.R. 4944, the Export Working Capital Loan Improvement Act. The Export Working Capital Loan Improvement Act of 2000 makes a technical correction to the Small Business Act that will enable the Small Business Administration to sell export working capital loans on the secondary market.

This program provides transaction-specific financing of loans of $833,333 or less. Small business exporters may use this program for preexport financing of labor and materials, financing receivables generated from these sales and/or standby letters of credit used as performance bonds or payment guarantees to foreign buyers.

Enabling the sale of these loans on the secondary market will increase the attractiveness of export working capital loans to lenders to be used as performance bonds or payment guarantees to foreign buyers.

It would relieve them of the cost of servicing and paperwork on small short-term loans. While the authority exists to sell export working capital loans, secondary market sales of SBA guaranteed loans are conducted infrequently, which create a technical problem affecting these short-term loans.

Mr. Speaker, H.R. 4944 streamlines the entire process. The committee changes are simply the latest in a series of Small Business Administration program enhancements designed to meet small businesses' needs for a simple process with flexible requirements and fast delivery of financing.

Again, I want to commend the Committee on Small Business for its bipartisan work. I want to commend and congratulate the gentleman from Illinois (Mr. MANZULLO) for an important piece of legislation, because what he has done has simply been to take a good program and make it better.

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman from New York (Ms. VELAZQUEZ) for yielding the time to me. Let me also join the refrain and thank the gentleman from Illinois (Mr. MANZULLO), chairman of the Subcommittee on Tax, Finance and Exports, as well as the gentleman from Missouri (Mr. TALENT), chairman of the Committee on Small Business, and the gentlewoman from New York (Ms. VELAZQUEZ), the ranking member, for their leadership in bringing forth this outstanding piece of legislation.

Mr. Speaker, as the ranking member of the Subcommittee on Empowerment, I rise in strong support of the National Small Business Regulatory Assistance Act. This bill will offer small businesses a voluntary, confidential and nonpunitive way to obtain assistance in complying with regulations through the small business development centers.

It creates partnerships with the Federal agencies to encourage them to increase outreach efforts to small businesses which will improve compliance with regulations and establish a mechanism for unbiased feedback from SBDCs to Federal agencies on regulatory environment.

Specifically, H.R. 4946 will establish a pilot program that sets 20 SBDCs as points of contact and advice for small businesses with concerns about regulatory compliance.

The selected SBDCs will coordinate and develop partnerships with Federal agencies for the provision of much-needed advice to small businesses. The SBDCs will be charged with sending information obtained from Federal agencies concerning contradictory or confusing advice on regulations to the National Association of Small Business Development Centers. The ASBDCs will then prepare a report for the President, the Small Business Regulatory Enforcement Fairness Ombudsman, and the House and Senate Small Business Committees.

Mr. Speaker, with so many small businesses overwhelmed by growing and constantly changing State, Federal, and local regulatory requirements and in fear of penalties for noncompliance, the time has come, Mr. Speaker, for Congress to help these businesses understand and comply with the various regulations.

In the past 20 years, the Federal Register, which lists all of the regulations and changes, grew from 42,000 to a record rate of 73,879 pages in 1999. Small businesses want to comply with the numerous regulations, but they often just do not know what to do.

The National Small Business Regulatory Assistance Act will offer these small businesses critical assistance by turning confusion into clarity through these pilot programs.

I urge my colleagues to support me and all of those who work on small businesses to pass this very good and common sense legislation.

Mr. Speaker, I support the Export Working Capital Loan Improvement Act because it will implement crucial technical changes which will streamline the entire small business loan process and help America's dedicated small business owners continue to grow and stimulate our strong economy.

Small firms represent 97 percent of all companies working within the United States import/export marketplace. Small businesses account for nearly one-third of total U.S. export sales and approximately 88 percent of the U.S. companies engaged in exporting are small business with fewer than 100 employees. The Export Working Capital Program [ECWP] loan program is designed to provide short-term "working capital" loans for small businesses in the import/export business. The current ECWP loan process allows the Small Business Administration to only sell loans on the secondary market if the loan has been fully disbursed to the borrower. This creates a quandary for the SBA and the EWCP because the SBA only makes loan disbursements once

a month for all of its loan programs. Also the EWCP loans tend to be very short-term loans—often less than a year in length. As a result, many small businesses owners are left to squander for critical dollars in order to maintain their businesses. By providing an exception that would allow SBA to sell these loans into the secondary market, the SBA will be able to improve its long-term financial planning and streamline loan operations for import/export businesses. While this may appear to be a small change, this legislation will expand SBA's ability to reach into every sector of the economy and to help more small business owners.

I urge my colleagues to join me in voting for America's hard working small business owners by voting ''yes'' on Export Working Capital Loan Improvement Act.

Ms. VELAZQUEZ. Mr. Speaker, I yield back the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 4944.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4944.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1248) to prevent violence against women, as amended.

The Clerk read as follows:

H.R. 1248

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Violence Against Women Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence Against Women

Sec. 101. Reauthorization.
Sec. 102. Technical amendments.
Sec. 103. State coalition grants.
Sec. 104. Full faith and credit enforcement of protection orders.
Sec. 105. Filing costs for criminal charges
Sec. 106. Elder abuse, neglect, and exploitation.

Subtitle B—National Domestic Violence Hotline

Sec. 111. Reauthorization.
Sec. 112. Technical amendments.

Subtitle C—Battered Women's Shelters and Services

Sec. 121. Short title.
Sec. 122. Authorization of appropriations for family violence prevention and services.
Sec. 123. FVPSA improvements.
Sec. 124. Transitional housing assistance for victims of domestic violence.

Subtitle D—Community Initiatives

Sec. 131. Grants for community initiatives.

Subtitle E—Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

Subtitle F—Grants To Encourage Arrest Policies

Sec. 151. Reauthorization.
Sec. 152. Technical amendment.

Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

Sec. 161. Reauthorization.
Sec. 162. Technical amendments.

Subtitle H—National Stalker and Domestic Violence Reduction

Sec. 171. Technical amendments.
Sec. 172. Reauthorization.

Subtitle I—Federal Victims' Counselors

Sec. 181. Reauthorization.

Subtitle J—Victims of Child Abuse Programs

Sec. 191. Reauthorization of court-appointed special advocate program.
Sec. 192. Reauthorization of child abuse training programs for judicial personnel and practitioners.
Sec. 193. Reauthorization of grants for televised testimony.
Sec. 194. Dissemination of information.

TITLE II—SEXUAL ASSAULT PREVENTION

Sec. 201. Transfer of rape prevention and education program.
Sec. 202. Rape prevention education.
Sec. 203. Sexual assault and interpersonal violence; demonstration projects.

TITLE III—OTHER DOMESTIC VIOLENCE PROGRAMS

Subtitle A—Strengthening Services to Victims of Violence

Sec. 301. Civil legal assistance for victims.

Subtitle B—Limiting the Effects of Violence on Children

Sec. 305. Safe havens for children pilot program.

Subtitle C—Protections Against Violence and Abuse for Women with Disabilities

Sec. 310. Findings.
Sec. 311. Omnibus Crime Control and Safe Streets Act of 1968.
Sec. 312. Violence Against Women Act.
Sec. 313. Grants for technical assistance.

Subtitle D—Standards, Practice, and Training for Sexual Assault Examinations

Sec. 315. Short title.
Sec. 316. Standards, practice, and training for sexual assault forensic examinations.

Subtitle E—Domestic Violence Task Force

Sec. 320. Domestic Violence Task Force.

SEC. 2. DEFINITIONS.

(a) DOMESTIC VIOLENCE.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT.—Section 2003(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1)) is amended to read as follows:

''(1) the term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;''.

(2) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT.—Section 2105(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4(1)) is amended to read as follows:

''(1) the term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; and''.

(b) INDIAN COUNTRY.—Section 2003(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1)) is amended to read as follows:

''(2) the term 'Indian country' has the same meaning as is given such term by section 1151 of title 18, United States Code;''.

(c) STALKING.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2) is amended by striking the period at the end of paragraph (8) and inserting a semicolon and by adding after paragraph (8) the following:

''(9) the term 'stalking' means engaging in conduct that is directed at an individual with the intent to injure and harass the individual and which places the individual in reasonable fear of the death of, or serious bodily injury to, that individual, a member of that individual's immediate family or that individual's intimate partner;''.

(d) UNDERSERVED POPULATIONS.—Section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(7) is amended to read as follows:

''(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, or age), and any other population determined to be underserved by the State planning process in consultation with the Attorney General;''.

(e) DOMESTIC VIOLENCE COALITION.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2), as amended by subsection (c), is amended by adding after paragraph (9) the following:

''(10) the term 'domestic violence coalition' means a statewide (except in the case of a coalition within lands under tribal authority) nonprofit, nongovernmental membership organization of a majority of domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority;''.

(f) SEXUAL ASSAULT COALITION.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2), as amended by subsection (e), is amended by adding after paragraph (10) the following:

''(11) the term 'sexual assault coalition' means a statewide (except in the case of a coalition within lands under tribal authority) nonprofit, nongovernmental membership organization of a majority of sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority; and''.

(g) DATING VIOLENCE.—

(1) SECTION 2003.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2), as amended by subsection (f), is amended by adding after paragraph (11) the following:

''(12) The term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) the length of the relationship;

''(ii) the type of relationship; and

''(iii) the frequency of interaction between the persons involved in the relationship.''.

(2) SECTION 2105.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ''; and'', and by adding after paragraph (2) the following:

''(3) the term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) the length of the relationship;

''(ii) the type of relationship; and

''(iii) the frequency of interaction between the persons involved in the relationship.''.

TITLE I—CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence Against Women

SEC. 101. REAUTHORIZATION.

Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by inserting after subparagraph (F) the following:

''(G) $185,000,000 for fiscal year 2001;

''(H) $185,000,000 for fiscal year 2002;

''(I) $185,000,000 for fiscal year 2003;

''(J) $195,000,000 for fiscal year 2004; and

''(K) $195,000,000 for fiscal year 2005.''.

SEC. 102. TECHNICAL AMENDMENTS.

(a) GRANT ALLOCATION.—Section 2002(c)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(c)(3)) is amended to read as follows:

''(3) at least 50 percent is allocated to grants for law enforcement, prosecution, and State and local court systems and at least 35 percent is allocated for victim services; and''.

(b) REALLOTMENT.—Section 2002(e) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(e)) is amended by adding at the end the following new paragraph:

''(3) REALLOTMENT OF FUNDS.—

''(A) If, at the end of the 9th month of any fiscal year for which funds are appropriated under section 1001(a)(18), the amounts made available are unspent or unobligated, such unspent or unobligated funds shall be reallotted to the current fiscal year recipients in the victim services area pursuant to section 2002(c)(3) proportionate to their original allotment for the current fiscal year.

''(B) For the first 2 fiscal years following the date of the enactment of the Violence Against Women Act of 2000, the Attorney General may waive the qualification requirements of section 2002(c)(3), at the request of the State and with the support of law enforcement, prosecution, and victim services grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victim services, and State and local court systems mandated by this Act adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year. Any waiver granted under this subparagraph shall not diminish the allocation of any State for victim services.''.

(c) EXPANDED GRANT PURPOSES.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by striking ''sexual assault and domestic violence'' and inserting ''sexual assault, domestic violence, and dating violence'';

(2) in paragraph (5), by striking ''sexual assault and domestic violence'' and inserting ''sexual assault, domestic violence, and dating violence'';

(3) by striking ''and'' at the end of paragraph (6); and

(4) by redesignating paragraph (7) as paragraph (10) and by inserting after paragraph (6) the following new paragraphs:

''(7) developing, enlarging, or strengthening State and local court programs, including training for State, local, and tribal judges and court personnel, addressing violent crimes against women, including sexual assault, domestic violence, and stalking;

''(8) training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;

''(9) supporting the development of sexual assault response teams to strengthen the investigation of sexual assaults and coordinate services for victims of sexual assault; and''.

(d) MONITORING AND COMPLIANCE.—Section 2002 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively, and by inserting after subsection (d) the following:

''(e) MONITORING AND COMPLIANCE.—The Attorney General shall deny applications—

''(1) that do not meet the requirements set forth in subsections (c) and (d); and

''(2) for failure to provide documentation, including memoranda of understanding, contract, or other documentation of any collaborative efforts with other agencies or organizations.''.

(e) VICTIM SERVICES.—Section 2003(8) of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(8)) is amended by striking ''assisting domestic violence or sexual assault victims through the legal process'' and inserting ''providing advocacy and assistance for victims seeking abuse-related health care services and legal and social services, except that such term shall not include programs or activities that are targeted primarily for offenders''.

(f) INDIAN TRIBAL GRANTS.—Section 2002(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(b)(1)) is amended by striking ''4 percent'' and inserting ''5 percent''.

(g) MEDICAL COST REIMBURSEMENT.—Section 2005(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4(b)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(3) by inserting after subparagraph (D) the following:

''(E) the reimbursement is not contingent upon the victim's report of the sexual assault to law enforcement or upon the victim's cooperation in the prosecution of the sexual assault.''.

(h) STATE AND LOCAL COURTS.—Section 2002(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(a)) is amended by inserting '', State and local courts'' after ''States'' the second time it appears.

(i) INFORMATION REPORTING.—Section 2001(b)(4) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)(4)) is amended by adding before the semicolon the following: '', including the reporting of such information to the National Instant Criminal Background Check System''.

SEC. 103. STATE COALITION GRANTS.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by inserting after subsection (b) the following new subsection:

''(c) GRANTS.—

''(1) TO COALITIONS.—The Attorney General shall make grants to each of the State domestic violence and sexual assault coalitions in the State for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities. In no case will such awards preclude the State domestic violence and sexual assault coalitions from receiving grants under this part to fulfill the purposes described in subsections (a) and (b).

''(2) PERCENT ALLOCATIONS.—Domestic violence coalitions and sexual assault coalitions shall each receive not less than two and one-half percent of the funds appropriated for a fiscal year under section 1001(a)(18) for the purposes described in paragraph (1).

''(3) GEOGRAPHICAL ALLOTMENT.—

''(A) AMOUNT.—The domestic violence and sexual assault coalition in each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined United States Territories shall each receive an amount equal to 1/54 of the amount made available under paragraph (2). The combined United States Territories shall not receive less than 1.5 percent of the funds made available under paragraph (2) for each fiscal year and the tribal domestic violence and sexual assault coalitions shall not receive less than 1.5 percent of the funds made available under paragraph (2) for each fiscal year.

''(B) DEFINITION.—For the purposes of this section, the term 'combined United States Territories' means Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

''(C) INDIANS.—1/54 of the amount appropriated shall be made available for development and operation of nonprofit nongovernmental tribal domestic violence and sexual assault coalitions in Indian country.

''(4) DISBURSEMENT OF GEOGRAPHICAL ALLOTMENTS.—50 percent of the 1/54 allotted to each State, the District of Columbia, Commonwealth of Puerto Rico, the combined United States Territories, and Indian country under paragraph (3) shall be made available to the domestic violence coalition as defined in section 2003(10) of this Act and 50 percent shall be made available to the sexual assault coalition as defined in section 2003(11) of this Act; and

''(5) COMPONENT ELIGIBILITY.—In the case of combined domestic violence and sexual assault coalitions, each component shall be deemed eligible for the awards for sexual assault and domestic violence activities, respectively.

''(6) APPLICATION.—In the application submitted by a coalition for the grant, the coalition provides assurances satisfactory to the Attorney General that the coalition—

''(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

''(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.''.

SEC. 104. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding ''**AND ENFORCEMENT OF PROTECTION ORDERS**'' at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting ''(including juvenile courts)'' after ''courts''; and

(B) by adding at the end the following:

''(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.''; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''and'' at the end;

(ii) in paragraph (2), by striking the period at the end and inserting '', including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);''; and

(iii) by adding at the end the following:

''(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

''(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.''; and

(B) by adding at the end the following:

''(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.''.

(b) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.—

(1) IN GENERAL.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

''(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.''; and

(B) by adding at the end the following:

''(d) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.''.

(2) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B)) is amended by striking ''2 years of the date of enactment of this part'' and inserting ''the expiration of the 1-year period beginning on the date of enactment of the Violence Against Women Act of 2000''.

SEC. 105. FILING COSTS FOR CRIMINAL CHARGES

Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—

(A) in the heading, by striking ''**FILING**'' and inserting ''**AND PROTECTION ORDERS**'' after ''**CHARGES**'';

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, civil or criminal protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or''; and

(ii) in paragraph (2)(B), by striking ''2 years'' and inserting ''1 year after the date of enactment of the Violence Against Women Act of 2000''; and

(C) by adding at the end the following:

''(c) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.''.

SEC. 106. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

The Violence Against Women Act of 1994 (108 Stat. 1902) is amended by adding at the end the following:

''Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals

''SEC. 40801. DEFINITIONS.

''In this subtitle:

''(1) IN GENERAL.—The terms 'elder abuse, neglect, and exploitation', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

''(2) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given such term by section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4).

''(3) SEXUAL ASSAULT.—The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

''SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

''The Attorney General shall make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

''SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

''The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

''SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $15,000,000 for each of the fiscal years 2001 through 2005 to carry out this subtitle.''.

Subtitle B—National Domestic Violence Hotline

SEC. 111. REAUTHORIZATION.

Section 316(f)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out the purposes of this section—

''(A) $1,600,000 for fiscal year 2001;

''(B) $1,800,000 for fiscal year 2002;

''(C) $2,000,000 for fiscal year 2003; and

''(D) $2,000,000 for fiscal year 2004.''.

SEC. 112. TECHNICAL AMENDMENTS.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

''(f) REPORTS.—Within 90 days after the date of the enactment of the Violence Against Women Act of 2000, all entities receiving funds pursuant to activities under subsection (a) shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.''.

Subtitle C—Battered Women's Shelters and Services

SEC. 121. SHORT TITLE.

This subtitle may be cited as the ''Battered Women's Shelters and Services Act''.

SEC. 122. AUTHORIZATION OF APPROPRIATIONS FOR FAMILY VIOLENCE PREVENTION AND SERVICES.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this title (other than section 316)—

''(1) $120,000,000 for fiscal year 2001;

''(2) $160,000,000 for fiscal year 2002;

''(3) $200,000,000 for fiscal year 2003; and

''(4) $260,000,000 for fiscal year 2004.''.

SEC. 123. FVPSA IMPROVEMENTS.

(a) REALLOTMENT OF FUNDS.—Section 304(d) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(d)) is amended—

(1) by inserting after ''to such State in grants under section 303(a)'' the following: ''or Indian tribe or tribal organization under section 303(b)'';

(2) by inserting after ''failure of such State'' the following: ''or Indian tribe or tribal organization, or other entity'';

(3) by inserting after ''such amount to States'' the following: ''and Indian tribes and tribal organizations'';

(4) by inserting after ''which meet such requirements'' the following: ''proportionate to the original allocation made under subsection (a) or (b) of section 303, respectively''; and

(5) by redesignating paragraph (2) as paragraph (3) and adding after paragraph (1) the following:

''(2) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to an entity has not been made available to such entity in grants under sections 308 and 311 because of the failure of such entity to meet the requirements for a grant or because the limitation on expenditure has been reached, then the Secretary shall reallot such amount to States and Indian tribes and tribal organizations that meet such requirements proportionate to the original allocation under subsection (a) or (b) of section 303, respectively.''

(b) TRIBAL DOMESTIC VIOLENCE COALITIONS.—Section 303(b) of the Family Violence Prevention Services Act (42 U.S.C. 10402(b)) is amended by adding at the end the following:

''(4) From the amounts made available under paragraph (1), there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal domestic violence coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes representatives from a majority of the programs for victims of domestic violence operating within the boundaries of an Indian reservation and programs whose primary purpose is serving the populations of such Indian country and whose board membership is representative of such programs. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities including—

''(A) training and technical assistance for local Indian domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence in Indian country;

''(B) planning and conducting needs assessments and planning for comprehensive services in Indian country;

''(C) serving as an information clearinghouse and resource center for the Indian reservation represented by the coalition receiving these funds;

''(D) collaborating with Indian, State, and Federal governmental systems which affect battered women in Indian country, including judicial and law enforcement and child protective services agencies, to encourage appropriate responses to domestic violence cases;

''(E) conducting public education and outreach activities addressing domestic violence in Indian country;

''(F) collaborating with State domestic violence coalitions in the areas described above; and

''(G) participating in planning and monitoring of the distribution of grants and grant funds to the Indian reservation and tribal organizations under paragraph (1).''

SEC. 124. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

''SEC. 2007. TRANSITIONAL HOUSING ASSISTANCE.

''(a) IN GENERAL.—The Attorney General shall award grants to States, units of local government, and Indian tribes under this section to carry out programs to provide assistance to individuals and their dependents—

''(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing domestic violence; and

''(2) for whom emergency shelter services are unavailable or insufficient.

''(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—

''(1) short-term housing assistance, including rental or utilities payments assistance, where such assistance is necessary to prevent homelessness due to fleeing domestic violence; and

''(2) short-term support services, including expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related expenses such as utility or security deposits and other costs incidental to relocation to transitional housing.

''(c) TERM OF ASSISTANCE.—An individual or family assisted under this section may not receive transitional housing assistance for a total of more than 12 months.

''(d) REPORTS.—

''(1) REPORT TO ATTORNEY GENERAL.—

''(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Attorney General a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

''(B) CONTENTS.—Each report shall include information on—

''(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

''(ii) the number of months each individual or dependent received the assistance;

''(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

''(iv) the type of support services provided to each individual or dependent assisted under this section.

''(2) REPORT TO CONGRESS.—The Attorney General shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

''(1) $25,000,000 for each of fiscal years 2001 through 2003; and

''(2) $30,000,000 for each of fiscal years 2004 and 2005.''.

Subtitle D—Community Initiatives

SEC. 131. GRANTS FOR COMMUNITY INITIATIVES.

(a) AUTHORIZATION.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $8,000,000 for fiscal year 2001;

''(2) $9,000,000 for fiscal year 2002;

''(3) $10,000,000 for fiscal year 2003; and

''(4) $11,000,000 for fiscal year 2004.''.

(b) INFORMATION.—Subsection (i) of section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by inserting the text of the subsection as a cut-in paragraph (1) with the heading ''IN GENERAL.—'' and by adding at the end the following:

''(2) INFORMATION.—The Secretary shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target other community-based programs, including domestic violence and sexual assault programs.''.

Subtitle E—Education and Training for Judges and Court Personnel

SEC. 141. REAUTHORIZATION.

(a) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS.—

(1) SECTION 40412.—Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—

(A) by striking ''and'' at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

''(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

''(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault;

''(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice;''.

(2) SECTION 40414.—Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting ''and $1,500,000 for each of the fiscal years 2001 through 2005'' after ''1996''.

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS.—

(1) SECTION 40421.—Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

''(d) CONTINUING EDUCATION AND TRAINING PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal

courts, and shall prepare materials necessary to implement this subsection.''.

(2) SECTION 40422.—Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting ''and $500,000 for each of the fiscal years 2001 through 2005'' after ''1996''.

(c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994.—

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS.—Section 40413 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13993) is amended by adding '', including national, State, tribal, and local domestic violence and sexual assault programs and coalitions'' after ''victim advocates''.

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Section 40411 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13991) is amended by adding at the end the following: ''Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.''

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS.—Section 40414 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994) is amended by adding at the end the following:

''(c) STATE JUSTICE INSTITUTE.—The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.''.

(d) DATING VIOLENCE.—

(1) SECTION 40411.—Section 40411 of the Equal Justice for Women in Courts Act of 1994 (42 U.S.C 13991) is amended by inserting ''dating violence,'' after ''domestic violence,''.

(2) SECTION 40412.—Section 40412 of such Act (42 U.S.C 13992) is amended—

(A) in paragraph (10), by inserting ''and dating violence'' before the semicolon;

(B) in paragraph (11), by inserting ''and dating'' after ''domestic'';

(C) in paragraph (13), by inserting ''and dating'' after ''domestic'' in both places that it appears;

(D) in paragraph (17) by inserting ''or dating'' after ''domestic'' in both places that it appears; and

(E) in paragraph (18), by inserting ''and dating'' after ''domestic''.

Subtitle F—Grants To Encourage Arrest Policies

SEC. 151. REAUTHORIZATION.

Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(3) by inserting after subparagraph (C) the following:

''(D) $63,000,000 for fiscal year 2001;

''(E) $67,000,000 for fiscal year 2002;

''(F) $70,000,000 for fiscal year 2003;

''(G) $70,000,000 for fiscal year 2004; and

''(H) $70,000,000 for fiscal year 2005.''.

SEC. 152. TECHNICAL AMENDMENT.

Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (b)(2), by inserting ''and dating'' after ''domestic'';

(2) in subsection (b)(5), by inserting ''and dating'' after ''domestic''; and

(3) by adding at the end the following:.

''(e) DISBURSEMENT.—At least 5 percent of the funds appropriated under 1001(a)(19) shall be used for grants to Indian tribal governments.''.

Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

SEC. 161. REAUTHORIZATION.

Section 40295(c)(1) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(c)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(3) by inserting after subparagraph (C) the following:

''(D) $35,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 162. TECHNICAL AMENDMENTS.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended—

(1) in subsection (a)(1), by inserting ''and dating'' after ''domestic'';

(2) in subsection (a)(2), by inserting ''and dating'' after ''domestic''; and

(3) in subsection (c), by adding at the end the following:.

''(3) DISBURSEMENT.—At least 5 percent of the funds appropriated under paragraph (1) shall be used for grants to Indian tribal governments.''.

Subtitle H—National Stalker and Domestic Violence Reduction

SEC. 171. TECHNICAL AMENDMENTS.

Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031(a)) is amended by inserting ''and implement'' after ''improve''.

SEC. 172. REAUTHORIZATION.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by inserting after paragraph (3) the following:

''(4) $3,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.''.

Subtitle I—Federal Victims' Counselors

SEC. 181. REAUTHORIZATION.

The text of section 40114 of the Safe Streets for Women Act of 1994 is amended to read as follows: ''There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of domestic violence and sexual assault crimes where applicable (such as the District of Columbia) $1,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.''.

Subtitle J—Victims of Child Abuse Programs

SEC. 191. REAUTHORIZATION OF COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by inserting after paragraph (5) the following:

''(6) $12,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.''

SEC. 192. REAUTHORIZATION OF CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.

Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by inserting after paragraph (5) the following:

''(6) $2,300,000 for each of the fiscal years 2001, 2002, 2003, and 2004.''.

SEC. 193. REAUTHORIZATION OF GRANTS FOR TELEVISED TESTIMONY.

Section 1001(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by inserting after subparagraph (E) the following:

''(F) $1,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 194. DISSEMINATION OF INFORMATION.

Section 40156 of the Violence Against Women Act of 1994 is amended by inserting at the end the following:

''(d) INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.''.

TITLE II—SEXUAL ASSAULT PREVENTION

SEC. 201. TRANSFER OF RAPE PREVENTION AND EDUCATION PROGRAM.

Part J of title III of the Public Health Service Act is amended by inserting after section 393A the following new section:

''SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

''(a) GRANTS.—

''(1) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part shall be used for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions for—

''(A) educational seminars;

''(B) the operation of hotlines;

''(C) training programs for professionals;

''(D) the preparation of informational material; and

''(E) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved populations (as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(7)).

''(2) TERMS.—

''(A) POPULATIONS.—The Secretary shall make grants under subsection (a) to each State on the basis of the population of the State.

''(B) RAPE PREVENTION AND EDUCATION PROGRAMS.—No State may use funds made available by reason of paragraph (1) in any fiscal year for administration of any prevention program other than the rape prevention and education program for which grants are made under paragraph (1).

''(C) AVAILABILITY.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

''(D) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Secretary shall use not more than 5 percent of the funds available under paragraph (1) for the purposes of administrative and technical assistance.

''(E) TARGETING OF EDUCATION PROGRAMS.—States receiving grant moneys under paragraph (1) shall ensure that at least 25 percent

of the moneys are devoted to educational programs targeted for middle school, junior high, and high school aged students. The programs targeted under this subsection shall be conducted by rape crisis centers and State and tribal sexual assault coalitions.

''(b) NATIONAL RESOURCE CENTER.—

''(1) ESTABLISHMENT.—At such time as appropriations under subsection (c) reach at least $80,000,000, the Secretary of Health and Human Services shall, through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, establish a National Resource Center on Sexual Assault to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State and tribal sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault. The Resource Center shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

''(2) ELIGIBLE ORGANIZATIONS.—The Secretary shall award a grant under paragraph (1) to a private nonprofit organization which can—

''(A) demonstrate that it has recognized expertise in the area of sexual assault and a record of high-quality services to victims of sexual assault, including a demonstration of support from advocacy groups, such as State and tribal sexual assault coalitions or recognized national sexual assault groups; and

''(B) demonstrate a commitment to diversity and to the provision of services to underserved populations as defined in section 2003(7) of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796gg–2(7)).

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $80,000,000 for fiscal year 2001;

''(B) $105,000,000 for fiscal year 2002;

''(C) $105,000,000 for fiscal year 2003;

''(D) $155,000,000 for fiscal year 2004; and

''(E) $155,000,000 for fiscal year 2005.

Funds authorized to be appropriated under this section are appropriated from the Violent Crime Reduction Fund pursuant to section 310001(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(c)) and paragraph (16) under the definition of prevention program in section 310004(d) of such Act (42 U.S.C. 14214(d)).

''(2) SEXUAL ASSAULT COALITIONS.—At such time as appropriations under subsection (c) reach at least $80,000,000, the Secretary shall designate 15 percent of the total amount appropriated to be used for making grants to nonprofit, nongovernmental State sexual assault coalitions to address public health issues associated with sexual assault through training, resource development, or similar research.

''(3) INDIAN COUNTRY.—At such time as the appropriations under subsection (c) reach at least $80,000,000, there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal sexual assault coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes representatives from a majority of the programs for adult and child victims of sexual assault operating within the boundaries of such Indian country and programs whose primary purpose is serving the population of an Indian reservation, and whose board membership is representative of such programs. Such coalitions shall further the purposes of sexual assault intervention and prevention through activities including—

''(A) training and technical assistance for local Indian sexual assault programs and providers of direct services to encourage appropriate responses to sexual assault in Indian country;

''(B) planning and conducting needs assessments and planning for comprehensive services in Indian country;

''(C) serving as an information clearinghouse and resource center for any Indian reservation represented by the coalition receiving these funds;

''(D) collaborating with Indian, State, and Federal systems which affect adult and child victims of sexual assault in Indian country, including judicial, law enforcement, and child protective services agencies, to encourage appropriate responses to sexual assault cases;

''(E) conducting public education and outreach activities addressing sexual assault in Indian country;

''(F) collaborating with sexual assault coalitions in the areas described above; and

''(G) participating in planning and monitoring of the distribution of grants and grant funds to Indian reservation and tribal organizations under this section.

''(4) SUBSECTION (b) ALLOTMENT.—Of the amount appropriated for any fiscal year under this section, at least $1,000,000 shall be made available for grants under subsection (b), with yearly increases of at least 10 percent of the prior year's allotment.

''(d) LIMITATIONS.—

''(1) A State may use funds under subsection (a) only so as to supplement and, to the extent practicable, increase the level of funds that would be available from non-Federal sources for the activities described in subsection (a), and in no case may such funds be used to supplant funds from other sources.

''(2) A State may not use more than 2 percent of the funds received in each fiscal year under this section for surveillance studies or prevalence studies and funds for such studies shall be available only at such time as appropriations under subsection (c) reach at least $80,000,000.

''(3) A State may not use more than 5 percent of funds received in each fiscal year under subsection (a) for administrative expenses.

''(e) DEFINITIONS.—

''(1) INDIAN COUNTRY.—The term 'Indian Country' has the same meaning as is given such term by section 1151 of title 18, United States Code.

''(2) RAPE PREVENTION AND EDUCATION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at sexual offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

''(3) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

''(4) RAPE CRISIS CENTER.—The term 'rape crisis center' means a private, nonprofit, nongovernmental organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

''(5) SEXUAL ASSAULT PROGRAM.—The term 'sexual assault program' means a private, nonprofit, nongovernmental organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

''(6) SEXUAL ASSAULT COALITION.—The term 'sexual assault coalition' means a coalition that coordinates State victim service activities, and collaborates and coordinates with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention.''.

SEC. 202. RAPE PREVENTION EDUCATION.

(a) REPEAL.—The section added by section 40151 of the Violence Against Women Act of 1994 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) of this section shall take effect the day after the date of enactment of this Act.

SEC. 203. SEXUAL ASSAULT AND INTERPERSONAL VIOLENCE; DEMONSTRATION PROJECTS.

(a) DEMONSTRATION PROJECTS.—Section 393 of the Public Health Service Act (42 U.S.C. 280b–1a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following subsection:

''(b)(1) With respect to all victims of sexual assault and interpersonal violence who present at hospital emergency rooms and other sites offering services to such victims, demonstration projects under subsection (a)(6) shall include projects in which, on a 24-hour basis, nurses and other health care professionals at such rooms and sites who are trained in accordance with protocols under paragraph (2)—

''(A) identify victims of such violence;

''(B) collect physical evidence from the victims that may be of use in judicial proceedings regarding the violence; and

''(C) provide information and appropriate referrals to rape crisis center programs and victim service providers, including referrals to health-related services and social services.

''(2) In carrying out paragraph (1), the Secretary shall carry out a program to train nurses and other health care professionals to provide the services described in such paragraph. The program shall develop a protocol for such training.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) to section 393 of the Public Health Service Act (42 U.S.C. 280b–1a) shall apply to demonstration projects funded under subsection (a)(6) of such Act which are ongoing on the date of the enactment of this Act.

TITLE III—OTHER DOMESTIC VIOLENCE PROGRAMS

Subtitle A—Strengthening Services to Victims of Violence

SEC. 301. CIVIL LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) DATING VIOLENCE.—The term ''dating violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(3) CIVIL LEGAL ASSISTANCE FOR VICTIMS.—The term ''civil legal assistance'' includes legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault in any administrative, civil, judicial, family, or immigration proceeding. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504(a) of Public Law 104-134.

(4) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, tribally recognized organizations, qualified Legal Services Corporation grantees, other voluntary legal services organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) To be eligible for a grant under subsection (c), applicants shall certify in writing that—

(1) any person providing civil legal assistance through a program funded under subsection (c) has completed or will complete training in connection with domestic violence or sexual assault and related legal issues;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;

(3) any person or organization providing civil legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, or child sexual abuse is an issue.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(A) $35,250,000 for fiscal year 2001;

(B) $40,000,000 for fiscal year 2002;

(C) $45,000,000 for fiscal year 2003;

(D) $50,000,000 for fiscal year 2004; and

(E) $55,000,000 for fiscal year 2005;

(2) ALLOCATION OF FUNDS.—

(A) TRIBAL PROGRAMS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) VICTIMS OF SEXUAL ASSAULT.—Not less than 25 percent of the funds used for direct services, training, and technical assistance shall be used to support projects focused solely or primarily on civil legal assistance for victims of sexual assault.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

Subtitle B—Limiting the Effects of Violence on Children

SEC. 305. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in cases of domestic violence, child abuse, or sexual assault.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) GUIDELINES.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.

(f) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

Subtitle C—Protections Against Violence and Abuse for Women with Disabilities

SEC. 310. FINDINGS.

The Congress finds that—

(1) women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others;

(2) in domestic violence cases, women with disabilities stay with their batterers almost twice as long as women without disabilities;

(3) violence and abuse against women with disabilities takes many forms, including verbal abuse, physical abuse, sexual assault, forced isolation, control over economic resources, and the withholding of equipment, medication, transportation, or personal care assistance;

(4) many women with disabilities fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(5) many women with disabilities are unable to leave abusive or violent spouses or cohabitants because of the inaccessibility of services or the fear of abandoning dependent children; and

(6) law enforcement, the criminal justice system, legal services, and victim services

are often not equipped or trained to effectively identify and respond to abuse or violence against women with disabilities.

SEC. 311. OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 2001(b)(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)), as amended by section 141(a)(1), is amended by inserting before the semicolon at the end the following: ''and forms of violence and abuse particularly suffered by women with disabilities''.

SEC. 312. VIOLENCE AGAINST WOMEN ACT.

Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—

(1) in paragraph (6), by inserting '', stereotyping of persons with disabilities who are victims of rape, sexual assault, abuse, or violence'' after ''racial stereotyping of rape victims'';

(2) in paragraph (13), by inserting ''or among persons with disabilities,'' after ''socioeconomic groups,''; and

(3) by inserting after paragraph (22) the following:

''(23) issues related to violence and abuse against persons with disabilities, including the nature of physical, mental, and communications disabilities, the special vulnerability to violence of persons with disabilities, and the types of violence and abuse experienced by persons with disabilities;

''(24) the requirements placed on courts and judges under existing disability laws, including the requirements to provide appropriate auxiliary aids and services and to ensure physical access; and

''(25) the stereotypes regarding the fitness of persons with disabilities to retain custody of children, especially in domestic violence cases.''.

SEC. 313. GRANTS FOR TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Attorney General shall make grants to States, nongovernmental private entities, and tribal organizations to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In making grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of violence, abuse, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of violence, abuse, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to national, State, local, and tribal organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, domestic violence programs providing shelter or related assistance, rape crisis centers, and programs providing sexual assault services, other victim services organizations, and women with disabilities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $10,000,000 for each of fiscal years 2001 through 2005.

Subtitle D—Standards, Practice, and Training for Sexual Assault Examinations

SEC. 315. SHORT TITLE.

This subtitle may be cited as the ''Standards, Practice, and Training for Sexual Assault Forensic Examinations Act''.

SEC. 316. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) IN GENERAL.—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

(3) review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

(b) CONSULTATION.—The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(7) as amended by section 2(d)).

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, a report of the actions taken pursuant to subsection (a) is submitted to Congress.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

Subtitle E—Domestic Violence Task Force

SEC. 320. DOMESTIC VIOLENCE TASK FORCE

The Violence Against Women Act of 1994 (108 Stat. 1902), as amended by section 107, is amended by adding at the end the following:

''Subtitle I—Domestic Violence Task Force

''SEC. 40901. TASK FORCE.

''(a) ESTABLISH.—The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

''(b) USES OF FUNDS.—Funds appropriated under this section shall be used to—

''(1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;

''(2) track and report all Federal research and expenditures on domestic violence; and

''(3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

''(c) REPORT.—The Task Force shall report to Congress annually on its work under subsection (b).

''(d) DEFINITION.—For purposes of this section, the term 'domestic violence' has the meaning given such term by section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1).

''(e) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated $500,000 for each of the fiscal years 2001 through 2004 to carry out this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1248, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1248, the Violence Against Women Act of 2000, and I salute the gentlewoman from Maryland (Mrs. MORELLA) for her leadership on this issue.

I know all of us in Congress are concerned with violence perpetrated against women; and tragically, it continues to be a serious national problem that takes various forms, including domestic battery, stalking, rape, and murder. This legislation strengthens the ability of local communities to respond effectively to such crimes.

Sadly, most of us committed to the fight against domestic violence know the facts all too well: nearly one in every three adult women experiences at least one physical assault by a partner during adulthood; 5 million date rapes and physical assaults are perpetrated against women annually.

While in general, crime rates are down, domestic violence remains a serious problem in our society, occurring in all communities and crossing ethnic, racial, age, and socioeconomic lines. The national toll that such violence takes on women, families, and children is incalculable. It diminishes us all.

Since its inception in 1994, Congress has appropriated more than $1.5 billion in Violence Against Women Act funding for State and local law enforcement agencies, as well as for education, prevention, and outreach programs.

Violence Against Women Act programs have aided the prosecution of domestic violence, sexual assault, and child abuse cases across the country, and have increased victims services, like domestic violence shelters for women.

I am pleased that the House is acting today in a bipartisan fashion and will

be the first body in Congress to pass reauthorization legislation, because the authorization for these vital programs expires at the end of this fiscal year, just 4 days from now.

Mr. Speaker, I do want it to be clear, even if we have not ironed out our differences with the Senate's Violence Against Women Act reauthorization bill by the end of the fiscal year, funding will continue. It remains a priority of this Congress, which is why we have held hearings on the bill, strengthened it as it moved through the committee, and are here on the floor today to pass it.

Mr. Speaker, key programs reauthorized in this legislation include grant funding for State and local law enforcement and prosecutors to combat violence against women, shelters for victims, the national domestic violence hotline, and rape prevention efforts. Additional initiatives have been authorized aimed at preventing domestic violence and sexual assault against older and disabled individuals, meeting the civil legal assistance and transitional housing needs of victims and establishing a task force to minimize overlapping Federal efforts to address domestic violence.

In short, this bill is a balanced and comprehensive effort to enhance the ability of States and localities to prevent and combat violence against women.

When I am asked about my commitment to Violence Against Women Act and where that fits into the congressional crime agenda, my answer is simple: violence against women is a crime. It is wrong. It should be punished severely, and we have a responsibility to develop and fund community-based efforts to prevent it.

We must continue to support comprehensive community-based efforts to keep victims safe and hold offenders accountable, and reauthorizing the Violence Against Women Act programs through passage and enactment of H.R. 1248 will further efforts to do just that.

□ 1230

This is a bill all Members, both Republicans and Democrats, can enthusiastically support and be proud in so doing.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am so happy that the Violence Against Women Act is finally coming to the floor of the House of Representatives for a disposition, and just in the nick of time. The funding for Violence Against Women Act expires on September 30, 4 days from now.

It is not clear what has taken us so long into coming to the floor with this measure, because it is a bipartisan measure with great support throughout the several States and the administration and the President as well.

But I am finally glad that the leadership has realized what we have been saying all along, that violence against women is a priority, and we cannot let the funds or the programs run out.

In 1994, the Congress passed the Violence Against Women Act to address the nationwide problem of domestic violence and sexual assault. VAWA provided funding to combat the violence that is visited upon almost 900,000 women each year by either their current spouse or former spouse or boyfriend. This is not a good scene. In addition, VAWA has made changes to our civil and criminal laws to address domestic violence and sexual assault.

In part, as a result of Violence Against Women Act, intimate partner violence has decreased 21 percent from 1993 to 1998. Nevertheless, domestic violence is still experienced by hundreds of thousands of women each year. There are still demographic groups that need better access to services and the criminal justice system. Predominantly among them are people who have not had their immigrant status resolved and are not yet citizens but are subject to lots of unnecessary violence.

This is where H.R. 1248, our bill, comes in. This bill continues funding for the Violence Against Women Act programs such as law enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hot Line so necessary to anything we are doing in this area, the battered women's shelters and services, the education and training for, not only judges, but court personnel and police, the pro-arrest policies, the rural domestic violence and child abuse enforcement, the stalker reduction program, and others.

Importantly, this bill takes preliminary steps to address dating violence, an area which was left out of the previous Violence Against Women law, and provides serious consequences for those who violate this provision. Young women between the ages of 16 and 24 surprisingly experience the highest rates of violence by current or former intimate partners. And 40 percent of the teenage girls between the ages of 14 and 17 report knowing someone their age who has been beaten or struck by a boyfriend.

Although the majority cut back the original bill's dating violence program, we were at least able to preserve coverage for dating violence in the most critical areas.

In addition, I hope that, as we move forward, we will be able to restore the bill's original protections for populations underserved because of alienage status, religion, and sexual orientation. In the Committee on the Judiciary, the majority stripped these groups from the bill's definition of underserved populations. I regret that very much.

The majority also blocked amendments that would have added needed protections for battered immigrant women. I look forward to conferencing this bill with the Senate bill that contains many of these provisions.

My last disappointment was that we were refused the ability to include any provisions to ensure that the civil legal remedy in Violence Against Women complies with the recent Supreme Court decision, U.S. v. Morrison, which struck down a provision in the original Violence Against Women Act that guarantees that all victims of gender-motivated crimes had unencumbered access to courts to seek civil damages against their assailants.

So we have introduced another bill that restores the civil legal remedy of Violence Against Women, H.R. 5021. Although there is precious little time left in this session, I hope that the Republican leadership will join with all of us on both sides of the aisle that want this measure brought to the floor, just as they have done with H.R. 1248.

I also want to commend the gentleman from Illinois (Chairman HYDE) for his work on this and other measures during his 6 years as chairman of the House Committee on the Judiciary and which I have been privileged to serve as the ranking member.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his generous comments as always.

Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, boy am I excited about this. I want to thank the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, for yielding the time, for his leadership, and the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

I was thinking as I was sitting here in anticipation, it was Abraham Lincoln who said ''The world will little note nor long remember what we say here.'' I will say we will always know what we did here by virtue of reauthorizing this Violence Against Women Act.

Indeed, the gentleman from Illinois (Chairman HYDE) has really been the leader of a number of champions and a champion himself to enable Congress to continue the commitment that we made in 1994 to eradicate domestic violence in our society. Under the leadership of the gentleman from Illinois, his House Committee on the Judiciary did add several strong bipartisan amendments which strengthened H.R. 1248.

For millions of women, reauthorizing VAWA means maintaining the link to life without fear or pain, a right that everyone deserves and a right that we have a duty to protect. Maybe we can only imagine what life would be like to be terrified of the one we love, to fear how our children will be affected by violence, to see what they see and feel in their own homes.

Every year in this country, over 3 million children watch as their mother is beaten. As they become adults, some

will overcome the sadness of their childhood. But many others will develop the only behavior they know, continuing the cycle of abuse. Violence Against Women Act provides that link to life free from fear and violence. Without Federal laws, VAWA grants enable States to create solutions to meet local needs that would not happen.

When Congress passed VAWA in 1994, we provided tens of thousands of battered women with hope. Every month, the National Domestic Violence Hot Line answers 13,000 calls for help. Since its inception, the hot line has helped 500,000 victims reach local shelters, with counseling, and legal services.

Of the many VAWA grant programs, the battered women's shelters provide the safety that every victim seeks for themselves and their children. Across the country, shelters overflow. They are crowded. Women and children seeking a safe place to sleep, but are turned away. All the hot lines, counseling and education programs combined are not effective unless victims can be safe.

Mr. Speaker, 5 years ago, I was involved with the passage of the Violence Against Women Act which was the first time that Congress recognized how domestic violence adversely affects so many women of all ages and very often their children. Federally funded programs currently provide training for law enforcement, judicial personnel, enable the hot line, counselors and shelters to provide safe alternatives for victims while helping them to rebuild their lives and the lives of their children.

Domestic violence and sexual assault have stained our country's social fabric, shattering lives and inflicting much pain on thousands of families. The intervention of Federal legislation has helped develop a network of local coalitions and organizations dedicated to helping victims in their community.

The statistics on family violence are staggering. Over 2,000 women are reportedly raped every week, and 30 percent of all female murder victims are killed by their husband or significant other.

Mr. Speaker, these grants and programs are giving victims a second chance. They must be maintained to continue the commitment that we in Congress made in 1994 to provide women and children alternatives to living with the fear and danger of domestic violence and child abuse.

Domestic violence is a national tragedy that can only be battled by awareness and access to a safe, alternative life-style. Public awareness empowers victims to seek help instead of living with this secret in fear. We know that anyone can be a victim regardless of race, region, or socioeconomic status. VAWA programs currently support efforts across the country to keep victims safe and rebuild the lives of women, children and families.

There are so many people to thank, Mr. Speaker: The 240 cosponsors on the House side, the gentleman from Illinois (Chairman HYDE). The gentleman from Florida (Mr. MCCOLLUM), the subcommittee chairman did a wonderful job. I thank the sponsors of valuable additions on the Committee on the Judiciary: The gentleman from Florida (Mr. MCCOLLUM) for the safe havens for children transitional housing.

Mr. HYDE. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. Indeed I will yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just want to point out that the gentlewoman from Maryland (Mrs. MORELLA) deserves the fullest accolades of the chief sponsor of this legislation. She has been on the point. She has urged us, tugged us, pulled us, cajoled us, made us move forward on this. Her leadership has been indispensable, and we salute her.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Illinois. But it has become a partnership, and the partnership deserves credit on both sides of the aisle.

The gentleman from Michigan (Mr. CONYERS) has worked very hard on it. I want to also pick up on the amendments: The gentleman from Arkansas (Mr. HUTCHINSON) for the improved civil legal assistance grant program; the gentlewoman from Wisconsin (Ms. BALDWIN) for training for elderly women and women with disabilities. The gentleman from Michigan (Mr. CONYERS), ranking member has worked very hard on it.

That partnership, it is kind of like the template for what we should be doing in Congress, because it reached out to organizations also that also were there inch by inch, moving along: The National Coalition Against Domestic Violence with Julie Fulcher; the National Network to End Domestic Violence; the Now Legal Defense and Education Fund, National Task Force on Domestic Violence and Sexual Assault; RAINN, Rape Abuse and Incest National Network; and National Council for Jewish Women.

I also want to say one thing. I believe in a paraphrase of the 23rd Psalm, ''My rod and my staff, they comfort me'' and prepare the papers for me in the presence of my constituents. This has been darn good staff work. Very good staff work.

I wanted to say that the staff on the majority side, Dan BRYANt, Carl Thorsen have been fantastic. The staff on the minority side have been great. The leadership staff, Paul McNulty. We could not have done it without them. My staff person, Kate Dickens. I thank all of them.

I hope we will have a unanimous vote on this. I thank people on both sides of the aisle for the wonderful work they have done.

Mr. CONYERS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) who has worked on this in committee and out of committee with the public organizations.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this afternoon we can spend all of our time thanking all of the leaders. I thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. CONYERS), ranking member, and the gentleman from Illinois (Chairman HYDE) for working together.

There are so many others that we want to applaud and the women of the House and the men of the House who worked on this.

But, Mr. Speaker, let me just simply say that, although domestic violence is a sick, criminal, and senseless act, it is alive and well.

Just yesterday I heard testimony from a woman in my district whose face was disfigured because a male family member shot her point-blank in the face.

□ 1245

I cite the glaring headlines in Houston of a murder-suicide, the husband killing the wife and leaving four children without parents. In a July 2000 study, it was reaffirmed that domestic violence is alive and well. This bill is crucial, it is necessary, it is imperative.

Mr. Speaker, 24.8 percent of surveyed women and 7.6 percent of surveyed men said they were raped or physically assaulted by a current or former spouse, cohabiting partner, or date at some time. Among women who were victimized multiple times by the same partner, 62.6 percent of the rape victims and 69.5 percent of the assault victims said their victimization lasted a year or more. Multiple times of assault and victimization. Almost 5 percent of U.S. women are stalked at some time in their life and approximately 500,000 women are stalked annually.

This bill is a joy to be reauthorized, for it helps all of our States. My State of Texas will get $50 million. I am an advisory member of the Houston Area Women's Center, and I used to sit on the board. I know their needs are strong and they are viable. This bill will help us solve some of the problems and correct the ills.

I hope that we will be able to fix the Supreme Court decision in H.R. 521 that will help us provide a vehicle for those who have been kept out of work to be able to recover their lost damages because they have been victimized by those who have abused them.

I would ask my colleagues to unanimously support the reauthorization of VAWA, and I thank all of those who have worked so hard on this legislation.

Mr. Speaker, I rise in support of H.R. 1248, the Violence Against Women Act of 1999 [VAWA]. Domestic violence is a serious issue that deserves the full attention of this Congress.

I thank Representative CONNIE MORELLA for her leadership on this issue and support the

full reauthorization of VAWA. When considering the history of violence against women, we need not look far. The concept that a woman is the property of a man is firmly rooted in our English definition of family. Family, derived from the Latin Familia, is defined as ''The total number of wives, children and slaves belonging to one man.'' Unfortunately, this belief still exists today among many in this country today. Domestic violence affects women of all cultures, races, occupations, and income levels. Furthermore, approximately one-third of the men counseled for battering are professional men who are well respected in their jobs and communities. According to the National Crime Victimization Survey data from the Department of Justice, between 1992 and 1996, over 150,000 women were victims of violent crimes.

Although domestic violence affects women across all racial and economic lines, a high percentage of these victims are women of color. African-American women account for 16 percent of the women who have been physically abused by a husband or partner in the last 5 years. African-American women were the victims in more than 53 percent of the violent deaths that occurred in 1997. As a result, the Violence Against Women Act [VAWA] of 1994 was the congressional response to the growing problem of domestic violence. VAWA created new criminal enforcement authority and it enhanced penalties to combat sexual assault domestic violence in Federal court and since the funding for VAWA I expires at the end of this fiscal year, it is necessary to reauthorize funding for these most vital programs.

Mr. Speaker, the dynamics of domestic violence can be as subtle as a verbal attack or as overt as murder. Battering instills a sense of control and fear in a victim through a series of behaviors that include intimidation, threats, psychological abuse, isolation and physical violence. Nationwide, one out of every four women of all women is battered at some point in their lives. Every 15 seconds a woman is beaten. Domestic violence is the leading cause of injury to women between the ages of 15 to 44. Close to 22 to 35 percent of the women who visit emergency rooms are there for injuries related to domestic abuse. Violence against women destroys families, takes the lives of women and their children, and it traumatizes the young people who witness it.

States are increasingly recognizing that 42 states and the District of Columbia now include domestic violence as a factor in custody decisions. Children who witness violence at home often display emotional and behavioral disturbances. Child abuse is 15 times more likely to occur in families where domestic violence is present. It is well documented that children who witness violence in the home grow up to repeat the same patterns as adults. Men who have witnessed their parents' domestic violence are three times as likely to abuse their own wives. The National Institute for Justice reports that being abused as a child increases the likelihood of arrest as a juvenile by 53 percent and as an adult by 38 percent.

The tragedy of violence against women is not just a personal problem—it is a community crisis. Violence against women has many economic ramifications including health care costs, employment, housing, and social and legal services. Medical expenses from domestic violence total at least $3 to $5 billion each year. This includes costs for emergency room care and hospitalization, mental health counseling, substance abuse treatment, and health care costs for children. We must recognize that businesses lose up to $100 million a year in lost wages, sick leave and absenteeism. It is estimated that 25 percent of these workplace problems are due to domestic violence. Battered women suffer from lost productivity due to illness, inability to concentrate and frequent absenteeism. This is why it is necessary to include provisions like the Victims Employment Rights Act that would and tax incentives for employers that would encourage large and small businesses to train their employees to recognize the special needs of victims of domestic violence.

Moreover, violence in teen dating relationships is also widespread. Between 25 and 40 percent of teens are reported to have been assaulted by dates and 60 percent of all rapes reported the rape crisis centers are committed by acquaintances with the majority of these victims between the ages of 16 and 24 years. This is why it is necessary to include ''dating violence'' in the definition of domestic violence so that we do not ignore the unique circumstances of dating violence victims. Housing is another significant economic concern that should have been addressed in H.R. 1248. Because many women are economically dependent on their batterers, shelters are vital to assist these women with some form of transitional housing.

This bill, H.R. 1248 does reauthorize grant funding for the training and education of court personnel and I applaud this inclusion. We must not forget that criminal justice and the legal system are affected by incidences of domestic violence. Frequent reports to police and appearances in court are common. Most police reports and court appearances are due to abusers who stalk their victims. Immigrant women are also vulnerable to domestic violence because of the jeopardy of their immigrant status that is exacerbated by economic dependency. Also many immigrant women are dependent on their abusers for legal status. Unfortunately, this is not adequately addressed in H.R. 1248, but I am hopeful that this issue will be properly addressed in the future.

Mr. Speaker, I would also like to bring awareness to the specific problems within my State of Texas. In Texas, there were 175,725 incidents of family violence in 1998. An estimated 824,790 women were physically abused in Texas in 1998. Of all of the women killed in 1997, 35 percent were murdered by their intimate male partners. In 1998, 110 women were murdered by their partners.

An example of the importance of this legislation is the impact that VAWA grants have had on services in the local community. In Houston, we have the Houston Area Women's Center which operates a domestic violence hotline, a shelter for battered women and counseling for violence survivors. The center provides all of its services for free. Furthermore, this center maintains an invaluable website that allows anyone to access information about domestic violence resources and support networks.

Over 34,000 women in Houston called for counseling services in 1997 for family violence. This counseling included services for women with children and teenagers who have also survived violence. The shelter housed 1,062 women and children and assisted close to 2,000 with other forms of services.

The Texas Council on Family Violence has used VAWA funds for several projects as well. These include the National Domestic Violence Hotline, Technical Assistance and Model Policies and Procedures Project, the Texas Domestic Violence Needs Assessment Project and the Domestic Violence Rural Education Project. Reauthorization of VAWA will help to maintain the current level of services and ensure that these projects are able to continue to provide quality service. These organizations are vital to women in need of assistance and services. VAWA must be reauthorized in order for these programs and the many others previously mentioned to continue and I hope that this body will work together today to vote in favor of the Violence Against Women Act of 1999.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time; and, Mr. Speaker, I am pleased to rise in support of the Violence Against Women Act of 2000 and its reauthorization.

I congratulate the congressional leadership for bringing this bill to the floor; to the gentlewoman from Maryland (Mrs. MORELLA), who has done such an outstanding job in her leadership, and the gentleman from Illinois (Mr. HYDE) for leading it through the committee.

This legislation authorizes and improves programs created by the Violence Against Women Act. Among some provisions that are very important to me, it provides civil legal assistance to the victims of domestic violence and sexual assault. It establishes uniform standards for sexual assault examination and creates a domestic violence task force to report to Congress on any duplication or overlapping of Federal efforts to address domestic violence.

As a practicing lawyer, the civil legal assistance, I see, as very critical. And this is the reason this amendment was offered in committee, that would allow Legal Services Corporation funding to be spent on behalf of these victims. Whenever they come into an office, whenever they are victimized, they need not only a shelter but they need legal assistance to have access to the courts.

During the last 6 years that these programs have been authorized, it has made a crucial difference in the lives of women and children who have been victimized by domestic violence. In my home State of Arkansas, the program funds 95 percent of the domestic violence shelters available to battered women; it funds three personnel to train prosecutors, law enforcement officers, and shelter workers on how to help battered women. It funds a DNA analysis machine critical to identifying the identity of sexual assaulters. It has been instrumental in solving some violent crimes.

These funds, Mr. Speaker, are critically important to our State, and Congress must continue to support the comprehensive community-based efforts to keep victims safe and hold offenders accountable. Reauthorizing this legislation is an important act of this Congress, and I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN); and I apologize to everyone in advance, especially the gentlewoman from California (Ms. MILLENDER-MCDONALD), for the constriction in time that we are under.

Ms. BALDWIN. Mr. Speaker, the Bureau of Justice statistics recently released a report that contains encouraging news. Overall violence against women has declined in recent years. I credit the Violence Against Women Act and local and State programs that it has supported over the last 6 years.

But our work is far from done. Domestic violence and sexual assault are still a scourge on our Nation. The statistics are chilling. Nearly one in three women will experience physical or sexual assault during their lifetimes. These horrible crimes damage lives and tear families apart. We must do all we can to stop the cycle of violence in our country. VAWA is a proven part of that solution.

Mr. Speaker, I have worked towards this day and this vote for many months with the author of this bill, the distinguished members of the Committee on the Judiciary, and committed activists from across the country. Now we must move the reauthorization of VAWA through the last steps and ensure that it is passed into law this session.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that both sides may have an additional 5 minutes for debate.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, each side is recognized for an additional 5 minutes.

There was no objection.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. BONO), one of the most productive and useful members of our Committee on the Judiciary.

Mrs. BONO. Mr. Speaker, I rise today in support of H.R. 1248, which reauthorizes the Violence Against Women Act.

In California's's 44th Congressional District, organizations like Shelter From the Storm are making tremendous strides in addressing the emotional and physical pain which comes from domestic violence. During my many visits to the shelter, I have witnessed the love and dedication of those who work and volunteer there. In speaking with the many women who have sought out the shelter as a last refuge, I have seen the fear in their eyes and heard of the hope in their hearts. For the women and children who find themselves in the traumatic situation of having to escape abuse, often having to leave all they love and know behind, Shelter From the Storm stands ready to help.

Mr. Speaker, we owe it to this shelter and others around this country to help them in this effort; to help these victims find a new and much better life. By supporting the Violence Against Women Act, we can make a modest contribution towards addressing this dire concern.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the ranking member for yielding me this time.

There are 4 days left under the existing authorization of the Violence Against Women Act. Thank goodness we were able to take the action today so that hopefully there will not be any gap whatsoever in the authorization for this legislation. The fight against domestic violence is simply too important for us to signal somehow that this authorization and our commitment to this fight is going to be disrupted.

In my own State of North Dakota in 1999 there were 5,800 incidents of domestic violence and 3,600 victims reporting to State crisis intervention centers. The programs and the funding that flow from this authorization are critically linked to the fight so admirably waged by the advocates on the ground helping these victims. The fight is just too important to walk away from; and I am very pleased and commend all who, in a bipartisan manner, have brought this matter to the floor today for our action.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, every year, and this year again, we will have several million women in this country who are attacked by their ex-husbands or by ex-boyfriends. There will be half a million who are stalked. Four thousand of these women will die. These are at times silent cries, with the victims not knowing where or to whom they can turn for help.

This horrifying reality is a call for us to ensure that women and law enforcement, local law enforcement, have the resources necessary to escape abuse. That is why I am a cosponsor of this bill to reauthorize the Violence Against Women Act.

I think it is important for us to recognize that since it was authorized in 1994, we have seen a reduction by 21 percent of the level of violence committed against women and children by their spouses or by their partners. Thanks to this bill, more than 300,000 women who were seeking a safe haven have received much-needed shelter. I urge its passage today.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary who has been committed to this measure.

Mr. NADLER. Mr. Speaker, reauthorization of the Violence Against Women Act is urgently needed, for reasons we have already heard. It is disgraceful not only that consideration of the reauthorization of this bill has been delayed until only days before it expires, but also that some Members of the other body have stated that VAWA will be attached to controversial bankruptcy legislation as a sweetener to get Members who object to that bill to vote for a combined bill.

Joining these two bills would be a cynical and desperate ploy to try to obtain enactment of a bankruptcy bill that injures women and their families, injures consumers and small businesses, and which no longer will have a provision that would prevent those who use threats and violence to harass women and their doctors from using the Bankruptcy Code to evade their lawful fines under the Freedom of Access to Clinic Entrances Act. We cannot make an anti-woman and anti-family bill like that acceptable by attaching a popular and worthwhile measure, which should easily have passed on its own months ago. As Joan Entmacher, of the National Women's Law Center, has put it, ''This is not a sweetener, it's extortion.''

I call on the other body to do the right thing and pass the Violence Against Women Act on its own stand-alone bill. Let us continue to debate the many flaws of the proposed bankruptcy bill separately. But I urge the other body to not use battered, abused, and murdered women, who do not have the millions to lobby Congress, to give a gift to the banks and creditors. Let us pass this with bipartisan support today, pass it unencumbered to the Senate, and send it to the President.

Mr. Speaker, reauthorization of the Violence Against Women Act is urgently needed for reasons we have already heard. Every day four women die in this country as a result of ''domestic violence''—the euphemism for murders and assaults by husbands and boyfriends. That's approximately 1,400 women a year. Estimates indicate that every year 1.2 million women are forcibly raped by their current or former male partners. This bill is a crucial first step in addressing this horrific situation. It is disgraceful that this bill, which has overwhelming support in both houses, is coming up just a few short days before authorization for VAWA is set to expire. This delay is as irresponsible as it is unnecessary. We have a lot more work to do to reduce violence in our communities and in our families. We could add to the bill before us dozens of ways to strengthen its provisions, but at the very least, let us pass this underlying bill with bipartisan support today, pass it unencumbered in the Senate, and send it to the President.

Mr. HYDE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in strong support of the Violence Against Women Act of 1999. Today's Washington Post includes an editorial in support of H.R. 1248. The column states, ''There seems to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act.''

Mr. Speaker, this editorial hits the nail on the head. The U.S. Department of Justice has estimated that between one and four million women are physically abused by their husbands or live-in partners each year. There is violence in one out of four American homes. Justice also reports that up to 40 percent of teenage girls, age 14 to 17, report knowing someone their age who has been hit or beaten by a boyfriend.

Family violence costs the Nation upwards of $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism and nonproductivity. And, Mr. Speaker, I have only touched on the tip of the iceberg.

Unlike many people, we are in a position to help turn these statistics around. We can begin by passing this bill today and help thousands of men and millions of women who face abuse in their own homes to feel a little safer knowing that we are here, that we are listening, and that we will once again fulfill our promise and continue to supply the resources to help them escape from abuse and end the cycle of violence.

Mr. Speaker, I would like to thank my good friend, the gentlewoman from Maryland (Mrs. MORELLA), for her tireless efforts on behalf of these men and women; and especially my friend, the gentleman from Illinois (Mr. HYDE); and my friend, the gentleman from Florida (Mr. MCCOLLUM), who all helped move the legislation forward. I urge my colleagues to join me in supporting this important legislation.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary, who has been tireless on this measure.

Ms. LOFGREN. Mr. Speaker, I urge every Member of this body to vote for this measure. For years, before I was elected to Congress, I served on the County Board of Supervisors in Santa Clara County. It was in that capacity that I really started to understand domestic violence.

In the year before I became a Member of Congress, we did a survey of our county hospital and found that over one-third of the emergency room visits to the county hospital were related to domestic violence. We know that nationwide a third of the women who are murdered every year are murdered in the course of domestic violence by an intimate partner, and that 20 percent of all violent crimes against women are related to domestic violence.

This authorization will provide $92.5 million to the State of California to help women who are victims of domestic violence. I know firsthand, from the shelter in my neighborhood in San Jose, that women need to be able to escape with their children to safety as a first step to removing themselves from this violence. This act is essential in providing those resources.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), who has been a leader in this struggle for women's rights.

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Ms. DUNN. Mr. Speaker, today I rise in support of the Violence Against Women Act, or VAWA as we know it.

We have heard today how instrumental this act has been in helping women who are victims of domestic violence.

In my district in Washington State, Eastside Domestic Violence finds women and children anonymous housing, counseling, jobs, and makes the initial transition out of a violent home a little bit easier for a woman.

The physical and mental abuse these women suffer can be astounding, and women's shelters like Eastside Domestic Violence are crucial in helping them take their first, most difficult step toward freedom.

Last year, I co-chaired the Bipartisan Working Group on Youth Violence with my colleague on the Democrat side, the gentleman from Texas (Mr. Frost). The 24 Republicans and Democrats who comprised the Working Group heard frequently from law enforcement, academia, and family groups that a primary contributor to youth violence is violence in the home. Children raised in homes where there is violence are more prone to be violent offenders themselves.

Unfortunately, once these children and their mothers are taken out of a violent home, too often they do not receive proper counseling. With this bill, we will reach more young people in need of counseling and a safe environment where they can be taught that violence is not the way to deal with conflict. We must break the cycle of violence.

Mr. Speaker, reauthorizing the Violence Against Women Act is one of the most important things we can do to stop youth violence and family violence. I urge my colleagues to support this important measure.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the vice co-chair of the Women's Caucus who worked so hard on this.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank all of those who are responsible for bringing this piece of legislation to the floor, especially the gentlewoman from Maryland (Mrs. MORELLA).

Mr. Speaker, this comprehensive law sends a clear message across the Nation: violence against women is a crime, and punishment for this crime will be enforced.

While the Violence Against Women Act has had a positive impact on communities across the Nation, there is still much work to be done. Violence still devastates the lives of too many women and children. Nearly one-third of women murdered each year are killed by their partners. Domestic violence accounts for over 20 percent of all violent crime against women in America. Over 300,000 women were raped and sexually assaulted in 1999 alone, Mr. Speaker, and approximately 1 million women are stalked each year.

The State of California, which I represent, maintains 23 sexual assault response teams, 13 domestic violence response teams, and scores of domestic violence advocates located in the State.

The Violence Against Women Act must be reauthorized. We cannot turn our backs on women in need of protection and care. I urge passage of this bill.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), the great granite State.

Mr. BASS. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me the time.

Mr. Speaker, I rise as a supporter and cosponsor of the Violence Against Women Act. I cannot go further without thanking my colleague the gentlewoman from Maryland (Mrs. MORELLA) for the enormous energy and persistence that she has displayed in pushing this bill forward in a just-in-time fashion.

As we have heard before, the Department of Justice estimates that up to 4 million women are physically abused by their husbands or live-in partners each year. This is absolutely unacceptable.

Family violence costs this Nation upwards of 10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity. But the real toll on America is really more costly than that. It is non-quantifiable.

What domestic violence really is is probably the saddest aspect of our culture in our civilization. And there is no victim worse than the children that are in these households and that are subject to the types of problems that exist in areas where there is physical and emotional abuse in the household.

For the past 5 years, the Violence Against Women Act has helped address these underlying causes and has provided desperately needed crisis services for victims and survivors. VAWA has paid special attention to rural towns and counties where previously there had been no organized efforts.

I believe that State and local governments should do more to prevent these abuses, but the Federal Government must play a role if we are to continue with the successes of VAWA.

Mr. Speaker, we are now in a position to move the successes of the past forward and we can only do this by passing H.R. 1248, the Violence Against Women Act.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY) who has worked very hard on this measure.

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the Violence Against Women Act.

Mr. Speaker, I want to commend my colleagues on both sides of the aisle, especially my good friend the gentlewoman from Maryland (Mrs. MORELLA) for her hard work to reenact this landmark law.

In just 6 years, VAWA has provided over $1.5 billion to support prosecutors, law enforcement, courts, shelters, support services, and prevention programs to combat violence against women. And it has worked.

The Department of Justice reported earlier this year that intimate partner violence fell by over 20 percent from 1993 through 1998. In my district, the Queens County District Attorney has more than doubled the rate of conviction for domestic violence-related crimes since his office started to receive VAWA funding. But there is so much more to do.

I am so pleased that my legislation that I introduced has been included in this bill, the Access to Safety and Advocacy Act, which will significantly expand civil legal assistance for victims of domestic violence and sexual assault. The bill will increase Federal funding and do so many other good things. And every woman deserves to feel and be safe in her home, her workplace, and her community.

I thank my colleagues again for moving this bill.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1½ minutes to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the distinguished gentleman from Illinois (Mr. HYDE) for yielding me the time to rise in support of H.R. 1248. I also want to thank the gentlewoman from Maryland (Mrs. MORELLA) for introducing this important legislation. I, too, am a cosponsor of H.R. 1248.

This legislation was originally passed in 1994 and has made a critical difference in the lives of women and children endangered by domestic violence, sexual assault, and child abuse in my State of Kansas. We must continue our efforts to prevent this type of violence.

Over the last 5 years, the State of Kansas has received in excess of $9.4 million to combat violence against women. These funds have helped our communities increase victim safety, access to services and investigation, and prosecution of domestic violence and child abuse cases. This bill helps pay for 27 domestic violence shelters and local programs in our very rural State. Each year these programs serve more than 16,000 Kansans and respond to more than 38,000 crisis calls. While we have made some important strides in our State against reducing violence against women, lives remain at risk every day.

Reauthorization of this legislation is a vital investment in our country's future. With this authorization, programs and services expiring October 1, 2000, will be renewed. This act is a responsible piece of legislation that helps fulfill our commitment to making our streets and homes safer for women and children.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York (Ms. SLAUGHTER) a distinguished member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, 15 years ago, our greatest challenge was convincing Americans that domestic violence was a real problem. Many women knew too well that we were in the midst of a deadly epidemic, but the culture of silence that surrounded the issue made it difficult for them to speak out or get help. Being a victim of domestic violence was a source of fear and shame. Many women were trapped in these situations without any means of escape.

Furthermore, it was trivialized by law enforcement, by the judicial system, by health care providers, and even sometimes by friends, family, and neighbors.

I am proud to have been an original coauthor of this bill and a leader among the Members who fought for its passage. But I must remind everybody, it was enormously controversial. Many Members objected to its passage strenuously. My colleagues and I worked long and hard to convince them otherwise and finally secured its inclusion in the omnibus crime passage.

VAWA, which catapulted domestic violence onto the national agenda, provided Federal support for programs like shelters for battered women and their children, education for law enforcement officers and judges, and resources for prevention and education. I was also the author on that bill to protect immigrant spouses.

I urge passage of the bill, and I thank the gentlewoman from Maryland (Mrs. MORELLA) for saving it from extinction.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1½ minutes to the very distinguished gentleman from the Nutmeg State, Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in strong support of the Violence Against Women Act. This legislation needs to be reauthorized.

I commend the gentleman from Illinois (Mr. HYDE), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. MCCOLLUM) for their tireless efforts to bring this vital piece of legislation to the floor.

The scourge of domestic violence must be ended. Perpetrators of these reprehensible crimes must be punished and victims must have support services available to help them transition to a normal life.

This law has substantially reduced the level of violence committed against women and children by their spouses, partners and fathers. Since it was signed into law in 1994, the Violence Against Women Act has strengthened criminal laws and provided funding to enhance their enforcement. It has also provided a foundation for a successful long-term criminal justice effort to end violence against women.

By encouraging collaboration among police, prosecutors and victims service providers, the Violence Against Women Act is providing a comprehensive community response to violence against women across the country. Violence Against Women Act grants have made a difference in the lives of women and their families.

Authorization of this critical set of programs expires in just four days. It would simply be irresponsible of this body to fail to reauthorize this important legislation before adjourning. I urge my colleagues to support the legislation.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the honorable gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in strong support of this legislation, which reauthorizes the National Domestic Violence Hotline, headquartered in my hometown of Austin, Texas.

This hotline has seen a steady rise in its calls from around the country that it so effectively handles. In 3 years, the number of calls has almost doubled to over 142,000 each year. Hotline Director, Shun Thompson, and her staff have capably ensured that those in crisis are referred to local community services across America.

Further, this legislation is vital to community organizations like SafePlace in Austin, so ably led by Executive Director Kelly White and Board Chairman Donna Stockton Hicks. The professional staff and numerous community volunteers at SafePlace provide a number of innovative programs in addition to the traditional counseling, domestic violence emergency shelters and transitional housing.

One of these is ''Expect Respect,'' a program that focuses on raising respect and preventing domestic violence among our youngest Austinites in elementary and secondary schools.

Because today's bill has been presented under a procedure that permits no amendments, I am unable to offer my proposal, the ''Domestic Violence Economic Security Act,'' which would authorize temporary unemployment compensation for those victims of domestic violence who have a reasonable fear of violence in the workplace. It ensures that no victim who leaves a job because of a reasonable fear of violence is denied help.

In this country, a woman is battered every 15 seconds—nearly 6,000 women a day. This public health problem must be given top priority, and we can begin that focus by reauthorizing the ''Violence Against Women Act.'' But there

is so much more work on domestic violence for the next Congress to undertake.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from California (Mr. OSE).

(Mr. OSE asked and was given permission to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, I thank the chairman for yielding me the time. In the interest of time constraints, I will be brief.

Mr. Speaker, I do want to note that I am a strong advocate and cosponsor of this bill. It is interesting. I have three older sisters and two young daughters; and we need to bring an end to this violence against women.

The bill itself, under the guidance of the gentlewoman from Maryland (Mrs. MORELLA) who, by the way, is to be commended for her strong advocacy of bringing this to the floor, will give us another leg up on curing this problem and finally providing some safety and security to women in our country who otherwise might have to face this terrible scourge.

Mr. Speaker, in the United States, rape, sexual assault, domestic violence and stalking affect the lives of millions of women each year regardless of financial means, race, religion, or country of origin. Violence not only affects women in their homes, but in their workplace, schools, and every arena of their lives. The effects of such violence is felt not only by each individual woman, but by their children, families, loved ones, employers, and communities.

Five years ago, Congress passed and the President signed into law, the Violence Against Women Act as part of the 1994 Crime Act. At that time, VAWA began an ongoing, comprehensive agenda to address violence against women.

The enactment of VAWA marked the first time that the federal government committed funds and law enforcement to join state and local entities within the justice system in responding to violence against women.

Congress now has the opportunity to continue and extend the fine programs within VAWA.

The National Domestic Violence Hotline, battered women shelters, training for judges and other court personnel, counseling services, and child abuse prevention programs all benefit from H.R. 1248. Today's bill enhances the original VAWA by including authorization for new programs regarding dating violence, elder and disabled abuse, transitional housing, full faith and credit for protection orders, and supervised visitation centers.

Reauthorizing this legislation will continue the Congressional commitment to making our streets and homes safe for women and children.

I urge all of my colleagues to support this legislation.

□ 1315

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York (Mrs. MALONEY), cochair of the Women's Caucus.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding the time and for his leadership.

With the Violence Against Women Act set to expire and with the 106th Congress coming to a close, it is critical that we act today to pass it. The Violence Against Women Act is the most important legislative action before Congress that has been endorsed by the bipartisan Women's Caucus.

Enacted in 1994, VAWA has already provided crucial judicial and law enforcement training on violence against women, shelters for abused women, a national hotline with over 13,000 contacts each month, and child abuse prevention programs across this country.

The committee acted to expand it in several ways this year, and I am pleased that my bill, the Older Americans Protection from Violence Act, was included in the underlying mark which has grant programs and aspects that specifically address older and disabled women.

I also would like to join in thanking the Democratic leadership who more than 2 weeks ago sent a letter to Speaker HASTERT demanding a vote on this bill, as have many Members of Congress.

Mr. Speaker, I include for the RECORD that letter and an editorial in support of this legislation.

WASHINGTON, DC,
September 20, 2000.

Hon. DENNIS HASTERT,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: We are writing to urge immediate consideration of H.R. 1248, The Violence Against Women Act, before the 106th Congress adjourns. H.R. 1248 currently has 233 co-sponsors with strong bi-partisan support.

The Violence Against Women Act was originally passed in 1994 as an amendment to the omnibus Crime Bill. The act authorized over a billion dollars to states for law-enforcement grants, judicial training, shelters, a national hotline, child abuse and prevention programs. Thousand of victims from every state, race, and socio-economic level have relied on these services for protection from violence for themselves and their children. We believe that VAWA has saved lives and helped to re-build even more. Without re-authorizing this program by its expiration in October of this year, every state risks losing millions of dollars for existing programs.

As you may recall, the Congressional Caucus for Women's Issues met with you earlier this year to discuss this bill, which remains one of our top priorities.

The bill passed the House Judiciary Committee by voice vote. Several key amendments were added and approved by the full Committee, but the bill has yet to reach the House floor. As you know, jurisdiction over the re-authorization bill is also held by the Committee on Education and Workforce and the Committee on Commerce.

We urge you to schedule a vote by the full House before the end of this session.

Sincerely,

CAROLYN B. MALONEY
and 81 others.

[From the Washington Post, Sept. 26, 2000]

INEXPLICABLE NEGLECT

There seems to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act. Originally passed in 1994, the act provides money to state and local institutions to help combat domestic violence. It is set to expire at the end of the month. Its reauthorization has overwhelming bipartisan support. But House and Senate leaders have yet to schedule a vote.

Versions of the bill have been favorably reported by the judiciary committees of both chambers. Both would expand programs that during the past five years have helped create an infrastructure capable of prosecuting domestic violence cases and providing services to battered women. Since the original act was passed, Congress has devoted $1.5 billion to programs created by it. The House and Senate bills differ, but both would authorize more than $3 billion in further support during the next five years. There is room to debate the proper funding level relative to other priorities, a matter which will be determined later by appropriators; and the programs won't end immediately if the act lapses, because funds have been approved for the coming year. But failing to reauthorize would send the wrong message on an important issue and, more important, could threaten future appropriations.

With time in the 106th Congress running out, the Violence Against Women Act may become a casualty of neglect rather than of active opposition. But that's no comfort. Congress ought to find the time to pass it before leaving town.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I would first like to thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. CONYERS) for their years of outstanding leadership on the Violence Against Women Act and the gentleman from Illinois (Mr. HYDE) for his leadership as well.

In my home State of Illinois, VAWA has meant over $40 million for programs that protect hundreds of thousands of women, children and men who are victims of domestic violence, sexual assault and stalking. I am also pleased that H.R. 1248 includes language from a bill I introduced, H.R. 1352, to fund transitional housing programs for women escaping abuse.

In 1994 with the historic passage of VAWA, Congress sent a clear message to this Nation that violence against women is not just wrong, it is a crime. But there were gaps in VAWA 1994 that are addressed in this legislation today. We can still do more. It is my hope that when this bill goes to conference, the conferees will accept the Senate's language that provides desperately needed protections for battered women.

But the clock is ticking. These critical programs expire in only a few days. I urge everyone to vote for H.R. 1248.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON), who has worked very hard on the measure.

Ms. CARSON. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) in the bipartisan support of H.R. 1248, for which I am a cosponsor. I appreciate very much the expeditious movement now of H.R. 1248

prior to the expiration of the authorization on September 30, 2000.

Without being redundant, let me give Members two cases in point that occurred in my district. One woman had gone down to get a protective order against a perpetrator of violence against her and her children. She was at a day care center while the prosecutors and the police department released the perpetrator out on home monitoring devices at which time he went out and assaulted the woman and killed her in front of several other children.

Domestic violence has a perpetual effect, not just the victim who is injured but people in her family, in her environment and in her surroundings. I like the fact that this expansion of H.R. 1248 now includes assistance for immigrants, sexual assault training, and the inclusion of stalking and domestic violence data into crime statistics.

I urge Members' support. I appreciate the bipartisan nature of which this bill has moved forward.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. I would also like to thank him for his leadership and the leadership of the gentlewoman from Maryland (Mrs. MORELLA) for their advocacy on behalf of women who are victims of domestic abuse and violence. I praise their efforts. They are absolutely laudatory in my comments.

This bill reauthorizes a number of important programs that will improve the quality of life for millions of women and children. It reauthorizes programs that make a real difference in our communities, like the STOP grants, the national domestic violence outline, battered women's shelters, and rape crisis centers.

Just a little while ago, I visited the Passaic County Women's Center in my district. I saw firsthand how the original Violence Against Women Act has provided assistance to women in my district. Violence committed against 500,000 women each year does not discriminate. Women who are victims of violence are rich and poor, young and old, disabled and physically healthy, speak little or no English or the Queen's English.

I urge the passage of this legislation.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), the former governor of Puerto Rico.

Mr. ROMERO-BARCELO. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

I rise in strong support for the Violence Against Women Act. Authorization for this program will end October 1, and it is important that we reauthorize it so the critical programs administered under the act will continue to receive adequate levels of funding.

Mr. Speaker, each year more than 1 million acts of intimate-partner violence occur. Eighty-five percent of these assaults are committed against women. Women are two to three times more likely to be seriously or fatally injured in acts of sexual assault and domestic violence than men. Because women are disproportionately the victims of sexual assaults, it is appropriate and necessary that we target most of our funding for sexual assaults for women. As a child, I was taught by my mother that to hit a woman was a cowardly act and that a man who would hit a woman was a coward.

The Violence Against Women Act funds such important programs as the national domestic violence hotline, rape prevention education, youth education, and domestic violence and battered women's shelters and services. Women urgently need domestic and sexual assault services. The Violence Against Women Act has laid the groundwork to provide these services. It is critical that we build upon this foundation by reauthorizing this act before this legislation session concludes.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me this time.

Ladies and gentlemen of this House, over a quarter of a century ago as president of the Maryland Senate, I led an effort to revise extensively the sexual offense statutes of the State of Maryland. Those statutes were premised on the perception of women as chattel, as somehow less than subject to full protection of the law, particularly from their spouses and intimate partners.

We amended those statutes very substantially. We passed violence against women. Millions and millions of women this day throughout the world will be subjected to violent acts because of their gender. They are perceived by their societies to be subject by their male counterparts to such treatment.

It is critically important that we pass overwhelmingly this statute and make a very strong statement to everybody in America and everybody around the world that we respect individuals for their individuality. Pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time, and I thank him for his leadership and the leadership of the gentlewoman from Maryland (Mrs. MORELLA) also in advancing this along with the gentleman from Illinois (Mr. HYDE).

This is a serious national problem stretching coast to coast. This needs to be reauthorized. In my own State of Maine, we needed to undertake a raising of the priority of this into a crime and recognizing with law enforcement and court personnel that women needed to make sure that these laws were being enforced.

The resources from this act give badly needed moneys to States so that they can develop shelters and protections in transition, so people can move out of that, and particularly women and children, because the impact is onto the family and onto the children; and it is happening generation after generation after generation.

I want to commend the authors and tell them how vitally important it is in working at this and to let those perpetrators know that bipartisanly we stand together, it is important, it is a crime and it should not be happening. I urge the passage of this.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I believe that this measure, passed unanimously out of the Committee on the Judiciary, has reached a point where we can pass it just in the nick of time before the September 30 expiration. As we celebrate this moment, could we remember that it is merely a step in the right direction. There is a lot more to do. There are still those in law enforcement and on the bench in the judiciary who still are not fully apprised of the seriousness of the violence against women, particularly wives and girlfriends who are still subject to so much violence.

There is more we can do with our immigrant women who have been virtually ignored up until this legislation. There are steps yet to be made. I am hoping that all of those that support this measure will join with us to work in the next Congress on the next steps that we need to take to support the measure Violence Against Women.

I thank all those who have participated. Our staffs have been remarkably effective in this. The Members have been enumerated already.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the gentlewoman from Maryland (Mrs. MORELLA) once more for her incredible leadership. I want to thank the gentleman from Michigan (Mr. CONYERS) for his staunch support and suggest that not every problem requires a Federal solution, but violence against women and against children is so pervasive, it is so shameful and so cowardly that a Federal approach to this is entirely appropriate. This is an excellent one. It is only the beginning, as the gentleman from Michigan said.

Mr. Speaker, I urge everyone to support this excellent legislation.

Mr. LARSON. Mr. Speaker, I rise today in strong support of the reauthorization of the Violence Against Women Act. The act, which was passed into law by a Democratic Congress as part of the 1994 Crime Bill, is a powerful testament to the commitment of the United States and this Congress to fighting acts of brutality and cruelty perpetrated against women.

The act includes issues that are vital to the safety of every woman in America, including domestic violence, sexual assault, and stalking. It also includes education and training for judges and funding for programs that are so necessary to protecting the well being of women that the true worth of the program cannot be measured in dollars.

Although tremendous strides have been made, domestic violence still devastates the lives of many women and their children. Nearly 900,000 women experience violence at the hands of a partner every year. Nearly one-third of women murdered each year are killed by a partner, and violence by intimates accounts for over 20% of all violent crimes against women.

Reauthorization would continue and expand the domestic violence hotline, the battered women's shelter programs, and rape prevention programs as well as expand the investigation and prosecution of violent crimes against women. It would also provide assistance to a greater number of victims and support effective partnerships between law enforcement, victims' advocates, and communities.

I urge my colleagues to vote in favor of this authorization that is so important to the lives of so many women and children so that we may continue to provide services and assistance that not only improves, but can also sometimes save a woman's life.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of passage of H.R. 1248, the Violence Against Women Act, of which I am a proud co-sponsor. I am glad that we will finally have an opportunity to vote on this vital legislation. I only hope that it is not too late for this bill to be considered in the Senate and agreed to in conference before the adjournment of the 106th Congress. It is a pity that consideration of this bill, which enjoys overwhelming bipartisan support, was unnecessarily delayed.

The passage of the Violence Against Women Act (VAWA) in 1994 was one of the greatest accomplishments of the 103rd Congress and the Clinton-Gore Administration. Since 1995, VAWA grants have provided a major source of funding for national and local programs to reduce rape, stalking, and domestic violence. The 1994 Act bolstered the prosecution of child abuse, sexual assault, and domestic violence cases; provided services for victims by funding shelters and sexual assault crisis centers; increased resources for law enforcement and prosecutors; and created a National Domestic Violence Hotline.

The bill has been credited with helping to produce a 21 percent decline in domestic violence between 1993 and 1998.

H.R. 1248 vastly improves VAWA by strengthening the existing provisions and by adding new provisions to address dating violence, reach underserved populations, facilitate enforcement of state and tribal protective orders nationwide, provide transitional housing, create programs for supervised visitation and exchange for children, develop training programs on elder abuse for law enforcement personnel and prosecutors, provide civil legal assistance funds, strengthen the National Instant Criminal Background Check System, and more.

I urge all of my colleagues to vote for this legislation, which saves and rebuilds women's and children's lives.

Mr. CROWLEY. Mr. Speaker, I rise in support of the reauthorization of H.R. 1248, the Violence Against Women Act. I am pleased to see that the Republican leadership has finally brought this piece of bipartisan legislation to the floor.

Today, the U.S. Department of Justice estimates that between 1 and 4 million women are the victims of domestic and sexual violence in this country each year. Domestic violence is the number one health risk for women between the ages of 15 and 44 and currently, women are disproportionately the victims of violence in the United States.

Since the authorization of this bill in 1994, violence against women has declined significantly. But this is not enough. The Department of Justice still estimates that a woman is beaten every 12 seconds in this country. As long as statistics such as these exist, Congress should take all necessary measures to help ensure the safety and well being of women in this country.

I am pleased to support the reauthorization of this legislation. Over the next five years, it will reauthorize the Violence Against Women Act in order to maintain and expand the domestic violence hotlines, battered women's shelter programs and rape prevention programs. In addition, VAWA will expand the investigation and prosecution of violent crimes against women, provide assistance to a greater number of victims and support effective partnerships between law enforcement officials, victims' advocates and communities. I am also pleased to announce that my home state of New York will receive $92,661,673 as a result of this reauthorization to help aid the victims of domestic and sexual violence.

I believe that now is time for this body to move to help protect the women of this country. We cannot continue to turn a deaf ear to the problem of domestic violence anymore.

Mr. FARR of California. Mr. Speaker, I express my strong support of the Violence Against Women Act. This Act reflects my belief that we have not only the ability to protect members of our communities, but the responsibility to do so. In this case, these members are our mothers and daughters, our sisters and friends, and ourselves.

The passage of the Violence Against Women Act will change individual lives. We will reduce domestic violence by reauthorizing funds for battered women's shelters and a National Domestic Violence Hotline. We will decrease the incidence of stalking and sexual assault by funding crime databases and establishing a National Resource Center on Sexual Assault. We will help heal the emotional scars of these crimes by offering the services of victim counselors. I believe we can do all of this, and we must.

The passage of the Violence Against Women Act will also change communities. VAWA includes provisions for funding local initiatives to address violence against women. This local involvement demonstrates that we can change the conditions that make women and children feel vulnerable or threatened and thus foster a new sense of security for all. In doing so, we also send a message to communities worldwide that violence against women deserves attention and action.

I ask my colleagues to listen carefully to all of the women and members of their families and communities who ask for this bill passage, and to add your voices to theirs. I am proud to add mine.

Mr. GEPHARDT. Mr. Speaker, I rise today in strong support of re-authorization of the Violence Against Women Act.

We passed this act as part of the Democratic Crime bill in 1994 and that was a critical first step in recognizing and addressing the problems of domestic violence.

When we passed that act, the statistics on domestic violence were startling: In 1994, 40% of women admitted to the hospital for injuries were there because of violence from a spouse or significant other. Battery was the single major cause of injury to women—more than rape, muggings and auto accidents combined. Even more distressing is the consensus that only a fraction of all incidents of abuse are reported to the police. Research shows that women are being abused not only at home, but at their place of work. This violence is also perpetrated against young women at colleges and universities.

In late 1994, I put in place a local domestic violence task force, bringing together community leaders, prosecutors, law enforcement officials, as well as representatives from some of the leading domestic violence organizations in my district in Missouri. So far, my home state has received over $15 million in federal funding as a result of this act.

And my constituents have consistently sent a simple message about this law: it works. It works in Missouri because it is making a real difference in the day-to-day struggle to combat domestic violence in St. Louis City, south St. Louis County, Jefferson County, and Ste. Genevieve County. In fact, we have come up with a number of improvements on this measure, improvements that will make it even more effective. I look forward to working in Congress to make these changes next year.

I am glad that the Republican party has finally brought this measure to the floor, and that it has done so before the authorization expires later this week. Today's vote, which I urge everyone here to support, reaffirms America's commitment to fighting domestic violence in every community. It sends a message that this society will do everything it can to fight this scourge—to make sure communities have the resources they need—and that women have the protections they deserve.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this bill. It is late in coming, but better a little late than too late.

We all know Congress is falling behind in its work. Most of the annual appropriations bills have not been finished. Campaign finance reform remains stalled. We have not provided a prescription drug benefit under Medicare. We have not done enough to help our schools or to help our communities cope with growth and sprawl. We have not resolved our differences over taxes. And until today the House has not acted to reauthorize the Violence Against Women Act—''VAWA''—which is set to expire at the end of this week.

VAWA is very important for Colorado. Through last year, our state received almost $15 million in VAWA grants. That money has helped assist victims of domestic violence, but it has also done much more.

In fact, according to a letter from our Attorney General, Ken Salazar, and his colleagues from other states, VAWA ''has enabled us to maximize the effectiveness of our state programs that have made a critical difference in the lives of women and children endangered by domestic violence, sexual assault, and stalking,''

VAWA is also important for our country. It has made a difference in the lives of millions of women by aiding in the prosecution of cases of domestic violence, sexual assault, and child abuse, by increasing services for victims and resources for law enforcement personnel, and by establishing a National Domestic Violence Hotline.

Partly as a result, crimes against women have decreased by 27% since VAWA's enactment.

But more remains to be done. More women are injured by domestic violence each year than by automobile accidents and cancer combined. More than one-third of all women using emergency rooms are victims of domestic violence. In 1997 more than 250,000 women and children sought refuge from domestic violence in women's shelters. More than 300,000 sexual assaults were perpetrated against women in 1998 alone. And every year more than one million women are targeted by stalkers.

Because I strongly support renewing and strengthening this vital measure, I have joined in cosponsoring H.R. 1248, the bipartisan VAWA reauthorization bill that is now before the House. It is supported by the Administration and more than 200 Members of the House.

The judiciary Committee approved the bill by a unanimous voice vote on June 27th—a full three months ago—and the bill is only now reaching the floor, even though many less important measures have been considered. But, at last, it is here and I urge all Members to join me in approving it.

If it is approved, it then will be up to the members of the Senate to take the next vital step. They should promptly send this bill to the President for signing into law—because VAWA is too important to be allowed to die from neglect.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 1248, legislation to reauthorize the historic Violence Against Women Act (VAWA) of 1994.

A husband in the presence of his children strikes his wife, sending her to the floor and blackening her eye. A woman changes her job, phone number, apartment building and with them, her life, in order to hide from a stalker. A young woman out jogging on a beautiful late-summer evening is pulled into the woods and sexually assaulted by a stranger.

All of these frightening things will happen in America today. It's hard to understand why someone would choose to purposely hurt a woman—or a child, for that matter. But it happens—more than we care to think.

Violence against women is a large, often unrecognized, and too frequently ignored problem in all of our communities. According to the U.S. Department of Justice, nearly one in three women experiences at least one physical assault at the hands of a partner. In 1998, nearly 3 out of 4 victims of intimate partner homicide were women. Approximately 1 million are stalked annually. In 1998 alone, an estimated 307,000 women were raped or sexually assaulted.

Six years ago, Congress passed milestone legislation to combat domestic violence, stalking and sexual assaults. This legislation, which we are discussing today, is the Violence Against Women Act. VAWA has been successful in achieving its mission. Statistics show that violence against women by intimate partners has fallen an astounding 21 percent since enactment of this Act.

The murder rate of partners also is down, with 1,830 murders attributed to intimate partners in 1998 compared to over 3,000 murders in 1976. As a result of funding allocated under VAWA, more than 300,000 women and their dependents each year are able to escape their batterers and find a better life by temporarily going to a local shelter. In my home state of Illinois, the number of reported criminal sexual assaults declined 8.2 percent between 1997 and 1998.

But falling statistics, while good news, are not good enough. Violence continues daily to devastate the lives of thousands of women and children. This clearly sends a signal that Congress must keep its commitment to making our streets and homes safe for women and children. And that calls for reauthorizing and strengthening VAWA, which is exactly what this body should do today.

As written, H.R. 1248 authorizes $3 billion over the next years to fund various programs that help state and local efforts to: prosecute abusers; enforce domestic violence and stalking laws; train law enforcement and judicial personnel on how to handle such cases; and provide a hotline and counseling services to battered women. In addition to continuing these important services, H.R. 1248 strengthens the existing Act by authorizing funding for a new transitional housing assistance program to help persons fleeing a domestic abuse situation and adding clarifying language that allows money under the Act to be used for date violence prevention. It authorizes $10 million in new funding to help prevent violence against women with disabilities and an additional $200,000 for training medical personnel in sexual assault identification techniques as well.

Mr. Speaker, scratch the surface of any of our nation's most challenging social problems—from crime in schools to gang violence and homelessness—and you're likely to find the root cause is domestic violence. Our country's judges are beginning to find that children first seen in their courts as victims of domestic violence return later as adult criminal defendants.

Local law enforcement officials are reporting that domestic violence situations are among their most frequent calls. Businesses from California to Maine are starting to recognize that domestic violence, in the form of absenteeism and reduced employee productivity, has tremendous economic costs. Schools are noticing that children with emotional problems often come from environments where violence is the norm.

What does this tell us? It tells us that violence begets violence, and it is incumbent on all of us to try to break the cycle. By strengthening families, promoting strong values, and encouraging community involvement, that's exactly what the Violence Against Women Act helps us to do.

Reauthorizing VAWA is a vital investment in this nation's future and it should be one of our highest priorities. Reauthorizing this Act is also the right thing to do, and I urge my colleagues to move this effort forward by voting for H.R. 1248.

Let me conclude by commending the Chairman of the House Judiciary Committee, my colleague from Illinois, Mr. HYDE, for his strong support of H.R. 1248 and for his work in getting it to the floor for consideration. I also commend a real champion of women's issues—Representative CONNIE MORELLA of Maryland—for sponsoring this crucial legislation. I also thank the co-chairs of the Congressional Caucus for Women's Issues—Representative SUE KELLY and CAROLYN MALONEY of New York—for all their hard work on promoting this legislation. Finally, let me extend my gratitude to the members of my violence against women advisory committee back in Illinois for their input and useful advice.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 1248 which would reauthorize the Violence Against Womens Act (VAWA), landmark legislation that has made a difference in the lives of children, women and families. As an early cosponsor of H.R. 1248, I am relieved that this measure has been brought to the floor before its authorization expires in five short days.

Enacted in 1994, as part of the Omnibus Crime Bill, VAWA provided for new federal criminal provisions and grant programs to improve the criminal justice system's response to domestic violence and sexual assault and stalking, and to provide critical services to victims. Since passage, the Departments of Justice and Health and Human Services have awarded over $1.6 billion in VAWA grants nationwide. VAWA grants provide critical support for the work of prosecutors, law enforcement officials, the courts, victims' advocates, health care and social service professionals, and intervention and prevention programs. The domestic violence hotline established under VAWA has logged over half a million calls.

Despite the advances we have made under VAWA, domestic violence still devastates the lives of many women and children with nearly 900,000 women experiencing violence at the hands of their partners every year. Even today, with the heightened attention domestic violence receives, nearly one-third of women murdered each year die at the hands of their partners.

In addition to reauthorizing VAWA for five years, H.R. 1248, as approved, expands numerous programs, such as a domestic violence hotline, law enforcement grants for victims' services, prosecution of perpetrators of violence, battered women's shelters and services, counselors, rape prevention education, programs against stalkers, and other related services.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1248, legislation to reauthorize VAWA, a vital part of the campaign against violence and crime. Moreover, Mr. Speaker, I would also urge the Republican leadership to build on H.R. 1248 and make the Violence Against Women Office at the U.S. Department of Justice permanent, by statute, as provided for under H.R. 4848.

Mr. DAVIS of Illinois. Mr. Speaker, since enactment of the Violence Against Women Act in 1994, the number of forcible rapes of women have declined, and the number of sexual assaults nationwide have gone down as well.

The Justice Department's states nearly 25 percent of surveyed women and about 7 percent of surveyed men say they have been raped and or physically assaulted by a current or former spouse or partner at some time in their lives. This figure, however, is a conservative one that substantially understates the actual number of families affected by domestic

violence because battering is usually not reported until it reaches life-threatening proportions. In fact, some researches estimate that one of every two women will be battered at some time in their life.

In Illinois, the Chicago Police Department, the Cook County States Attorney's Office and various other community and government agencies have developed the necessary infrastructure, as a result of the passage of the Violence Against Women Act in 1994.

Mr. Speaker the Violence Against Women Act works. In fact, a recent Justice report found that intimate partner violence against women decreased by 21 percent from 1993 to 1998. This is strong evidence that the state and community efforts born from this act are working. Despite the success of the Violence Against Women Act, domestic abuse and violence against women continues to plague our communities.

The Violence Against Women Act must be reauthorized to allow these efforts to continue without having to worry that this funding will be lost from year to year.

Mr. Speaker I urge every member of this body to vote for this bill.

Mr. CASTLE. Mr. Speaker, I am pleased to rise in strong support of H.R. 1248, legislation to reauthorize the Violence Against Women Act.

No woman should have to worry that she will be abused, but studies show that almost 1.9 million women are physically assaulted each year—many times at the hands of a husband or boyfriend. Tragically, the correlation between domestic violence and child abuse is very high. Even if a child is not physically battered, he or she often does poorly in school, repeats the pattern of either victim or abuser as an adult and is more prone to a variety of emotional problems.

Although the overall violent crime rate has dropped 27 percent from 52 to 38 incidents per 1,000 persons, there were more than 30 women and children that were killed in domestic violence related homicides over the last three years in my state of Delaware alone. For these women and children, it is clear that more needs to be done to ensure that our mothers, sisters, and daughters are safe in their homes and in their communities.

I was proud to play a role in the passage of the original Violence Against Women Act, as part of the Violent Crime Control Act of 1994. A bipartisan coalition of members worked to break the stalemate on the Crime Bill and get it signed into law. A key part of that legislation was the Violence Against Women Act. It was enacted to authorize programs to support the prosecution of violent crimes against women, encourage arrests in domestic violence incidents, support rural domestic violence and child abuse enforcement, support rape prevention and education and provide funding for battered women's shelters. The legislation before us today renews and expands the original Act to include some new programs, which includes funds to help victims and their children flee domestic abuse and then move them from shelters to self-sufficiency.

I believe that this legislation—and the original Violence Against Women Act—will continue to reduce the levels of violence committed by boyfriends and spouses and free women and their children from a life of abuse, and I am pleased to support its passage by the House today.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H.R. 1248, the Violence Against Women Act of 2000 which would re-authorize the 1994 Violence Against Women Act. Part of President Clinton's 1994 Crime Act, this legislation has been a turning point in our national response to the problems of domestic violence and sexual assault. I urge passage of H.R. 1248 so that our nation can continue to address these problems.

Mr. Speaker, if we have learned anything in the last several years about violence against women, we have learned that no one is immune to the effects of these crimes. Domestic and sexual violence can be stopped only when we forge a unified front to combat them. The Violence Against Women Act has worked and can continue to work as an effective catalyst for states and communities to share resources and to collaborate in providing services. Under this legislation, the Violence Against Women Grants Office has allocated millions of dollars in Federal Funds to states to support partnerships among law enforcement, prosecution, the courts, victims' advocates, and providers of health care and other services across the country.

We must continue and expand these vital programs. H.R. 1248 provides $3.7 billion to fund over 40 provisions for five years. Of this amount, $1.1 billion will be allocated to fund and improve existing shelter services and provide increased financial support for rape crisis centers and over $1 billion dollars will be used for constructing new shelters for battered women. Other major elements of the bill address the needs of battered women in the workplace, focus on sexual assault on college campuses and in the military, establish new programs for victims services and fund training for judges.

Mr. Speaker, the 1994 Violence Against Women Act has been a proven success in helping women across the country to deal with this terrible tragedy of domestic violence. To continue the success, I strongly urge my colleagues to support H.R. 1248.

Mr. ETHERIDGE. Mr. Speaker, I rise today to voice my strong support for the reauthorization of the 1994 Violence Against Women Act. I urge the House to pass this vital legislation as soon as possible. Although the House Republican Leadership has inexcusably delayed bringing up this bill until four days before the law was due to expire, I am very pleased that we finally have the opportunity to act on this important measure.

Last month, I had the opportunity to visit domestic violence and sexual assault shelters in my district to see firsthand how the federal government plays a key role in the fight against domestic violence. I personally met with victims, and I spoke directly with the Directors of these shelters that provide refuge and crisis-management services to thousands of women, children and families in my district who have suffered from domestic violence and sexual assault.

Kim Gauss, the director of the Wesley Shelter in Wilson County, North Carolina, spoke to me of the importance of taking programs into our nation's schools. Both Ms. Gauss and Ms. Susan King, the Executive Director of Haven Shelter in Lee County, North Carolina emphasized the importance of educating our youth about the cyclical effects of violence. Although children may not bear obvious bruises and scars, those who witness violence inside their homes learn that anger equals violence and that too often adults use violence to solve problems. These children often experience severe anxiety and helplessness and they often have problems with anger management and almost always have a marked decrease in school performance.

By educating and empowering our children and giving them the tools and resources they need to combat the damaging physical and psychological effects of violence, we can increase the likelihood that the cycle of violence will end with them. Without this funding, many shelters like those in my rural district of Eastern North Carolina would be unable to provide the essential crisis and preventative services our communities so desperately need. Many would be forced to shut their doors altogether.

This past year, the State of North Carolina received $3.5 million in funding under the Violence Against Women Act. This funding provided shelters like the Haven and Wesley Shelters in North Carolina with the necessary resources to cope with family violence and sexual assault. And it allowed shelters like My Sister's House in Rocky Mount, North Carolina and the SAFE shelter in Lillington, North Carolina to serve thousands of North Carolina residents.

Reauthorization of this Act is an essential step in our battle against violence. Through the community-based services they provide, domestic violence and sexual assault shelters across the nation strengthen the social fabric that binds all of us together.

Gone forever should be the days when domestic violence was swept under the rug as a family matter. Domestic violence is not just a family matter. Domestic violence is a crime. It is a crisis, and there is no excuse for failure to act. I call on my colleagues to vote to pass this important bill without a delay. America's families are depending on it.

Mr. KIND. Mr. Speaker, nearly 1.5 million women are the victims of domestic violence and nearly one in every three adult women experience at least one physical assault by a partner during adulthood. We must not only remain committed to fighting sexual abuse, domestic violence and rape, but also improve our efforts on behalf of these victims. I am proud to be a cosponsor of this legislation H.R. 1248, which would reauthorize the Violence Against Women Act. This bill would authorize more than $3 billion in funding and add new programs, including a new temporary housing grant that would provide funding to help women move out of shelters, a new grant for legal assistance to women who have been victims of violence, and grants authorizing help for disabled women victims.

VAWA has significantly strengthened domestic violence shelters and services to battered women and children throughout my state of Wisconsin and across the United States. The Wisconsin Coalition Against Domestic Violence and the Wisconsin Coalition Against Sexual Assault, through the programs in VAWA, have aided thousands of women in my state and help them cope and survive the tragedies of violence against women. As a former prosecutor in my home state of Wisconsin, responsible for prosecuting domestic violence, child abuse, adult and child sexual assault cases, I've seen first hand the scourge and scars domestic violence creates.

We are at an important point in our history, a time when the leaders of our nation have

made a commitment to stop violence against women and children. Through the many projects and programs developed through VAWA funding, we have just begun to clearly articulate the impact of sexual assault and domestic violence on our country. This legislation is critical in maintaining the federal commitment to ending this problem in our society.

I want to thank Chairman HYDE and Mr. CONYERS and a number of other members for their support in bringing this important legislation to the floor.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 1248, the Violence Against Women Act (VAWA) and I commend the gentle lady from Maryland, Mrs. MORELLA and my colleague the gentleman from Michigan, Mr. CONYERS, for their leadership on this issue.

H.R. 1248 continues the commitment that Congress made in 1990 by reauthorizing many critical programs that are used daily by women across this country. This bill reauthorizes grants that will be used to improve law enforcement and prosecution of violent crimes against women, grants to encourage arrests in domestic violence incidents, moneys for rural domestic violence and child abuse enforcement, rape prevention and education programs, grants for battered women's shelters, funding for the national domestic violence hotline and stalker reduction programs.

Moreover, this bill creates new initiatives including transitional housing for victims of violence, a pilot program aimed at protecting children during visits with a parent who has been accused of domestic violence, and protections for the elderly, disabled and immigrant women.

This legislation also includes grant money for a new program that will benefit victims of dating violence, which until now has been a neglected and underserved population.

Domestic violence is something which is learned at home and the longer that children remain in settings where they witness and experience this type of abuse, the more likely they are to become abusers or victims or abuse as adults.

The Violence Against Women Act will help families throughout our nation. As a cosponsor of this legislation, I urge my colleagues to vote for H.R. 1248.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 1248, as amended.

The question was taken.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today and on the motion to suspend the rules on which further proceedings were postponed yesterday.

Votes will be taken in the following order:

H.R. 5117, by the yeas and nays;

H.R. 2572, by the yeas and nays;

H.R. 1248, by the yeas and nays;

House Joint Resolution 100, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MISSING CHILDREN TAX FAIRNESS ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5117, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 5117, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 489]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Burton
Campbell
Gillmor
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Miller, Gary
Paul
Rogan
Smith (MI)
Smith (WA)
Vento

□ 1351

Mrs. CHENOWETH-HAGE and Mr. SERRANO changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

APOLLO EXPLORATION AWARD ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2572.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2572, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 490]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Burton
Campbell
Gillmor
Jones (OH)
Klink
Lazio
McCollum
McIntosh
McKinney
Miller, Gary
Paul
Rogan
Smith (MI)
Smith (WA)
Vento

□ 1400

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VIOLENCE AGAINST WOMEN ACT OF 2000

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 1248, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 1248, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 3, not voting 16, as follows:

[Roll No. 491]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss

Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth-Hage
Hostettler
Sanford

NOT VOTING—16

Burton
Campbell
Emerson
Gillmor
Gilman
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Miller, Gary
Paul
Radanovich
Rogan
Smith (MI)
Vento

□ 1408

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. EMERSON. Mr. Speaker, on rollcall No. 491, I was inadvertently detained. Had I been present, I would have voted "yes."

CALLING UPON THE PRESIDENT TO ISSUE A PROCLAMATION RECOGNIZING 25TH ANNIVERSARY OF HELSINKI FINAL ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution, H.J. Res. 100.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 100, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 492]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Burton
Campbell
Diaz-Balart
Franks (NJ)
Gillmor
Jones (OH)
Klink
Lazio
Matsui
McCollum
McIntosh
Miller, Gary
Paul
Radanovich

Rogan	Stupak	Vento
Smith (MI)	Taylor (MS)	Weller

□ 1418

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, this morning, I was unavoidably detained in my home district, and therefore, I was unable to be present on the House floor during votes. Had I been here I would have voted ''aye'' on rollcall votes 488, 489, 490, 491 and 492.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5194

Mr. MOORE. Mr. Speaker, I ask unanimous consent that the name of the gentlewoman from Missouri (Ms. DANNER) be omitted as a cosponsor of H.R. 5194, which is my bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Kansas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H. RES. 591, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 591 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 591

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 591 is a closed rule providing for the consideration of H.J. Res. 109, a resolution making continuing appropriations for fiscal year 2001.

H.Res. 591 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides for one motion to recommit, as is the right of minority.

Mr. Speaker, as my colleagues know, the current fiscal year expires at the end of the day on Saturday, and a continuing resolution is necessary to keep the government operating while Congress completes consideration of the remaining appropriations bills. This continuing resolution would fund ongoing activities until October 6 using fiscal year 2000 funding rates. In addition, the joint resolution includes provisions for certain anomalies which impact a small number of accounts.

Mr. Speaker, under both Democrat and Republican majorities, Congress has regularly utilized continuing resolutions as a method of keeping the government running while appropriations and negotiations continue. Only three times in the last 21 years has Congress passed all of the appropriations bills by the fiscal deadline. Contrary to what some might contend, the House has been diligent in doing the people's business. In fact, the House has already passed all 13 appropriations bills.

As we continue our bipartisan effort to complete the appropriations process as soon as possible, we remain focused on the priorities most important to working Americans, paying off the national debt, providing prescription drugs to seniors, and educating our children.

We have made real progress on all of these fronts, passing the Debt Relief Lock-box Reconciliation Act that dedicates 90 percent of next year's surplus to paying off the national debt, the Medicare Prescription 2000 Act, the Education Flexibility Act, and the Academic Achievement for All Act.

Mr. Speaker, the fiscal discipline of the Republican Congress has resulted in the payoff of $350 billion worth of debt and the locking away of 100 percent of the Social Security and Medicare surplus. Despite the efforts of the President and some of the Minority, we are committed to building on this success by passing fair and fiscally responsible appropriations bills. I am confident that H.J. Res. 109 will give us the time we need to get the job done.

This rule was unanimously approved by the Committee on Rules yesterday. I urge my colleague to support it so we may proceed with the general debate and consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), my dear friend, for yielding me the customary half hour; and I yield myself such time as I may consume.

Mr. Speaker, the Congressional appropriations process has a long, long way to go. In the beginning of this session, my Republican colleagues promised to finish all of the appropriations bills on time. They said they did not want to shut the government down again. They said that they understood that October 1 was the deadline for these appropriation bills.

But even though it is nearly October, only two of the 13 appropriation bills have been signed into law, and the rest are in various stages of disarray. Four conference reports have yet to pass either the House or the Senate. They are: Transportation, Labor, Health and Human Services, Interior, and Energy and Water. Six appropriation bills have not even gone to conference: Agriculture, VA–HUD, Commerce, Justice, State, Foreign Operations, Treasury-Postal, or D.C. The Legislative Branch conference report failed in the Senate last week by a vote of 69 to 28.

Mr. Speaker, despite the enormous amount of unfinished appropriations work, the last 3 weeks we have done virtually nothing here on the House floor except rename a couple of post offices.

Mr. Speaker, time is running out. So despite the good intentions in the beginning of the session, today the House is considering the first of what promises to be many continuing resolutions.

Today's continuing resolution will keep the Federal Government open until October 6, despite the unfinished work. Mr. Speaker, there is a lot of work to be done, and I think we have got to address it.

I will support this continuing resolution because we need it to get these bills finished, but I would remind my colleagues that we have miles and miles to go before we sleep. Eleven appropriation bills are just not going to pass by themselves overnight.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, everyone knows that it takes two to fight. Well, it takes two to govern as well. Sadly, many of my Democratic friends have decided it is not in their best interest, not in their party's interest to help us govern for America, even though Speaker HASTERT daily extends his hand, is willing to meet more than halfway to solve America's problems.

I have a simple request to my Democratic colleagues: Put America ahead of your ambitions. Set aside just for a few days your all-consuming drive to be in power. For the sake of our seniors, work with us to pass a prescription drug plan for the sickest and the poorest of our elderly now, not next year or 10 years in the future.

For the sake of our children, work with us to have an education system that is second to none, where our quick learners are not forgotten, where our slow learners are not left behind. For the sake of our grandchildren, work with us to pay down the debt so they do not have a crushing burden that they do not deserve on them. I do not think that is too much to ask.

Our Constitution says that, when one has a divided government, it is our responsibility to work together for the interest of America. I am hopeful our Democratic friends will stop viewing this as a Democratic White House and Republican Congress but more as a U.S. President and a U.S. Congress to work together.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic Leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise today in support of this bill to keep the government running when the new fiscal year begins on Sunday. But I regret that we are forced to pass such a bill. We never should have reached this point.

Instead of doing the important work of the American people, we have spent the last year bringing forward a series of massive tax cuts focused primarily on the wealthiest Americans. This Congress has spent most of the year debating tax cuts for the wealthiest that left no money for debt reduction, basic appropriations, or anything else.

□ 1430

We saw this coming a long time ago. This chain of events was set in motion by the Republican-passed tax cuts. It was set in motion by a single-minded devotion, tax breaks for the wealthiest, that has overwhelmed and taken the place of the whole budget process. The result is that we have been unable to accomplish the bare minimum and pass the annual appropriations bills required by law, and still, even at this late hour, 11 of the 13 bills remain to be enacted.

We have been prevented from passing a budget that addresses the needs of working families and keeps us on the path of fiscal discipline. And then, 3 weeks before the end of the session, after the Republican tax package did not fly, Republicans abandoned their strategy and shifted to portray themselves as the champions of debt reduction. But the new so-called 90–10 budget was no better than the old budget, because it was only for 1 year. It did not hold the promise of true debt reduction because it allowed Republicans to return next year or the year after and again pass huge tax cuts that would blow a hole in our surpluses.

I wrote a letter to the Speaker asking him to come up with a new budget, a new framework, so that we could complete our work and move on with the business of the American people. I have not received a reply.

Today, we have before us a stopgap bill that, of course, everyone should support. Nobody wants to repeat the government shutdown. But the issue before us is not just the leadership's inability to enact the critical appropriations bills. The issue is the larger failure of this Congress to act on an agenda that finally, at long last, puts families first; an agenda that I believe a majority of the American people want us to pursue:

Tax cuts focused on middle class and working families; a Patients' Bill of Rights to enforceably protect patients from the accountants and HMOs; a real Medicare prescription benefit that guarantees seniors access to affordable medicines; funds dedicated to building new classrooms and hiring additional teachers, so we can finally reduce class size and give children the education they need and deserve; real debt reduction that pays off the debt entirely by 2012 and still leaves enough money for tax cuts for working families.

My constituents and Americans throughout the country want us to pursue and realize this agenda. But this agenda has been blocked by special interests. It has been blocked by Republican leaders determined to not do this agenda.

A meaningful Patients' Bill of Rights has been blocked to protect HMOs and insurance companies. Middle-class tax cuts were blocked in the name of huge tax cuts to the wealthiest Americans. Real serious long-term debt reduction was blocked again in the name of huge tax cuts for the wealthiest Americans. The minimum wage has been blocked as a favor to big business. And education incentives to modernize our schools and hire new teachers has been blocked in the name of partisan ideology which tears down schools and takes money from them rather than lifting them up. Hate crimes legislation is still not law, and we have not acted on Latino and immigrant fairness issues.

We support strong reimportation of drug legislation with standards, because it will bring prescription prices down for millions of Americans. I am glad that the leadership has said they want to pass such legislation, but we should not let reimportation detract from the more important issue: a Medicare prescription benefit that will be there for seniors when they need it. That has been blocked by the pharmaceutical industry.

So I call on our leaders to disassociate themselves from special interests and work with us on a bipartisan basis to accomplish something meaningful for a vast majority of Americans in the days that are left of this session. Let us work together on the issues the American people truly care about and achieve something real for them in the few days that are left.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time, and I say to my friend from Missouri that I am pleased to be here to respond to his call. His call is for us to work in a bipartisan way to deal with these very important issues; and, Mr. Speaker, I could not agree with him more.

First, let me say that I am extremely proud of the bipartisanship that we have established under Republican leadership over the past 6 years. If we simply look at the kinds of things that we have succeeded in working on just in this Congress, I think it is very important to underscore them.

First and foremost, we must look at how we have effectively begun to retire the national debt. We are very proud of the fact that we have been able to retire $350 billion of our Nation's debt, and we are committed to retiring the entire national debt by the year 2013. And, yes, I will say to my friend, the minority leader, we have been working on that, as he just requested, in a bipartisan way.

We also have done something that is virtually unprecedented. We have been able to go through 3 years of surpluses with our budget, which is again, I think, a monumental accomplishment; something which we Republicans have been proud that we have been able to do in a bipartisan way. Yes, working with the White House to do that.

I also think it is important to note that on those very important issues of Social Security and Medicare the compacts which we have made with the American people. We must do everything that we can to make sure that we address and maintain their solvency. And we are proud that for 2 years in a row we have not, as had been done for 3 decades, reached in and spent that surplus on a wide range of other programs.

It is also important to note what has been one of our top priorities; and we, again in a bipartisan way, have worked to accomplish our goal. And what has that issue been? It is education. It is obviously a top priority today in the presidential campaign. The 106th Congress has tremendous accomplishments to which we can proudly point that are bipartisan, specifically passage of the Education Flexibility Act and the Teacher Empowerment Act. What are they designed to do? They are designed to do what Governor George Bush has been saying, and now Vice President GORE is saying he agrees with, and that is trying to enhance decision-making at the local level.

It is also important to note that this Congress has successfully passed legislation to reduce the tax burden on working families, that horrendous inheritance tax, the death tax. As Speaker HASTERT likes to call it, the widows and orphans tax. We have passed that here. But of course on the presidential veto, we narrowly failed an override. We did it in a bipartisan way, even though we were not quite able to override the President's veto.

Similarly, on the marriage tax penalty, we were not quite able to get the votes we needed to override the President's veto. But we did pass the legislation, and we attempted the override with strong bipartisan support.

So it seems to me that if we look at the kinds of priorities that we have established, we want to do them in a bipartisan way. I am pleased that the White House and many Democrats have joined us in our commitment, or we hope the White House will join us. They have indicated a willingness to do that, but we want to make sure that happens, to take 90 percent of the surplus and apply that towards debt reduction. Obviously, in a time of unprecedented surpluses, we want to reduce the tax burdens. But at the same time we want to make sure that we do continue down that road towards retiring the national debt.

We also are committed to working in a bipartisan way for a prescription drug benefit coverage package for America's seniors. Our Republican majority has again passed a plan to provide prescription drug coverage that is voluntary, affordable, and available to all seniors, a very high priority. Again, we share the bipartisan quest to address this issue. We believe very sincerely that no senior should be forced to choose between food on the table and the medicine that they need to stay healthy.

And we are committed to doing even more to address that very important issue which I mentioned a moment ago, improving our public education system. We have the best postsecondary education system on the face of the earth. We need to do everything that we can to improve the primary and secondary education systems.

What we want to do is we want to actually create even more flexibility than we did with the Education Flexibility Act by making sure that decisions are made at the local level, in the classrooms, knowing full well that decision-making here and the imposition of mandates on State and local government does little more than undermine the ability for teachers to improve that quality of education that they very much want to do. We know that very little of the money actually comes from Washington; but, unfortunately, many mandates have been imposed from here. We want to try to do what we can to relieve as much of that as possible.

So I am here to say, in response to the last speaker, that we are working for continued bipartisanship. I know it does not get a lot of attention when we have accomplished many of these things in a bipartisan way, but we have done it so far. And all we are saying now, with this measure that we are going to be considering, is let us go for one more week, Mr. Speaker, with a continuing resolution so that we can get the very important work of the 13 appropriation bills completed. Why? Because the American people want us to do our work. And guess what? We have succeeded in working so far. We do not want anyone to stand in the way of these very important priorities which I have just outlined, and which I believe Democrats and Republicans alike share.

So let us pass this rule, pass the continuing resolution, and keep the negotiators' feet to the fire so that we can complete our work in a very timely fashion.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the vice chair of the Democratic Caucus.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when Republicans shut down the government, that was not a bipartisan act. This continuing resolution the Republicans are requesting is an admission of failure, a failure of the partisan ways Republicans run this House and their failure to do the people's business.

While the Republican leadership has spent its time scheduling extremist bills that they know have no chance of becoming law, there are real people with real problems that this House should be addressing. Their leadership does a good job of ensuring that the political needs of the Republican Party are being met while the needs of working Americans everywhere are ignored.

True to form, the Republican leadership has ignored our Democratic call for a Patients' Bill of Rights. They have ignored our call to give seniors universal prescription drug benefits under Medicare. They have ignored the call to modernize our Nation's schools. They have ignored our call to reduce class sizes for our children. They have ignored our call to hire 100,000 new highly qualified teachers. They have ignored our call to raise the minimum wage for hard-working pressed families. They have ignored our call to pass a comprehensive campaign finance reform bill. Mr. Speaker, Republicans are in the majority here. They run this House, and they have failed.

The American people should know where we stand. We Democrats in Congress stand ready to work together to pass these bills and build an even stronger, better Nation, and Republicans have blocked our efforts to bring these issues to the floor and address these critical issues at each and every turn. If they could lead, they would have accomplished these priorities. But they cannot lead; so, instead, they come here today with a continuing resolution asking for yet more time to finish work on a budget that in 5 days will be past due.

They should be ashamed of their inaction and the price America's seniors and children and working families pay every day for their failure to act.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time.

I know prescription drugs are a major part of the effort to reach a settlement so that we can go home. I am a senior citizen and I qualify for Medicare. I am at the age where every night I have to use Zocor and Cardura and Claritin D and Timoptin, but I pay for them myself. We in Congress earn over $140,000 a year. And those of us in Congress who are elderly should not receive government assistance in the form of Medicare benefits.

□ 1445

We earn enough that we do not need assistance. Congress should target those who do. Unfortunately, the Democrats' proposed universal prescription drug plan would help those of us who do not need it. The Democrats would fund the Ballengers and the Houghtons and the Kennedies who are fortunate enough that they can easily cover their own drug costs.

There are actually 66 Members of Congress who would benefit from the Democrat drug program. We should not be allowed to have that benefit. That is why on June 28, 3 months ago, the House passed H.R. 4680, a Medicare prescription drug passage which the Republican leadership championed.

The House-passed Medicare prescription drug benefit would utilize a public-private partnership to let those seniors choose the right coverage from several competing drug plans. It would allow them to keep their existing coverage. This plan would protect seniors from high, out-of-pocket drug costs without resorting to price fixing or government price controls.

Most importantly, the House-passed prescription drug benefit is affordable, valuable and completely voluntary and it should be part of the settlement. We need to pass this rule and the bill to continue negotiations.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, by failing to do our baseline work, the minimum work we have to do, we are doing great harm to our country moving forward now with the CR. We see that in the content, or lack thereof, of this appropriation and certainly by the delay in getting this basic work done.

This House deliberately underfunded each and every appropriation in order to fund a tax cut as they went to their convention. But the quintessential example of the harm done by Government by CR is what they are doing to the capital of the United States. They require the local budget of a city to come here so that those of them who have nothing to do with raising the funds while they deny me the right to vote on my own budget, pick over that budget's local funds, own funds, budget surplus, balanced budget here in this House where it does not belong and then they say to the City, to a living, breathing city, they cannot spend their money because they are not through

with Federal business that has nothing to do with them. They say to a living, breathing city, spend on a daily basis 1/365 of their money.

Try doing that, I say to my colleagues, in their city and their State.

How does a city with dozens of vital finances parse out the amount they require it to spend when we are talking about dozens of vital functions, some of them life-and-death functions? How do we pick up garbage that way. How do we run a school system that way?

They have said to the District of Columbia, streamline your functions, get your act together.

The District of Columbia has done that. The District says to Congress, streamline your functions, let the District run itself. It got its business done on time. Let the City go forward and do its business. Free us from your convoluted processes.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, we have heard an example of the liberal left wing of the Democrats. When their leadership talks about we will not pass their bills, no, we will not. We will not pass bills that make bigger government, bigger government control, like they wanted in 1993. We will not pass a government-controlled health care plan or prescription drugs.

But we will pass government health care, and we will pass prescription drugs that will help seniors and not make bigger government, higher taxes, and restrict our seniors and our children.

The gentleman from Missouri (Mr. GEPHARDT) said, Well, I wrote a letter to the Speaker of the House.

How about walking 15 steps over here and talking to the Speaker? What is the matter with the gentleman? When he wants to talk about bipartisanship, walk down the aisle, sit down and talk to the Speaker. I wrote a letter. Big deal!

He talks about a tax break for the middle class. First of all, there are no middle-class citizens in this country. There are middle income citizens. And I am sick and tired of the class warfare. They promised, they fought for a year prior to their 1993 tax increase, they want a tax break for the middle class, they want a targeted tax for the middle class. They could not help themselves. They increased the tax on the middle class, and they are trying to do the same thing now. And that is wrong. No, we will not allow them to do it and we will fight them tooth, hook, and nail every time.

They increased the tax on Social Security when they had the White House, the House, and Senate. They took every dime out of the Social Security Trust Fund and put it up here so they could have more spending. They increased taxes $260 billion so they could put it up here for their spending. They increased the gas tax 8 cents and put it into a general fund so they could put it up here for spending.

What did Republicans do? We put Social Security in a lockbox so they could not keep driving up the national debt and we protected the Social Security trust fund. We rescinded their tax increase on Social Security and we put the gas tax into a transportation fund so they could not spend it.

No, we will not allow them to increase big size of government.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, one of the challenges of being one of 435 is that we rarely get to speak when we feel like speaking or when we think it is appropriate. So I find myself responding to some previous speakers who talked about the big surplus, how the Republican Congress is paying down the debt.

Mr. Speaker, I would encourage them to read the Treasury report. Because the Treasury report that came out on August 31 of this year shows that the national debt has increased this fiscal year by $22.896 billion. This is public information. I would hope that my colleagues would take the time to look at it.

Additionally, it shows that, for this fiscal year, the difference between what is being collected and what is being spent is $22.896 billion.

Now, my great friend the gentleman from California (Mr. CUNNINGHAM) just talked about these trust funds, the only way we can cut taxes is to steal from the trust fund. So my question to those of my colleagues who just last week were saying they are for big tax breaks is, whose trust fund were they going to steal it from, the military retirees, Social Security, Medicare, Medicaid? Whose trust fund are they going to steal it from?

Now they are talking about this week debt reduction, they are going to set aside 90 percent of a nonexistent surplus in debt reduction. Tomorrow we have a hearing on readiness where Republican colleague after Republican colleague who took over a fleet in 1995 of almost 400 naval ships and now after 6 years of their stewardship is down to about 312 naval ships want to tell us that they do not have enough money for defense.

Mr. Speaker, I say to my colleagues that they have to get focused. They cannot keep spending money.

Mr. Speaker, the reason that this Nation is $5.7 trillion in debt, up from only $1 trillion 20 years ago, is that we are spending more than we are collecting in taxes, that this generation is sticking future generations of America with our bills.

I would hope that we could start by being honest with the American people and admitting that there is no surplus this year, that the only surpluses are in the trust funds, and we have a responsibility to spend those trust funds on only the things that we are supposed to, Social Security taxes for Social Security, Medicare taxes for Medicare, military retirement fund for military retirees.

I encourage my colleagues, as they work on this continuing resolution, let us be honest with the American people and let us get back to the priorities that made this Nation great and let us quit sticking our kids and our kids' children with today's bills.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume just to point out a couple of things.

Mr. Speaker, I agree with the overall point of the gentleman on the debt, and he makes that point eloquently. I will also point out that we are talking about publicly held debt, just as the minority leader was speaking about publicly held debt when he talked about retiring it by the year 2012.

Let me further point out that we got good lessons on stealing from trust funds in 1967 when Lyndon Johnson decided to put all the trust funds in a unified budget so he could spend them to fight a war that he did not want to tax for. We are the first Congress to finally change that and protect those funds.

Lastly let me point out that he said we are spending too much since we have $5.7 trillion in debt. I agree with that. He ought to speak to the minority leader, who wants to spend even more.

Let us live within these budget constraints we have so we can spend less and get closer to the goal that he pursues.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia for yielding me the time.

Mr. Speaker, it is indeed interesting to hear the tenor and tone of this debate. My friend on the other side used the term ''stealing.'' And rather than hurl verbal brick bats, I just think it is important to take a more complete look at the picture.

I appreciate the fact that we can have different points of view. But facts are stubborn things. The minority leader came to this well a short time ago and said it was important to work in a bipartisan fashion, and yet he was quoted last year in the Washington Post very candidly that his goal in this Congress was to delay and deny and obstruct so that then a label of the ''do nothing Congress'' could be used politically.

Mr. Speaker, and to my colleagues on the left, the challenge we confront now is to put people before politics. Even at this time on the political calendar where the temptation is great to point fingers, and given the situation in which we find ourselves with budgetary challenges, we are coming to this floor with a continuing resolution.

It is interesting to hear the criticism from the left, especially in view of the number of continuing resolutions that were utilized during their time in the majority. It is also curious, Mr. Speaker, to hear the carping and the criticism when no less than the minority

leader, the gentleman from Missouri (Mr. GEPHARDT), has made it quite clear from the free press that the goal of the other side is to delay and deny and obstruct.

Mr. Speaker, we have seen notable exceptions. To those who claim this is a do nothing Congress, I would remind them that just not an hour ago we passed legislation to help the parents of missing children.

We can do more for America if we put people in front of politics. Vote for the rule and the continuing resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for yielding me the time. I rise to comment on the CR that is before us until October 6.

We have many visitors to the Capitol, Mr. Speaker; and many of them, when they come to our office, they talk about a book we all read in grammar and high school, How to Make a Law.

Well, we might as well tear those books up and throw them away, although I usually am averse to such a notion, because it simply does not apply anymore.

Any observer of the activities of this Congress will know that the regular order where the public can view the making of our legislation in an orderly way, in a way in which they can participate in a predictable manner, is a thing of the past.

Only two bills will have been signed by the President by the time we reach the end of this fiscal year and in time for the start of the new fiscal year.

Why? Well, because of the politics of the Republican caucus.

As an appropriator, in fact as a ranking member on the Committee on Appropriations, I think most of us who are in that capacity know that we can work in a very amicable way with our corresponding chairman on the Republican side. But as much compromise and reasonableness as we can bring to the process, as many cities that we can reach on the basis of hearings that we have had in the course of the year and information that we are very familiar with, with our research and our judgments that we bring to the table, all of that is for naught, because whatever our conclusion is, it is subjected again to this conservative scrutiny on the part of our Republican colleagues.

□ 1500

For example, in the Subcommittee on Labor, Health and Human Services and Education on which I serve, it is really hard to imagine why the Republicans cannot support our class size initiative for smaller classes. Every person in America, certainly every parent, understands the need for that and every teacher. School construction, school modernization initiatives of the President are what are standing, among other things, between us and the agreement on that bill.

In the Foreign Operations bill in which I am the ranking member, we cannot reach agreement because of the international family planning issue. Poor women throughout the world are held hostage once again to the politics of the Republican Caucus. The list goes on and on where members of the committees can come to agreement but the caucus then weighs in. That is not in the public interest. Certainly a CR has its place when circumstances are such that we cannot reach agreement; but we are on a path that we have started from beginning to middle to end, on a path to doing the people's work. But when we are proceeding in such a haphazard manner that is unworthy of the public trust and we come to the end of the fiscal year with only two bills signed by the President, with one CR and predictably another CR being necessary, then I think it is time for us to say, what is going on here? Who is in charge here? Why is the public's business not being done according to the regular order, a way in which the public can participate and be proud of us as we are a model democracy for the world to watch?

Mr. LINDER. Mr. Speaker, I would like to say to the gentlewoman that unfortunately the regular order for the last quarter of a century has been continuing resolutions.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise as a member of the Committee on Appropriations in favor of passing this continuation of the Federal Government process.

It is interesting as I sit here and listen to various speakers, they must have remarkably different districts than the one that I represent. The one I represent has Republicans in it, Democrats in it, independents in it, swing voters in it, and a lot of folks who do not vote on either side. Yet I hear all these people whose constituents must think, oh, is my representative not wonderful because clearly all the problems that he or she has is the fault of the other party. No matter what happens, gee whiz, it is those big, bad Republicans.

And I would say I certainly hear it from Members of both sides, blaming all their problems on the other party. The fact is, as a member of the Committee on Appropriations, we are in a cycle now that we go through every year and each side tends to rattle its rhetorical saber. They are blaming all the problems on the other side. The reality is we just need a little bit more time.

As a member of the Committee on Appropriations, we had most of our bills ready by the time we got out of Washington in August. They were passed on to the Senate. Unfortunately the Senate moves in a different atmosphere, a different calendar, a different sense of urgency, practically no sense of urgency, and sometimes we cannot get the bills done. But the process has been working and this House, this Committee on Appropriations, has moved its bills in an orderly and a timely fashion.

Do you get everything you want? No. As a member of the Republican Party, I would like to spend a heck of a lot less. I would like to eliminate a lot of the waste and the duplications in government, and I am not alone in that. Now, there are members of the Democrat Party who want to spend more, and I understand that, too. But you do not get everything you want in the appropriations process. You just need to get together. But I think we owe it to our constituents, all 435 of us, not to stand up here at this hour in the game and blame all the problems on the other party, because if it is that big or bad or wicked up in Washington, maybe you ought to consider a different line of work come November. Because people back home want results. They do not want finger pointing.

This step is a responsible step; it is a responsible step that both parties have used for a number of years to get the government to keep operating while we iron out our differences. If it was up to me and other members of the Republican Party, we could adjourn by this afternoon. But it is not up to us. I would say that is true with a lot of Democrats. They are ready to adjourn as well. But I know at the end of the day, I am not going to get everything I want in the budget, and I think most Democrats know they are not going to get what they want in the entire budget.

We have got to work through this process, and hopefully we can get everything done; and we can get out of town and both sides win a little. But the object here is not for a Republican victory; it is not for a Democrat victory. It is for the American people to have a victory. That is what we are working for.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that it is not in order to characterize either the action or inaction in the United States Senate.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the ranking member very much for yielding me this time.

Mr. Speaker, I agree with the words of the gentlewoman from California that a CR, a continuing resolution, does have its place in time of crisis and other needs that require that an emergency effort be waged in order that the government remain open. But I also am sympathetic to the dilemma of the Committee on Appropriations, and particularly under the leadership of the

gentleman from Wisconsin (Mr. OBEY), the dilemma of facing the possibility of trillion-dollar tax cuts and not dealing with the real issues that the American people would like us to deal with.

In actuality, the reason why we only have two appropriation bills passed is because there is a lot of shenanigans going on with other legislative initiatives that the American people do want. The American people want and need a real prescription drug benefit, a guaranteed prescription drug benefit. The American people have already spoken about a Patients' Bill of Rights that allows us to establish a relationship between patient and physician. And I believe the American people understand that, yes, we do not want the long hand of government in all of our educational efforts; but we want smaller class sizes, and we would like to have better schools, and we would like to have a program that helps us build schools with local communities.

But yet what we have is shenanigans. We have legislation, the Violence Against Women Act. Instead of letting it be freestanding, there are rumors abounding that somebody is trying to throw it into the appropriations process, delaying again the opportunity to move an appropriations bill forward. The Violence Against Women Act is a bill that has bipartisan support. Let us pass it. The Patients' Bill of Rights has bipartisan support. Let us pass it. The American people say, I want a guaranteed prescription drug benefit. Let us pass it. And let us deal with the appropriations bill to fund America's business. Because what we are doing now is playing around with large tax cuts that we are representing we are trying to give, trillions of dollars; and, therefore, we are not talking about reducing the deficit, the debt, and then we are not talking about paying our bills.

I would hope that in a bipartisan spirit we do understand that a CR has its place, but right now we need to get down to work and work together but do what is right and do what the American people are asking us for. I too agree, let us stop pointing the finger and do the right thing.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the Republicans told us that in this Congress the trains were going to run on time. Not only is the train late, it is not even heading in the right direction.

Today, we consider a continuing resolution, an emblem of failure. In the past 3 weeks, the Republican leadership has not completed even one of the 11 remaining spending bills. While they remain consumed with limping out of town to defend their record, the pressing issues of education, HMO reform, prescription drug coverage for seniors, and responsible tax relief remain unaddressed. The American people deserve better.

Outside of the spending bills we will have to pass, what has the Republican-led Congress accomplished? Woefully little. The leadership claimed that education was among their priorities. Yet the leadership refused to work with Democrats to modernize America's crumbling schools, reduce class size and increase accountability. A failing grade on education. And these issues are not just about numbers or bricks and mortar. This is about individual attention in the classroom, expectations and standards in our classroom, making sure that teachers and youngsters are held accountable, helping to raise our national standards and to allow for there to be the ability to teach youngsters about what is right and what is wrong and reading and writing and arithmetic and respect and hard work.

That is what the education piece is all about, while million of Americans are losing control of their health care because of HMOs. In my State of Connecticut, 56,000 seniors had the rug pulled out from under them and are scrambling to find health insurance coverage before the end of this year. But the Republican leadership refuses to challenge the special interests by helping us to pass a Patients' Bill of Rights. There is still time, but the Patients' Bill of Rights remains on life support. Seniors are seeing their retirement savings drained by the crushing cost of prescription drugs; and yet the Republican leadership continues to oppose adding an affordable, reliable, universal and a voluntary prescription drug benefit to Medicare. When seniors needed help with prescription drugs, the Republican leadership offered a placebo.

Let me just say about prescription drugs, this is about who we are and what our values and what our priorities are and that we have to provide people some relief on prescription drugs because they are being crushed with the cost of those drugs.

On tax relief, the Republican leadership also chose partisanship and rejected offers to work with Democrats to give middle-class families much-needed tax relief. The 106th Congress had an historic opportunity to meet the Nation's needs and yet the Republican leadership has squandered this chance by placing partisan rhetoric ahead of bipartisan progress that will truly benefit working families, middle-class families in this country. The American people deserve much, much better.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume only to inquire of the gentlewoman from Connecticut if she will tell me sometime in the near future how you can be both universal and voluntary in the same program.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 additional minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, you can easily have a voluntary program which, if people are satisfied with what kind of health insurance coverage and prescription benefit coverage that they have, if they are happy with that, they can continue that. If you allow it to be useful to all seniors, where everyone has the opportunity for this benefit, then by virtue of the fact that every senior, not only those who make under $12,600 but those who are in the middle class as well will be able to enjoy the benefit of getting those prescription drugs down. Once you even it out and everyone has the opportunity to have that kind of prescription drug benefit, you drive the cost of prescription drugs down. It is why the pharmaceutical companies are opposed to it. It is why the Republican House leadership is opposed to it, because it ties in directly with where the special interests are today.

Mr. LINDER. Mr. Speaker, I yield myself just another moment to say that obviously the gentlewoman did not hear my question. My question was not to give her another opportunity to expand on her demagoguery but to say how can you be universal and voluntary in the same program.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is a violation of the House rules.

□ 1515

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin is recognized for 8 minutes.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to simply say to the gentleman from Georgia, it is very simple. The answer to his question is you do exactly what we have done under Medicare, where you have one of the two parts of Medicare, one for hospitals, the other for doctors; one of them is universal and not voluntary, and the other is universal and voluntary. It has only worked since 1965, so I recognize it is a bit radical for those on the other side of the aisle, but it has worked.

Let me simply say, Mr. Speaker, that this continuing resolution is an interim funding bill which concedes that we are experiencing what the leadership on the other side of the aisle has said for 10 months they wanted to avoid above everything else, and that is the fifth legislative train wreck in 6 years.

It is only three days before the end of the fiscal year. We have passed only two of the 13 appropriation bills and funded only one of the government's departments. That is not really new. That has happened before.

The issue is not so much whether or not we have finished our work on time today. The issue is whether or not this snarl that we find ourselves in could have been avoided, and the fact is it could have.

I think we need to ask why we are in this situation today, where we have to extend the budget once again. I think we have to recognize that some people in this body and even those who report on this body, are beginning to believe that legislative train derailments have become as much a part of autumn as football, and I think we have to ask why.

Now, we hear some Members of the majority party saying, ''Oh, the President of the United States has involved himself. He has usurped our power. That is the problem.''

That is not the problem at all. The President has a perfect right to assert his priorities, just as the majority and minority parties in this institution have a right to assert theirs. The President has simply moved into a vacuum created by the fact that this Congress has not done its job. I think we ought to ask why.

We are in the situation we are in today because of the basic decision made 10 months ago by the Republican leadership of this House to try to impose on the Congress a budget resolution which they knew would not work, which we knew would not work, which the public knew would not work, and which the press knew would not work.

They insisted on pretending that by cutting huge amounts over the next 5 years out of domestic appropriations, they could somehow pretend that there was enough room in the budget to finance giant tax cuts, which got progressively larger each year as the cuts in social programs got progressively deeper. I think they were warned all around the horn that that would simply not work.

Now, I understand why they would not take those warnings from people like me, because I am a member of the loyal opposition; but they were warned by people like former Congressman Bob Livingston, who used to Chair this committee. He tried to warn the majority party that, sooner or later, if you are the governing party in any legislative institution, you have to choose between getting your work done and having absolute, total party unity; and sometimes you have to sacrifice the latter in order to accomplish the former.

The problem is simply that the leadership on the other side has never recognized that if there are those in their conference who are too extreme to be part of a broader consensus in this House on controversial matters, then they need to let them go and work out a broad bipartisan consensus between the two parties. Instead, on bill after bill, they chose to proceed along the confrontational road. They chose to try to pass bills with only Republican votes that satisfied their ideology and their political goals, but, in the end, produced no real legislative results. So in the end, they wind up with 11 out of the 13 bills never having proceeded beyond second base, and none of them getting home except the defense appropriations bill.

Now, I think the issue is simple: we are here today facing a day of reckoning because at this point we have a strategy a week coming out of the majority leadership. First of all, we are supposed to live by the budget resolution, which spells out how much is supposed to be cut out of each appropriation bill. The majority party discovers they cannot get the votes to pass any of those bills through both Houses, except the defense bills, and so what happens? They then revert to a different strategy.

Just today I left a conference where they are putting $2 billion additional into the Energy and Water bill above the level as it left the House. I do not know, frankly, whether I should vote for that bill or not, because I have no idea what they intend to do with the other seven remaining appropriation bills that require funding.

Under some circumstances, I would certainly be willing to support that $2 billion add-on, but not if it comes at the expense of our being able to meet our responsibilities in the area of education, in the area of health care, in the area of environmental cleanup, and we have none of the answers to those questions yet because we have no idea how they intend to produce passable bills for Interior, for Labor, Health, Education, Social Services, for HUD, and I submit they do not either.

So it seems to me that sooner or later the majority party is going to have to agree to a bipartisan approach to achieve a broad consensus between the two parties, or else we will be stuck on second base until the cows come home.

Mr. LINDER. Mr. Speaker, I am pleased to note that all of the speakers on this issue on both sides have supported this CR and said they would support this rule, so I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 109 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 591, I call up the joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 109 is as follows:

H.J. RES. 109

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 2001, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 2000 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236);

(3) the District of Columbia Appropriations Act, 2001;

(4) the Energy and Water Development Appropriations Act, 2001;

(5) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956;

(6) the Department of the Interior and Related Agencies Appropriations Act, 2001;

(7) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001;

(8) the Legislative Branch Appropriations Act, 2001;

(9) the Department of Transportation and Related Agencies Appropriations Act, 2001;

(10) the Treasury and General Government Appropriations Act, 2001; and

(11) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 2000, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further,* That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 2000, for a continuing project or activity which was conducted in fiscal year 2000 and for which there is fiscal year 2001

funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 2000, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 2000, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 2001 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 2000, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000: *Provided*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 2000, for a continuing project or activity which was conducted in fiscal year 2000 and for which there is fiscal year 2001 funding included in the budget requested, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 2000.

SEC. 104. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 2000 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 6, 2000, whichever first occurs.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 2001 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 2000 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2001 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 112. Amounts provided by section 101 of this joint resolution, for projects and activities in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2001, affected by the termination of the Violent Crime Reduction Trust Fund, shall be distributed into the accounts established in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, as passed by the House.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading ''International Organizations and Conferences, Contributions to International Organizations'' in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, only the following activities funded with Federal Funds for the District of Columbia, may be continued under this joint resolution at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 365: Resident Tuition Support, Corrections Trustee Operations, Court Services and Offender Supervision, District of Columbia Courts, and Defender Services in District of Columbia Courts.

SEC. 115. Activities authorized by sections 1309(a)(2), as amended by Public Law 104–208, and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106(c) of this joint resolution.

SEC. 116. Notwithstanding subsections (a)(2) and (h)(1)(B) of section 3011 of Public Law 106–31, activities authorized for fiscal year 2000 by such section may continue during the period covered by this joint resolution.

SEC. 117. Notwithstanding any other provision of this joint resolution, the rate for operations for projects and activities for decennial census programs that would be funded under the heading ''Bureau of the Census, Periodic Censuses and Programs'' in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, shall be the budget request.

SEC. 118. Notwithstanding any other provision of this joint resolution except section 106, the United States Geological Survey may sign a contract to maintain Landsat-7 flight operations consistent with the President's Budget proposal to transfer Landsat-7 flight operations responsibility from the National Aeronautics and Space Administration to the United States Geological Survey beginning in fiscal year 2001.

SEC. 119. Notwithstanding any other provision of this joint resolution, funds previously appropriated to the American Section of the International Joint Commission in Public Law 106–246 may be obligated and expended in fiscal year 2001 without regard to section 15 of the State Department Basic Authorities Act of 1956, as amended.

The SPEAKER pro tempore. Pursuant to House Resolution 591, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H.J. Res. 109, is a continuing resolution for fiscal year 2001. Legislation is needed because even though the House has passed all of the 13 appropriations bills, all 13 appropriations bills have not completed conference or been approved by the President and will not be so by October 1, the beginning of the fiscal year. So in order to keep the government operating and open the first day of the new fiscal year, we need to enact this continuing resolution.

I do not think there is any controversy relative to the continuing resolution itself. The duration of the continuing resolution that is before the House is until October 6.

Let me briefly describe the terms and conditions of this continuing resolution. It will continue all ongoing activities at current rates under the same terms and conditions as fiscal year 2000. Its remaining terms and conditions are the same as we have used in recent years. It does not allow new starts. It restricts obligations on high initial spendout programs so that final funding decisions will not be impacted. It includes eight funding or authorizing anomalies; four of them were in last year's continuing resolution or have been modified slightly from last year; four are new, and six from last year have been deleted.

Mr. Speaker, this continuing resolution is noncontroversial. I am aware that the President has agreed to sign at least several short-term continuing resolutions, so I urge the House to move this legislation to the other body so that we can be sure that the government will operate smoothly and efficiently and so we can continue our regular work to finish our regular appropriations bills quickly.

Before I reserve the balance of my time, Mr. Speaker, I compliment all of our colleagues in the House. While some of the debates took a long time, some of the amendments were difficult to deal with and some of them were hard political votes, despite all of this, the House has passed all 13 of the appropriations bills.

I want to repeat that, Mr. Speaker: the House has passed all of its appropriations bills. So now we wait for conferences that cannot be scheduled because the other body has not passed all of the bills. We have outstanding differences with the President that we are trying diligently to work through. Hopefully, before too many more days have passed, we will have reached agreement and be able to say that all 13 bills have been passed by the House and the Senate and have been approved by the President.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, after we pass this continuing resolution today, only seven legislative days will remain before the Republican leadership's target adjournment date for this Congress.

When it comes to addressing the most pressing concerns of families across the country, the record of this Republican Congress is just as abysmal as it was when we convened nearly 2 years ago. Republicans spent all of last year trying to spend nearly $1 trillion of the people's surplus on a massive package of tax breaks for the wealthiest few; and they wasted this year on a series of tax breaks that, surprise, surprise, would have cost nearly $1 trillion and overwhelmingly benefited the wealthiest few.

Meanwhile, Mr. Speaker, the people's agenda has been shelved. Too many of America's children have returned to school this fall in crumbling classrooms, but Republican leaders are still blocking school modernization. Teachers in overcrowded classrooms still face the nearly impossible task of maintaining discipline and giving their students the individual attention they deserve. But the Republican Congress still refuses to help hire 100,000 new teachers to reduce class size.

Mr. Speaker, almost a year has gone by since the House passed the bipartisan Patients' Bill of Rights, but Republican leaders in the House, as well as the Senate, have kept it from becoming law. Nearly 18 million Americans have been denied or delayed medical care since then.

Mr. Speaker, millions of American seniors, including middle-class seniors, are still being forced to choose between buying groceries and buying needed prescriptions, and it is getting worse. A new Kaiser Family Foundation study found that skyrocketing prescription prices are driving premiums up and increasing the likelihood that people will lose their health coverage altogether. But just this weekend, Republican leaders in the House and Senate declared dead for the year our plan to provide Medicare prescription coverage for all seniors.

Mr. Speaker, Democrats have not given up on helping middle-class families. This Congress can still address priorities, like smaller class size, the Patients' Bill of Rights and prescription drugs. We can still do it, Mr. Speaker, but only if Republican leaders will put aside their partisanship, tell their special interest friends that the people come first and work with us.

Mr. YOUNG of Florida. Mr. Speaker, I yield 6 minutes to the very distinguished gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I rise in support of H.J. Res. 109. For 30 years before we became a Republican majority, the idea was that we could change everything in education if we just had one more program from Washington, DC., if we had $1 billion more to spend on one more program, if we could cover 100,000 more students. Nobody said anything about quality. It was just if we could just have one more program, and it was well meaning and well intentioned. The problem is, we did not close the achievement gap for the disadvantaged. In fact, it has widened.

So when I became the chairman, we said, let us talk about quality instead of quantity. Let us talk about results instead of process. That was the guiding light during the reauthorization of IDEA, the Individuals With Disabilities Education Act; the Higher Education Act; the Vocational Education Act; the Workforce Development Act; the reauthorization of Head Start; the child nutrition program; and the Reading Excellence Act, just to mention a few.

□ 1530

We changed the whole idea and we talked about quality and we talked about results. And we are beginning to see results, because we are now beginning to see quality programs.

Well, in relationship to this continuing resolution, I am very proud of what we have been able to do as a Committee on Education and the Workforce. I am very proud of what we have been able to do in the House in relationship to education and workforce development.

The Education Flexibility Act passed the House. And what we said is that we want to give local schools an opportunity to make decisions that affect their students as long as they can show us that every child's academic achievement has improved.

I was thrown a bone of six States when I was not a member of the majority, and then it became 12. And a couple of those States just did an outstanding job and so it became easy on a bipartisan way in this session of Congress to say, okay, all 50 States will have the flexibility if they will sign the contract to show us that, as a matter of fact, they will improve the academic achievement of all students. It is working. We have lost so many years and so many students because we did not use that approach.

We passed the Teacher Empowerment Act out of committee and on the floor of the House. See, it does not matter what the pupil-teacher ratio is if we cannot put a quality teacher in the classroom. It does not matter if there are 50 there or whether there are two there. The only difference is we have saved 40-some others from having a lack of a quality teacher in their classroom.

So, again, the very first 30 percent of the 100,000 teachers had no qualifications whatsoever. No qualifications whatsoever. What we did is reduce class size and put them in with a totally inadequate teacher; destroyed their opportunity to ever get a piece of the American dream. What have we said? In the Teacher Empowerment Act it should be a guidepost for whatever is done next year to ensure that we have a quality teacher in every classroom.

Mr. Speaker, when we were negotiating this last year with the White House, that very day an article in a New York newspaper, big headlines, a whole front page said, ''Parents do you realize that 50 percent of your teachers have no qualifications whatsoever to be teaching your children?'' What a tragedy.

So, again, the pupil-teacher ratio is not important. What is important is having a quality teacher in each classroom. That is why we passed the Teacher Empowerment Act. That is why we passed the Student Results Act. That is why we passed the Academic Achievement for All Act, and 2 weeks ago we passed the Literacy Involves Family Together Act. It makes several quality improvements in Even Start family literacy programs. We know that if we do not deal with the entire family, we cannot break the cycle. So I am very proud of that reauthorization.

And, yes, we made great strides in doing what we should have done a long time ago before I ever became a part of the majority, and that was deal with the 40 percent that we said many years ago, many years ago, that we would supply from the Federal level 40 percent of the average per pupil expenditure to assist States in educating children with disabilities. They would be getting $2,600 instead of $750 or $780. But I am pretty proud of the fact that we have seen dramatic increases in the last couple years, $2.6 billion as a matter of fact.

But, Mr. Speaker, if we could have done this from day one, we take care of maintenance of school buildings. We take care of school construction. If all

of these years, Los Angeles would have been getting the $95.5 million more. If they would have gotten the 40 percent, they would have no problem with buildings. If New York would have gotten $170 million each year, New York City, they would have had no problems with maintenance and school construction. Chicago, $76 million more each year. Think of that over 25 years. And D.C., $12.5 million more.

Mr. Speaker, I am very proud in the area of higher education, Pell Grants which enable youngsters who could otherwise not pursue higher education to do so. Pell Grants are an exception to my rule, because quantity does matter in this case. Since 1995, under our leadership we now have an increase, an annual rate of 7.1 percent. For fiscal year 2001, our appropriators are going to break their own records and provide an increase of at least $350 more per student maximum, making it the largest increase in the history.

The naysayers in this Congress are to be expected. November 7 is not far off. But we have a record and we have a record that we could be proud to stand on and I am proud to stand on that record.

Mr. OBEY. Mr. Speaker, I yield 8 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Wisconsin (Mr. OBEY), our ranking member, for yielding me this time.

Mr. Speaker, I intend to vote for this continuing resolution, as I presume most of us will. But let us recognize what we are doing for what it really is. It is the budgetary cap stone to 6 years of the Republican's Perfectionist Caucus.

I do not remember how many remember Speaker Gingrich's speech to the Perfectionist Caucus in 1998, but it was a compelling and accurate speech as to why we are here right now.

Now, my very close friend for whom I have great respect, and I emphasize that because I want the public to know that in a bipartisan way, I think the gentleman from Florida (Mr. YOUNG), the chairman of our committee, does an excellent job. And, frankly, had his caucus listened to him and the other appropriators as to what we should be doing, we would not be here now.

But the Perfectionist Caucus moniker was born 2 years ago when then Speaker Gingrich walked on to this floor and chastised his Republican colleagues, the Perfectionist Caucus, not all of these Republican colleagues, for urging the defeat of an omnibus spending measure. Perhaps they would do so again this year.

After 4 years in the majority, it seems Mr. Gingrich had finally seen the light. But not before these things had happened:

The GOP failed to pass a budget at all in 1998. The first time we had not passed a budget since the adoption of the Budget Act in 1974.

And not before the GOP dared the President to veto a disaster relief bill in 1997 to which Republicans had attached controversial policy riders.

And not before the GOP provoked two Federal Government shutdowns in 1995 and 1996.

Pleading for compromise 2 years ago, Mr. Gingrich who was pleading for compromise, Mr. Gingrich stated and I quote: ''Surely,'' this is Mr. Gingrich's quote, in case anybody missed it. ''Surely those of us who have grown up and matured in this process understand after the last 4 years that we have to work together on the big issues. If we do not work together on big issues, nothing gets done.'' So said Mr. Gingrich, the Speaker of the House.

Well, now we know that common sense advice went in one ear and out the other. With all due respect to the gentleman from Florida (Chairman YOUNG) who gets on the floor and says we have passed all 13 appropriations bills, the gentleman is absolutely right. And we knew at that time that at least 11 of those appropriation bills were not real and could not pass, and would bring us to an impasse. The gentleman knew that. I do not expect him to get up on the floor and say he knew that. But I know that in his heart, he knew we were right.

Mr. Speaker, today we are living with those results. With only 5 days left before the start of the fiscal year in 2001, we have failed to complete our work on 11 of the 13 must-pass appropriation bills.

Continuing resolutions, of course, are not unusual. Since 1977, we have completed our work on all 13 spending bills on only four times in that period of time.

But in the 6 years under this majority, we have completed our work on two or fewer appropriation bills by October 1 four separate times. That is 4 out of 6 years, less than two. In 1995, none were completed in time. Not one. In 1997 and 1998, we completed one bill each. So my colleagues on the Republican side are 100 percent ahead of where they were in 1995 and 1996. I suppose that is some sort of progress.

And this year we finished just two. The die for this end-of-the-year budget debacle was cast 6 months ago. It was inevitable. It was predictable and we all knew, at least on the Committee on Appropriations, on both sides of the aisle, that we were going to be here today doing exactly what we are doing. As the gentleman from South Carolina (Mr. SPRATT), my good friend, the ranking member of the Committee on the Budget, correctly predicted in April when the GOP passed its budget resolution, and I quote, ''This resolution puts us on a track for another budgetary train wreck in September.''

Mr. Speaker, he said that in April. He predicted then we would have a train wreck in September. He said that their budget ''calls for deep cuts in domestic programs to make room for very large tax cuts.'' Let me be precise. The GOP's budget resolution calls for $175 billion tax cuts over 5 years. That is 12 percent more than the Congress passed and the President vetoed the year before. Nobody was surprised at what the outcome of these proposals was going to be. They just did not care. Inevitably, we are here.

Yet in urging passage of the budget resolution conference report on April 13, the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. Kasich) stated, and I quote, ''I am disappointed that we do not have four times as much tax relief in this bill.''

I do not know where he thought he was going to get the votes to pass appropriation bills under that circumstance. It is one thing to hail huge tax cuts. We all like to say that. It is something all together different to explain how one would actually pay for them, how we would get there.

The huge tax cuts in this year's budget resolution would have necessitated cuts in non-defense discretionary of $121.5 billion over 5 years, in education, in health care, in law enforcement, in all of the work that the Federal Government does. There were not the votes on that side of the aisle to accomplish those cuts. Period. And certainly not in the Senate on that side of the aisle.

However, Mr. Speaker, I do not believe there is a soul in this body who thought for a minute that such Draconian cuts would ever happen. Notwithstanding that, we passed these bills knowing that we would be here in this situation 5 days before the end of the fiscal year. Thus, this ill-conceived budget resolution which made a shambles of our appropriations process this year put us in this predicament.

As The Washington Post observed, and I quote, ''The appropriation process is again a charade in which the Republicans pretend to be making cuts in domestic spending that in the end they know they will lack the votes to sustain, and with good reason; some of the cuts would do real harm. The first round of appropriation bills,'' they went on to say, ''is mainly for show.''

The distinguished gentleman from Florida (Chairman YOUNG), my friend, knew that. He characterized that as: Well, we are in the second or third inning. Mr. Speaker, I do not know what inning we are in now, but it is obviously getting late in the ball game.

The gentleman said then that: ''We will get real then. We will fix these bills.'' I think he was right and hopefully we are going to.

Mr. Speaker, the blame for this budget mess lies squarely with Members of the Republican's Perfectionist Caucus, so coined by your predecessor, the Speaker of the House, Mr. Gingrich, who failed to heed the advice of their Speaker 2 years ago and instead adopted an unrealistic budget this year that disrupted the entire appropriations process.

After 6 years in the majority, I really have to wonder just how long, in the words of the former Speaker, it takes to grow up and mature in this process.

Notwithstanding that, Mr. Speaker, I urge my colleagues to support this continuing resolution.

□ 1545

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I wanted to thank my friend, the gentleman from Maryland (Mr. HOYER), for the history lesson on continuing resolutions and who did what and when did they do it.

I would say to my friend who asked about what inning are we in, I would say we are in the 9th inning and probably the bottom of the 9th. And in 4 days, I suggest that we are going to go into overtime because of a tie, a 3-way tie.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. I did not know that you had overtime in baseball games.

Mr. YOUNG of Florida. Mr. Speaker, I think we are going to have overtime here.

Mr. HOYER. If the gentleman will yield, the gentleman from Florida (Mr. YOUNG) meant extra innings, we know what the gentleman meant.

Mr. YOUNG of Florida. We are going to go into overtime, that overtime will soon start. The gentleman from Maryland (Mr. HOYER) has just gone through the history of the 6 years of the Republican control of the House, so I thought I would come back with the last 6 years of the Democratic control of the House.

Let us go back starting in fiscal year 1990, because that would be 6 years back. Under the Democratic leadership in the House, they had 51 days of continuing resolution. The one we present today asks for only 6 days.

In fiscal year 1991, they had 36 days; in fiscal year 1992, they had 57 days of overtime under CRs; in fiscal year 1993, they did a little better, because they only had 5 days; in fiscal year 1994, they had 41 days. In fiscal year 1995, and I give my colleague from Wisconsin (Mr. OBEY) credit, that was the year that he chaired the committee, the bills were all completed on time.

During the 6 years of the Republican control, during one year no CR was needed. But the truth is we have had CRs, except for 2 years, in the last 12 years. The 1 year that our friend, the gentleman from Wisconsin (Mr. OBEY), chaired the committee, he had the bills done on time; but, the gentleman had 81 more Democrats in the House than there were Republicans, and that makes the job a little bit easier.

Mr. Speaker, with our breakdown today, the way I read it, there are 222 Republicans, 210 Democrats and two independents. Now, that makes our job a little bit tougher, and that is why it even took longer to get the bills through the House. I am glad my friend, the gentleman from Maryland (Mr. HOYER), repeated it again. We have passed all 13 bills in the House. That is the first thing that has to be done, and then we confer with our colleagues in the Senate, then we relate it to the White House and finally try to get a package.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding to me. I wish the gentleman would not take down the chart, because I want to read from his very beautiful chart. He read 1990, 51; 1991, 36 days; 1992, 57 days; 1993, 5 days; 1994, 41 days, then came 1995 which, of course, we passed in 1994, the last year the Democrats were in charge. And he gave correctly the credit to the gentleman from Wisconsin (Mr. OBEY) for having 0 days, but then he stopped.

As I read the gentleman's chart, the next year, which was the first year that the Republicans were in charge, the gentleman, of course, was not chairman of the Committee on Appropriations at that point in time, we were at 208 days, which was more than all the other years combined that the gentleman read. I wondered why the gentleman stopped at that.

Mr. YOUNG of Florida. Reclaiming my time, I would remind the gentleman from Maryland (Mr. HOYER) that was the year that there were a few items that were held over until April of the following year, and the majority of basic fundamental appropriations for the government were completed prior to that; but those few items that we had agreed to hold over until the next spring caused the 208 days.

But the gentleman covered the Republican history well enough, I thought, that I should cover the Democratic history, to point out that there is a problem in our process, to point out, if I had my big chart here, which the gentleman has seen, how many days the Committee on Appropriations loses in a fiscal year before we ever get a budget resolution.

Mr. Speaker, that is a very telling chart, because the actual workdays available to appropriators after we receive the budget resolution are very limited.

Mr. HOYER. Would the gentleman yield?

Mr. YOUNG of Florida. Mr. Speaker, I would be happy to yield.

Mr. HOYER. Mr. Speaker, to make a serious point, I have commended every time I have stood on this floor the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for his leadership. The gentleman, I think, on our side of the aisle is perceived to be one of the fairest, kindest, most responsible Members of this House. I share that view in great measure; and I think the serious point here is, as we will hopefully pass this CR, is that we really ought to get away from first innings, second innings, and third innings; and we ought to start, and that is my real point, Mr. Speaker, sitting down together, as we are now.

The gentleman from Arizona (Mr. KOLBE) and I sat down on the Treasury-Postal bill. I think we have agreement on where we ought to be. I think we need to start that process earlier and be real earlier and stop making political points as to who is saving money or who is not saving money when we know the inevitable result will be we will attempt to fund appropriation bills at levels that are consistent with what we think our responsibilities are.

Mr. Speaker, I want to congratulate the chairman, the gentleman from Florida (Mr. YOUNG), because I think the chairman's leadership has been for that proposition, and I admired him for that. He has not always prevailed.

And I think what Mr. Gingrich was really trying to say and I said it somewhat facetiously tried to do it lightly, but it was a serious point that we can on each side posture and say, well, we want it our way. But if we all go forward saying we want it our way, we end up as we are today and, that is, having at the last minute to try to come to agreement.

I want to congratulate the chairman, the gentleman from Florida, because I think that is what he has tried to do, wants to do and is leading in a direction of doing right now; and I thank him for yielding.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman's comments, and that is why I like him. I would be happy to yield him more time if he wants to compliment the Chair any more. But that is the process. There are 435 Members of this House and 100 Members of the other body, and that means there are 535 different opinions on almost any issue.

It takes a while to resolve those differences because each House is equal to the other, and then when the President gets to the point that he can either accept or veto a bill, he becomes as powerful, understand this, he becomes as powerful as two thirds of us, because if he does not agree with something that we have done, it takes two thirds of us to override that veto. And so it is a process that is full of obstacles and pitfalls along the way. We do the best we can to work through them.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. OBEY) has 19½ minutes remaining and the gentleman from Florida (Mr. YOUNG) has 14 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the distinguished gentleman from Florida (Mr. YOUNG), my good friend, indicated that the year that I was chairman we were able to pass all of our bills on time because we had 80 more Democrats. That sounds like a pretty good recommendation to me. I hope that he is willing to endorse it.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Give us 81 more Republicans than there are Democrats, and we will show you a real whirlwind of activity here.

Mr. OBEY. God help us all if that were to happen. Let me simply say, Mr. Speaker, you know, the President has not vetoed any of these bills. The last time I looked, our Republican friends were in control of both Houses; and yet they have been able to pass only two appropriations bills through both Houses and both of those have been signed.

They all relate to the funding of one department, the Defense Department, but four of the bills that have yet to be passed have not even yet passed the other body, in the real world known as the Senate; and that means that the main problem has been that the majority party has not been able to reach agreement with itself.

As the gentleman from Maryland (Mr. HOYER) indicated earlier, every time an appropriations bill came to the floor, we were told, ''Well, we know it has problems, we know that this cannot be passed until it is fixed, but pass it on. This is only the first inning, we will fix it later.'' And now, because of that, we have all of those runners piled up on second base, and none of them are going home. That is why the government is again off the track, or the train is off the track.

I repeat what I said earlier, the reason we are in this position is because early on, the majority party leadership decided that above all else, they were going to keep their party together and they were going to pass each of these bills on their side of the aisle alone, if necessary. And they fashioned them in such a way that they were acceptable to the most rigid elements within their caucus, and that meant that those bills were not acceptable, either to us or to a lot of their fellow Republicans in the other body.

Mr. Speaker, now we are facing the logical consequences of the majority party pretending for the last 10 months that they could cut education, they could cut health, they could cut environmental cleanup, they could cut job protection programs all deeply below the President's budget and still find the votes to pass these appropriation bills on time and leave a lot of room for very large tax cuts. Now, that has all been demonstrated to be untrue; and we all knew it was untrue from the beginning, including many of my friends on the majority side of the aisle who would privately admit that it was not true.

Mr. Speaker, if you look at the numbers, the problem is that the budget resolution, which the majority passed at the beginning of the year, was $20 billion below the amount needed to simply stay even with inflation, and $28 billion or nearly 10 percent below the amounts requested by the President, and it called for even deeper reductions in each of the next 5 years to finance the ever-escalating outyear costs of their tax package. Most of it was aimed at providing the relief for folks at the very top of the economic ladder.

Mr. Speaker, so now reality has caught up with us; and we are here just a few weeks before the election still stuck on second base, still trying to wave some of those runners home. And I have to come to the conclusion that, from time to time, I look around, and I do not see anybody in the batter's box. I cannot figure out what signals are coming from the bench from whoever is coaching today, because we started with one strategy and now, all of a sudden, 2 weeks before we are supposed to be adjourned, we are told, ''Oh, we have this new approach, this 90–10 approach.'' We are going to use 90 percent for deficit reduction and use the other 10 percent for tax cuts and for other appropriations and other financial expenditures.''

But when you look at it that way, that puts $80 billion of new money on the table, a huge amount; and all of a sudden, we have subcommittees meeting in each separate room all working out their own deals. And we have no idea how they relate to each other, no idea what the spending level is going to be in the end, no idea what the rules are, no idea what the discipline is. So we wind up seeing a process which has no discipline.

It has no order. It does not even have priorities; and, to me, that is an incompetent way to try to put together a Federal budget or any other piece of legislation. I do not blame the majority party members on the Committee on Appropriations, because most of them warned early in the game that this would be the case if we followed this course. And so I guess we will have to continue to try to do the best we can under these circumstances.

Mr. Speaker, I, for the life of me, cannot figure out what the strategy is to either finish these bills or to get signable bills down to the White House. I think maybe we have a shot at Interior. I am hoping that we can close on Interior very, very soon; but beyond that, I am mystified about how we intend to proceed.

□ 1600

All I can say is that I hope that sooner or later we can get everyone in the same room so that we know what is happening with respect to all of the pieces. Because until we know that, all of these pieces are going to be spinning, all of these pieces are going to be going in circles rather than going in any discernible direction; and that serves no one's interest. All it does is bring further discredit to the institution and make people think that chaos is the norm around here. Having served in this place a long time, that was not my impression until recently.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for yielding me 4 minutes.

Mr. Speaker, I am always interested in the talk that goes around this time of year. We have just heard that we are now in the ninth inning, and our friends on the Democratic side of the aisle have actually called out their relief pitcher, Newt Gingrich. They are bringing up Newt Gingrich. I cannot believe I am hearing my ears.

The gentleman from Maryland (Mr. HOYER) is saying we need to follow the advice of Newt Gingrich and not be members of the Perfectionist Caucus. He goes on to say, as do so many others, that, if we were not just such perfectionists, and if we had listened to the gentleman from Florida (Chairman YOUNG), perhaps we would have gotten our business done.

Well, we have gone 13 for 13. We listened to the gentleman from Florida (Chairman YOUNG). We listened to the appropriators on the Republican and the Democratic side. We have gotten all 13 bills passed. I think we have done a great job.

While we are talking about history lessons, why do we not talk about the fact that the House and the Senate are two completely different animals. Why, I remember my friends on the Democratic side of the aisle passing a BTU tax in 1993 that they thought was a great idea. Well, their colleagues in the Senate did not agree. Well, that is the way this process works. We hope that our friends in the Senate will agree with us and come together and pass the bills.

I think the gentleman from Florida (Chairman YOUNG) has done a great job. I disagree with the statement that this process has brought disorder to the House and shown chaos. I think he has done a fantastic job from the very beginning.

But we have a challenge even beyond the Senate. Even if we pass these bills in the Senate, the New York Times has reported that the President of the United States is considering a government shutdown strategy. We cannot control that either.

Just like back in 1995, I do not know how many people remember, but the President of the United States vetoed nine appropriation bills. One of those bills which was a Legislative Branch bill, when he got it, he said, ''Well, I am going to veto it.'' He vetoed it. They asked him why. He said, ''I agreed with the bill, I just wanted to send a message.'' Then he sent a message on eight other bills, and then we had a government shutdown. He did it before, and he did it back then in 1995 because he said our plan to balance a budget in 7 years would wreck the economy.

Now we went through the appropriation process. The gentleman from Florida (Chairman YOUNG), then the gentleman from Louisiana (Mr. LIVINGSTON), the gentleman from Ohio (Chairman KASICH), several others said it was the right thing to do. We had a very ordered process. Unfortunately, at the end, the President and our friends on the left decided to get involved and in a destructive way vetoed nine appropriation bills.

Again, according to the New York Times, the President is considering doing that again. We cannot do anything about that. If the President wants to operate under a shutdown strategy in the year 2000, that is the President's prerogative. As the gentleman from Florida (Chairman YOUNG) said, he has got the power of two-thirds of us. I certainly hope he does not do that. I think we have to continue doing the people's business.

Talking about working for the middle class, I have got to tell my colleagues, when we came here in 1995, we were mired under debt, we were mired under deficit. The appropriations approach taken by the Committee on Appropriations back then and this House, it was to get rid of the deficit. It was to pay down the debt. We were told it would destroy the economy. It did not do it.

Chairman Greenspan came and testified before the Committee on the Budget back in 1995. He said, ''If you follow this blueprint, you will see unprecedented economic growth.'' We followed the blueprint. Because of it, the President vetoed nine bills. We continued to fight then. What happened? History shows that by forcing the President to continue down the path of fiscal responsibility and to balance the budget in 7 years that the economy exploded because of it. I think it is great news.

As far as these charges that somehow we have been held hostage to extreme tax cuts, which I have got to give you guys credit, you sure stay on message and have for 6 years, the extreme tax cuts were approved by over 260 people. You call the marriage penalty relief tax extreme. I do not. Over 260 Members of the House, both Republicans and Democrats agree with me. Same thing with death tax relief. It is called extreme tax relief at the end of the session. But I have got to tell my colleagues, during the middle of this session, over 260 Republicans and Democrats agreed with it. The majority of Americans agreed with it. So the only reason those were not enacted into law was because you all were able to hide behind a President's veto, which, again, he can do.

But let us look at who is really being extreme here. We are doing what polls show the American people want, but more importantly what we said we would do when we got elected in 1994. I am proud of the gentleman from Florida (Chairman YOUNG) for his work. I disagree with the fact that anything that has happened here has brought discredit to this House. I think he has done a great time.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I would simply point out to the gentleman from Florida (Mr. SCARBOROUGH) that is a very interesting and a very amusing and not very relevant rewrite of history.

But I would simply ask him, he raises this great specter of the President following a veto strategy. Which appropriations bills has the President vetoed this year? To my knowledge, he has not vetoed any appropriations bills this year. My colleagues have not been able to get four bills through their own party in the other body, and they have got the gall to claim that the President is the reason that the Congress has not done its work. Grow up.

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Surely I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Well, again, I am just saying the President is laying in wait, waiting to veto these bills. Second, as I mentioned on the Btu issue, sometimes one cannot control what Senators do.

The SPEAKER pro tempore (Mr. LATOURETTE). The time is controlled by the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, reclaiming my time, the gentleman can go back to 1993, ancient history, if he desires. That still does nothing to change the fact that the President has vetoed no bills.

The reason this continuing resolution is here is not because he has not done his work; it is because this body has not done its work in reconciling its differences with the Senate so that you can lay bills on the President's desk. It was not the President who blew up the Treasury-Postal bill, it was the United States Senate. It was not the President who designed a strategy which produced appropriation bills you could not get past your own party in the other body, it was your own leadership. Accept the consequences of your own actions. That is what adults are supposed to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members it is not in order to cast reflections on the United States Senate.

Mr. OBEY. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I share the amusement of the gentleman from Wisconsin (Mr. OBEY), my ranking member, at the recitation of history. First of all, CBO, your CBO that you appointed the chair of 2 years ago came down and said the reason we have cut the deficit is not because of anything that was done on the Republican leadership, it was because of the 1993 economic program that was adopted by Democrats only, not one Republican voted for it, and the 1990 program signed by President Bush, which was excoriated by that same Speaker Gingrich and a number of the rest of the Members of his party.

The gentleman from Florida (Mr. SCARBOROUGH) also has a selective memory, I suggest to my colleagues, about what Mr. Greenspan said before the Committee on the Budget, the Joint Economic Committee, and every other committee before which he has testified about the tax cuts. Then you take out each individual item. You were smarter this year. You said people like this, people like that, so we will take it in small bites, and maybe they will not notice that the total is more than the one they did not like a year ago August when you thought you were going to go to the American public and say, ''Do you believe the President of the United States is going to veto this bill?'' And, guess what, the American public said, ''Yeah, not only do we believe he is going to, we think he ought to because we think it puts Social Security and Medicare at risk.''

Now, this year you cut it up in little pieces and thought maybe you could nibble it through. But it would have had the same consequence. Mr. Greenspan whom you quote said, ''Uh-uh, you ought not to do that.''

Let us go back a little more in history in the 1993 bill. The gentleman from Ohio (Mr. KASICH) said that, if we passed the 1993 bill, the economy would fall off the precipice. Mr. Gingrich said, if we enacted the 1993 bill, the economy would go in the tank. The gentleman from Texas (Mr. ARMEY) said that it would create high deficits, high inflation, and economic disaster. The gentleman from Texas (Mr. DELAY) said that it would create unbelievable unemployment and unbelievable deficits.

Now what has happened, Mr. Speaker, is exactly 180 degrees opposite of what every Republican leader said in 1993 would happen as a consequence of the adoption of the President's economic program. In fact, we have the best economy in the lifetimes of anybody in this room, low inflation, more employment than we have ever had, and the fastest creation of jobs at any time. Healthy, robust economic growth. Most houses owned by American citizens ever in history. Every indicator is positive as a direct result.

Now, going back to what CBO said. CBO said that, not only did you not bring down the deficit, but in 1995, 1996, 1997 and 1998, the net effect of those 4 years was to increase by $12 billion the deficit. So the net reduction was approximately 140 if you put those two bills together.

So let us tell it like it is. I would repeat the gentleman from Wisconsin's (Mr. OBEY) admonition when you say veto strategy. The President has not vetoed anything this year.

Now, we are going to pass the CR. It is the responsible and right thing to do. I am for it. We have done it in the past because we have not reached agreement. But I tell the gentleman from

Florida (Mr. SCARBOROUGH), the reason we have not reached agreement is because the budget resolution was a resolution for political sake, not for substance sake.

Nobody on the Committee on Appropriations, I tell my friend the gentleman from Florida, nobody on either side of the aisle in the Committee on Appropriations thought for one minute that the Committee on the Budget's resolution was going to be carried out in appropriation bills, not because of the President, but because you cannot get it through the Congress of the United States. We said that in April. The gentleman from South Carolina (Mr. SPRATT) said that in April. That is why I quoted the gentleman from South Carolina. In fact that is what has happened.

Let us work together. Let us not have the Perfectionist Caucus prevail.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the subject of Presidential vetoes has been raised here several times by my two friends who have just spoken. During the Committee on Appropriations work, we were told time after time after time by the gentleman from Wisconsin (Mr. OBEY) ''If you do it this way, the bill is going to be vetoed.'' How many times on the floor when we were considering the appropriations bills did the gentleman from Wisconsin say, ''If you do this, the bill is going to be vetoed,'' or ''If you do not do that, the bill is going to be vetoed.'' He is speaking for the administration. But we have had veto threats on almost every appropriations bill that we have considered here.

When the gentleman tells us that a bill is going to be vetoed, then we will take the time to try to work with the White House and work together, as the gentleman suggested, and see if we can find a way to make that bill signable by the President rather than vetoed. But we take the gentleman from Wisconsin at his word. The gentleman tells us the bill is going to be vetoed. We are going to try to find a way to make that bill acceptable to the President if we can.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for yielding me this time.

Mr. Speaker, I am relieved that order has been returned to the universe. They have now benched Newt Gingrich again and going back to 1993 and say maybe we should not follow his strategy.

I do not know if my colleagues were listening, though, to the same testimony that I heard Greenspan give before the Committee on the Budget in 1995, but what Alan Greenspan said very specifically, not talking about the tax cuts that we have enacted this year, he said, if we would enact our plan to balance the budget in 7 years, specifically, he said starting in 1995, if we enacted that, we would see interest rates drop by 2 percent. And he predicted in 1995, if the Republican plan was followed, that we would see unprecedented economic growth not seen in peacetime. Do my colleagues know what? He is exactly right.

Mr. Speaker, we stuck to our guns. We followed the advice of the voters we heard in 1994. We followed what Alan Greenspan said. I am glad we are having this debate.

Mr. OBEY. Mr. Speaker, might I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 6½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 7 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR).

□ 1615

Ms. KAPTUR. Mr. Speaker, I thank the ranking member of the Committee on Appropriations for yielding me this time.

As the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, I have to say that although we are, in a way, forced to vote for this continuing resolution for the sake of the American people, what has happened inside this institution really is not healthy.

I can tell my colleagues that all day I have been in my office fielding calls from Members in this Chamber asking me where our bill is, where the different provisions are. Whether it is biomass provisions relating to switchgrass in Iowa or whether it is water-related projects in the West, it really does not matter. I, as a Member, cannot tell them because our conference committee has not met.

We have been getting calls from the other body. We had reached agreement on certain amendments which we now understand are pulled. For example, on prescription drugs. We had passed different measures here to allow reimportation of prescription drugs so our people could get the same price as if they go over the border into Canada. We had reached agreement that we would put $23 million in this year's bill to ensure the public safety on those drugs. Now we are told this provision has been lifted from the agriculture appropriation bill, wherever it is in the institution, and the leadership is going to be handling that.

The same is true with the provisions dealing with Cuba, which, granted, are very controversial, but we wanted to be able to move product into Cuba; allow our businesses to sell there; allow our farmers to move product. Now we are told that is lifted out of our bill. We are receiving phone calls in our office; and we have to tell Members, sorry, we are not being called as conferees.

I have the greatest respect for the chairman of the full committee. I know if it were only up to him, our subcommittees would be allowed to meet. But this is really not the way to run the Congress of the United States nor the government of the United States.

As a related issue, Mr. Speaker, and as a Member from Ohio who has workers dying from exposure to beryllium, we were told today that the Subcommittee on Defense has not allowed, because of the leadership, any provision in any bill that would take care of people dying of exposure to beryllium, nuclear-related radiation or gaseous diffusion. I think that is absolutely wrong when we have it within our power to meet the needs of the American people.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I particularly thank him for the education he has given a new Member in a short period of time on this process.

Mr. Speaker, I respect both the gentlemen and the debate they are having today. But to be honest, hearing politicians argue about how they have revised history makes little difference at all in the 9th inning of any baseball game. And with all due respect, my interest and my knowledge in this budget process is pretty much limited to education, which has taken a beating from the minority side today.

So I want to forget about history, forget about who introduced what, forget about who created what program. I think it is fair for us to know what the tentative agreement on the Labor-HHS budget, for this year in this Congress today, is in the United States of America.

It is not a cut, but it is a $562 million increase over President Clinton's budget. And that is a fact. It is not a cut, but it is a $1 billion increase in special education over the President's recommendation. And amazingly, it is a $3.1 billion title VI improvement offering the opportunity for flexibility for school construction at the local level. We would never know in a million years, by listening to the other side, that everything priority-wise that they debated for local schools to have the opportunity to do within good fiscal sound policy exists.

Sure, other recommendations were made in the past, but the past is history. I appreciate the gentleman's mentioning my predecessor, Mr. Gingrich. The only history I remember that is lasting is that we as a majority are, fortunately, because of him, debating from a position of balanced budgets today and not deficits. A lot of people deserve credit for it, but he certainly deserves a lot.

Mr. Speaker, it is not right for the American people on September 26, 2000, to believe that this Congress is doing anything other than the following: increasing education by $562 million; special education by $1 billion; and offering local schools the opportunity for

school construction and other programs at their choice. And stating anything else to the contrary is wrong.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I think the gentleman is correct, that what is present is the most important. But it is also important to understand, I tell my friend from Georgia, how we got to the present. Because the bill that I believe he initially voted for was $3.5 billion under the President's budget.

Now, hear me. Originally, when we passed the bill through this House, it was $3.5 billion on education under the President's request. So that, yes, we are here; but the reason we are here is a little bit of what the gentleman from Florida (Mr. YOUNG) said. The President said he was not going to sign that kind of bill.

The gentleman is right. He has not vetoed it because my colleague has not sent it to him. He said, I am not going to sanction that kind of cut in education. So, yes, we do readily admit that we have a budget that is now presumably going to come out of the Labor-Health conference much better, but it is much better because the President of the United States said he was not going to sanction that House product.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), a member of the Committee on Appropriations.

Ms. GRANGER. Mr. Speaker, Members on both sides of the aisle have repeatedly stated that it is time to get past politics, yet as we consider a continuing resolution to keep the government functioning, debates become more political and perhaps less substantive.

Today's vote is not about partisan rhetoric, it is about results. This Congress has tried to work in a bipartisan way, and on a number of issues that matter to every-day Americans it has been able to. It has certainly done this under the leadership of the gentleman from Florida (Mr. YOUNG) in trying to get our bills passed on time.

One shining example is the fact that we repealed the 60-year-old earnings limit imposed on working seniors. We worked together because it was the right thing to do. It made sense. It mattered to Americans. That should be our standard every time we come into this Chamber, what is the right thing to do, what makes sense, and what matters to Americans. I submit to you, Mr. Speaker, that the answer to each of these questions is one in the same.

We must pass the continuing resolution to keep the government functioning and get to work on issues that matter to our families, issues like paying down the debt and providing prescription drugs to our seniors. The practice of passing continuing resolutions is not unusual. It has taken place under Democrat and Republican control both. It is what we need to do today.

The issues we are addressing in the final days of this Congress are important and complex. Completing our work will require cooperation. We need good-faith efforts at results, not roadblocks. We need every Member of the Congress, every Senator, and the White House to do the right thing, to do what makes sense and address the issues that matter to Americans.

Let us stop playing politics, pass this resolution, and get back to the business of addressing our Nation's problems.

Mr. OBEY. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes, and the gentleman from Florida (Mr. YOUNG) has 3 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

The issue is not what has happened in the past; the issue is what ought to happen now. I am amused by our friends on the other side of the aisle who claim that all of a sudden the Republicans are the new-found friend of education. Over the last 6 years, since they have taken control of this House, they have tried to cut, in 4 different years, they have tried to cut education funding below the previous year—not below the request, but below the previous year funding—by about $5.5 billion.

Now they are discovering that that is not so popular. And so, belatedly, they are beginning to grudgingly give ground; and instead of calling for the abolition of the Department of Education and eliminating Federal influence in education, they are now grudgingly recognizing that there needs to be a Federal role. Yet it is very grudgingly given ground indeed.

If my colleagues want to see our support for the Labor, Health, and Education bill, for instance, all they need to do is to get rid of the anti-worker riders; get rid of the anti-environmental riders in the Interior bill; get rid of the anti-education riders in the Labor-Health-Education bill, get rid of the anti-health riders that they have. And what they need to do is to recognize that if we are going to fund education programs fairly, we ought to fund Republican priorities as well as Democratic priorities.

So we welcome the fact that our friends on the other side of the aisle have decided they want to increase funding for special education. We are asking them to also do what they said they would do in May and raise that amount by another $700 million to meet the amount they promised the American people in May.

The Republican presidential candidate, Mr. Bush, claims that he is now belatedly for an increase in the Pell Grants, after he pooh-poohed that very idea in Eau Claire, Wisconsin, just a month ago. What we are asking is this: If he is for that, then why do you not vote for that additional increase in Pell Grants that we put on the table in the conference?

We are asking that our colleagues recognize that there is a crying need in this country to repair dilapidated school buildings and to keep the President's dedicate funding. We are asking our colleagues to recognize the need to reduce class size. We are asking that the Republicans recognize that 93 percent of education funds in this country are spent the way local school districts want them to be spent. We are asking our colleagues on the other side of the aisle to use the other 7 percent that the Federal Government provides in order to target issues of national importance and national need in the interest of quality of education and social justice. That is what we need.

We need to fund both Republican and Democratic priorities in the area of education if we are to have the kind of bipartisan support for that bill that it ought to have under any Congress, no matter who is controlling the Congress.

So I would simply say, Mr. Speaker, I would urge a vote for this resolution, because we have no choice if we want to keep the government open, and we do. But I would ask the majority, instead of continuing to insist that they please the most rigid elements of their caucus on all of their appropriation conferences, I would ask that they recognize we need a bipartisan approach to all of these bills, or we will need another continuing resolution and yet another one; and we will indeed be stuck here until the cows come home.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my friend, the gentleman from Wisconsin (Mr. OBEY), has mentioned education; and this has been an ongoing debate and argument in the Congress. We believe that we have been more generous to the educational appropriation than the President requested. But the major difference has not been so much the numbers and the dollars. The major difference is how is the educational money going to be spent: Is some guru here in Washington going to sit down here and determine what is best for the school districts and the schools in every one of our counties and cities throughout America; or are the people elected at the local level going to make the decision on how they should use the money available to them?

For example, in some case we need more buildings. In other cases we need more schoolteachers. In other cases we need computers. In other cases we need special education. There are so many, many different needs in education. And I think that it is far wiser to allow the people elected in the local school systems to make the decisions on what their needs really are to best educate the children in those schools. We are not arguing about the money; we are arguing about who makes the decision on how that money is used.

And now, Mr. Speaker, after having nearly 2 hours of good political debate,

many of the topics not having anything to do with this resolution before us, I want to thank my friend, the gentleman from Wisconsin (Mr. OBEY), for his support of this resolution and the gentleman from Maryland (Mr. HOYER). We would all prefer not to have to do this. I agree with the gentleman from Wisconsin, that it would be better if all 13 bills were signed by the President. But we find ourselves today needing this continuing resolution until the 6th day of October in order to make certain of the smooth continuity of our Federal Government.

□ 1630

So just let me ask the Members to support this continuing resolution. And then we will get back to the bargaining tables, negotiate, and find the solutions that are acceptable to the House, to the Senate, and to the President and then get on about the business of the Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate is expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 591, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 493]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
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Cunningham
Danner
Davis (FL)
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Diaz-Balart
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Doggett
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Fossella
Fowler
Frank (MA)
Frelinghuysen
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Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
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Kennedy
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Kilpatrick
Kind (WI)
King (NY)
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LaTourette
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Lewis (CA)
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Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
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Price (NC)
Pryce (OH)
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Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
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Talent
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Thompson (CA)
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Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
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Weller
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Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

DeFazio
Stark

NOT VOTING—16

Campbell
Clay
Franks (NJ)
Gillmor
Gutierrez
Horn
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Paul
Rogan
Smith (MI)
Vento
Watkins

□ 1652

Mr. KANJORSKI and Mr. CAPUANO changed their vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS LIABILITY RELIEF ACT

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5175) to provide relief to small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

The Clerk read as follows:

H.R. 5175

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 ''Small Business Liability Relief Act''.

SEC. 2. SMALL BUSINESS LIABILITY RELIEF.

(a) LIABILITY EXEMPTIONS.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

''(o) SMALL BUSINESS DE MICROMIS EXEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a person (including a parent, subsidiary, or affiliate of the person) that, during its 3 taxable years preceding the date on which the person first receives or received written notification from the President of its potential liability under this section, (A) employed on average not more than 100 full-time individuals (notwithstanding fluctuations resulting from seasonal employment) or the equivalent thereof, and (B) had, on average, annual revenues of $3,000,000 or less, as reported to the Internal Revenue Service, shall be liable under paragraph (3) or (4) of subsection (a) to the United States or any other person (including liability for contribution) for any response costs incurred with respect to a facility only if the total of material containing a hazardous substance that the person arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or

accepted for transport for disposal or treatment, at the facility, was greater than 110 gallons of liquid material or greater than 200 pounds of solid material.

''(2) EXCEPTION.—Paragraph (1) shall not apply if the President determines that—

''(A) the material containing a hazardous substance referred to in paragraph (1) contributed or could contribute significantly, individually or in the aggregate, to the cost of the response action with respect to the facility; or

''(B) the person has failed to comply with an administrative subpoena, has failed to comply with an order to compel compliance with any request for information issued by the President under this Act (or is the subject of a civil action to compel such compliance), or has impeded or is impeding the performance of a response action with respect to the facility.

''(3) TIME PERIOD COVERED.—Paragraph (1) shall only apply to material that a person arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, at a facility before the date of the enactment of the Small Business Liability Relief Act.

''(4) AFFILIATE DEFINED.—For purposes of this subsection and subsection (p), the term 'affiliate' has the meaning of that term provided in the definition of 'small business concern' in regulations promulgated by the Small Business Administration in accordance with the Small Business Act (15 U.S.C. 631 et seq.).

''(p) MUNICIPAL SOLID WASTE EXEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a person may be liable for response costs under paragraph (3) or (4) of subsection (a) for municipal solid waste at a facility only if the person is not—

''(A) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated with respect to the facility;

''(B) a business entity (including a parent, subsidiary, or affiliate of the entity) that—

''(i) during its 3 taxable years preceding the date on which the business entity first receives or received written notification from the President of its potential liability under this section, employed on average not more than 100 full-time individuals (notwithstanding significant fluctuations resulting from seasonal employment), or the equivalent thereof; and

''(ii) generated all of its municipal solid waste with respect to the facility; or

''(C) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that, during its taxable year preceding the date on which the organization first receives or received written notification from the President of its potential liability under this section, employed not more than 100 paid individuals at the location from which was generated all of the municipal solid waste attributable to the organization with respect to the facility.

''(2) EXCEPTION.—Notwithstanding paragraph (1), a person may be liable under this section if the President determines that the person has failed to comply with an administrative subpoena, has failed to comply with an order to compel compliance with any request for information issued by the President under this Act (or is the subject of a civil action to compel such compliance), or has impeded or is impeding the performance of a response action with respect to the facility.

''(3) DEFINITION OF MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'municipal solid waste' means waste material—

''(i) generated by a household (including a single or multifamily residence); and

''(ii) generated by a commercial, institutional, or industrial source, to the extent that the waste material—

''(I) is essentially the same as waste normally generated by a household; or

''(II) is collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services and, with respect to each facility from which the waste material is collected, qualifies for a small business de micromis exemption under subsection (o).

''(B) EXAMPLES.—Examples of municipal solid waste under subparagraph (A) include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

''(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

''(i) combustion ash generated by resource recovery facilities or municipal incinerators; or

''(ii) waste material from manufacturing or processing operations (including pollution control operations) that is not essentially the same as waste normally generated by households.

''(4) COSTS AND FEES.—A person that commences a contribution action under section 113 shall be liable to the defendant for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees, if the defendant is not liable for contribution based on an exemption under this subsection or subsection (o).''.

(b) EXPEDITED SETTLEMENT FOR DE MINIMIS CONTRIBUTIONS AND LIMITED ABILITY TO PAY.—

(1) PARTIES ELIGIBLE.—Section 122(g) of such Act (42 U.S.C. 9622(g)) is amended—

(A) in paragraph (1) by redesignating subparagraph (B) as subparagraph (E);

(B) by striking ''(g)'' and all that follows through the period at the end of paragraph (1)(A) and inserting the following:

''(g) EXPEDITED FINAL SETTLEMENT.—

''(1) PARTIES ELIGIBLE.—

''(A) IN GENERAL.—Whenever practicable and in the public interest, the President shall, as expeditiously as practicable, notify of eligibility for a settlement, and offer to reach a final administrative or judicial settlement with, each potentially responsible party that, in the judgment of the President, meets 1 or more of the conditions set forth in subparagraphs (B), (C), and (E).

''(B) DE MINIMIS CONTRIBUTION.—The condition for settlement under this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of subsection (a) of section 107 and the potentially responsible party's contribution of hazardous substances at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party's contribution shall be considered to be de minimis only if the President determines that each of the following criteria are met:

''(i) The quantity of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total quantity of material containing hazardous substances at the facility. The quantity of a potentially responsible party's contribution shall be presumed to be minimal if the quantity is 1 percent or less of the total quantity of material containing hazardous substances at the facility, unless the Administrator establishes a different threshold based on site-specific factors.

''(ii) The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing hazardous substances at the facility.

''(C) REDUCTION IN SETTLEMENT AMOUNT BASED ON LIMITED ABILITY TO PAY.—

''(i) IN GENERAL.—The condition for settlement under this subparagraph is that the potentially responsible party is a natural person or a small business and demonstrates to the President an inability or a limited ability to pay response costs.

''(ii) CONSIDERATIONS.—In determining whether or not a demonstration is made under clause (i) by a small business, the President shall take into consideration the ability of the small business to pay response costs and still maintain its basic business operations, including consideration of the overall financial condition of the small business and demonstrable constraints on the ability of the small business to raise revenues.

''(iii) INFORMATION.—A small business requesting settlement under this subparagraph shall promptly provide the President with all relevant information needed to determine the ability of the small business to pay response costs.

''(iv) ALTERNATIVE PAYMENT METHODS.—If the President determines that a small business is unable to pay its total settlement amount at the time of settlement, the President shall consider such alternative payment methods as may be necessary or appropriate.

''(D) ADDITIONAL CONDITIONS FOR EXPEDITED SETTLEMENTS.—

''(i) WAIVER OF CLAIMS.—The President shall require, as a condition for settlement under this paragraph, that a potentially responsible party waive all of the claims (including a claim for contribution under section 113) that the party may have against other potentially responsible parties for response costs incurred with respect to the facility, unless the President determines that requiring a waiver would be unjust.

''(ii) FAILURE TO COMPLY.—The President may decline to offer a settlement to a potentially responsible party under this paragraph if the President determines that the potentially responsible party has failed to comply with any request for access or information or an administrative subpoena issued by the President under this Act or has impeded or is impeding the performance of a response action with respect to the facility.

''(iii) RESPONSIBILITY TO PROVIDE INFORMATION AND ACCESS.—A potentially responsible party that enters into a settlement under this paragraph shall not be relieved of the responsibility to provide any information or access requested in accordance with subsection (e)(3)(B) or section 104(e).'';

(C) in subparagraph (E) of paragraph (1) (as redesignated by subparagraph (A))—

(i) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and by moving such subclauses and the matter following subclause (III) (as so redesignated) 2 ems to the right;

(ii) by striking ''(E) The potentially responsible party'' and inserting the following:

''(E) OWNERS OF REAL PROPERTY.—

''(i) IN GENERAL.—The condition for settlement this subparagraph is that the potentially responsible party''; and

(iii) by striking ''This subparagraph (B)'' and inserting the following:

''(ii) APPLICABILITY.—Clause (i)''; and

(D) by adding at the end the following:

''(F) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall provide the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.

''(G) NO JUDICIAL REVIEW.—A determination by the President under this paragraph shall not be subject to judicial review.

''(H) DEFINITION OF SMALL BUSINESS.—In this paragraph, the term 'small business' means a business entity that, during its 3 taxable years preceding the date on which the business entity first receives or received written notification from the President of its potential liability under section 107, employed on average not more than 100 full-time individuals (notwithstanding fluctuations resulting from seasonal employment) or the equivalent thereof.''.

(2) SETTLEMENT OFFERS.—Such section 122(g) is further amended—

(A) by redesignating paragraph (6) as paragraph (9); and

(B) by inserting after paragraph (5) the following:

''(6) SETTLEMENT OFFERS.—

''(A) NOTIFICATION AND OFFER.—As soon as practicable after receipt of sufficient information to make a determination, the President shall—

''(i) notify any person that the President determines is eligible under paragraph (1) of the person's eligibility for an expedited settlement; and

''(ii) submit a written settlement offer to such person.

''(B) INFORMATION.—At the time at which the President submits an offer under this subsection, the President shall make available, at the request of the recipient of the offer, to the recipient any information available under section 552 of title 5, United States Code, on which the President bases the settlement offer, and if the settlement offer is based in whole or in part on information not available under that section, so inform the recipient.

''(7) LITIGATION MORATORIUM.—

''(A) IN GENERAL.—No person that has received notification from the President under paragraph (6) that the person is eligible for an expedited settlement with respect to a facility under paragraph (1) shall be named as a defendant in any action under this Act for recovery of response costs (including an action for contribution) with respect to the facility during the period—

''(i) beginning on the date on which the person receives from the President written notice of the person's potential liability and notice that the person is a party that may qualify for an expedited settlement with respect to the facility; and

''(ii) ending on the earlier of—

''(I) the date that is 90 days after the date on which the President tenders a written settlement offer to the person with respect to the facility; or

''(II) the date that is 1 year after receipt of notice from the President that the person may qualify for an expedited settlement with respect to the facility.

''(B) SUSPENSION OF PERIOD OF LIMITATION.—The period of limitation under section 113(g) applicable to a claim against a person described in subparagraph (A) for response costs, natural resource damages, or contribution shall be suspended during the period described in subparagraph (A).

''(8) NOTICE OF SETTLEMENT.—After a settlement under this subsection becomes final with respect to a facility, the President shall promptly notify potentially responsible parties at the facility that have not resolved their liability to the United States of the settlement.''.

SEC. 3. EFFECT ON CONCLUDED ACTIONS.

The amendments made by this Act shall not be a basis for challenging the enforceability of any settlement lodged in, or judgment issued by, a United States District Court before the date of the enactment of this Act against a person who is a party to the settlement or against whom the judgment has been issued.

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today to urge my colleagues to vote for passage of H.R. 5175, the Small Business Liability Relief Act. I introduced this legislation along with the gentleman from New York (Mr. BOEHLERT) and a bipartisan group of cosponsors in order to provide long overdue liability relief to individuals, families, and small business owners unfairly trapped in the litigation nightmare of the Superfund program for over 2 decades.

The Superfund is in bad need of reform. I have worked for years to enact comprehensive and meaningful Superfund reform to create a fairer liability scheme for the Superfund program. Unfortunately, it appears unlikely that we will be able to accomplish broader reform this year. But that does not mean that we cannot make real progress. It is time to provide relief to innocent parties like Barbara Williams, the former owner of Sunny Ray Restaurant in Gettysburg, Pennsylvania, and to Greg Shierling, the owner of two McDonald's restaurants in Quincy, Illinois, as well as thousands of others just like them whose only crime as small business owners was sending ordinary garbage to the local dump.

H.R. 5175 provides relief to innocent small businesses who never should have been brought into Superfund in the first place. First, it provides liability protection to small businesses who disposed of very small amounts of waste. Second, it provides relief for small businesses who disposed of ordinary garbage. Third, it provides shelter from costly litigation for small businesses who dispose of small amounts of waste and parties who face serious financial hardship by directing the Federal Government to offer these parties expedited settlements to remove them from the web of Superfund litigation.

This bill provides relief for innocent small businesses with up to 100 employees and revenues of not more than $3 million. It is limited to common garbage and ordinary garbage that may have small contributions of other waste. If the waste that a small business sends to a site causes big environmental problems, then the liability exemptions would no longer apply.

I would point out that some who have criticized our definition of a small business have actually voted for exemptions that do not include any business size restriction whatsoever. Moreover, the administration's current de micromis policy applies more broadly than this bill to any size company.

In addition, H.R. 5175 shifts the burden of proof under Superfund to the government when it goes after small businesses. I do not believe that small businesses should be presumed guilty and be forced to hire and pay for attorneys to prove their innocence. This is fundamentally wrong and unfair. In America, you are innocent until proven guilty. The government or larger businesses should have the burden of providing evidence, solid evidence, that small businesses are liable before demanding cash settlements.

It is hard to think of anything in Congress that has been more open and public than Superfund reform. Protections for innocent parties in H.R. 5175, including de micromis relief, relief for ordinary garbage, and expedited settlements, were included in both H.R. 2580 and H.R. 1300, the broader bipartisan Superfund bills reported this Congress from the Committees on Commerce and Transportation and Infrastructure, respectively.

As chairman of the Subcommittee on Finance and Hazardous Materials, I have personally conducted 6 years of Superfund hearings. In fact, in just the House alone, there have been a combined 46 hearings on Superfund with testimony from 416 witnesses. At those hearings we have heard the administration, environmentalists, and businesses all tell us that innocent small businesses were never meant to be in Superfund in the first place. I am entering some of these statements into the RECORD.

□ 1700

Mr. Speaker, even in the last few weeks, to accommodate concerns about the legislation, we have met with the EPA and others and redrafted the legislation to address their concerns. The bill on the floor today reflects those changes.

While it is unfortunate that EPA does not yet support the legislation, the fact remains that we have gone way above and beyond the call of duty in trying to address concerns raised, and we have asked repeatedly for any specific written proposals to address outstanding concerns with the legislation, but received nothing.

For thousands of small business owners across America who have already been dragged into litigation or forced to pay cash settlements for legally putting out their trash, this bill most likely comes too late. But in just the last

7 days, we have received letters, faxes and e-mails from small business owners around the country who need our help. This is an example of some of the letters we have received just over the last week.

Mr. Speaker, I would ask Members to please join me and other bipartisan cosponsors today in saying enough is enough, and let us pass this narrowly targeted Small Business Liability Relief Act so these other innocent small businesses can be spared the litigation nightmare that has already befallen so many.

Mr. Speaker, I include the following for the RECORD.

SUPERFUND IS A SMALL BUSINESS LITIGATION NIGHTMARE

FOR THE RECORD: WHAT THEY'VE SAID

Environmental Protection Agency

''If you are a small business, if you sent garbage, like the stuff you and I put out every Monday evening for the garbage company to pick up, you should never hear the word Superfund. I think there is not a person up here who doesn't agree with that. We have worked hard within the current law to protect these small parties, but we cannot do it without a fix in the law in the way that we all agree it needs to be done.''—Testimony of Carol Browner, EPA Administrator, before the Water Resources and Environment Subcommittee, May 12, 1999

''We have tried to solve the problem of the little people from day one. The owner of the diner who sends mashed potatoes to the local dump should not have to worry about being sued by large corporate polluters who are responsible for the contamination of that site. Innocent landowners, churches, Girl Scout troops, small storefront businesses should not have to wonder if they will find themselves brought into the Superfund net by large corporate polluters.

''Unfortunately, this is what happens; this is what has happened; and this is what will continue to happen if we don't rewrite this law. It is a tragedy. It is wrong. It is a flaw in the current law. We have to fix it.''—Testimony of Carol Browner, EPA Administrator, before the Water Resources and Environment Subcommittee, October 29, 1997

Environmentalists

''It is inefficient to sue a bunch of companies that will clearly be unable to make any significant contribution to cleanup costs; doing so merely increases transaction costs for all concerned without providing funds for actual cleanup, and leads to delays in decisionmaking.''—Testimony of Karen Florini, Senior Attorney, Environmental Defense Fund, before the Water Resources and Environmental Subcommittee, October 29, 1997

''We agree that many small businesses and minimal waste contributors have been unfairly subjected to harassment under the CERCLA statute. . . . We suggest an exemption for parties who only contributed household-type wastes to sites, liability waivers for those who only sent tiny amounts of hazardous materials to a site—that is, de micromis contributors—and aggressive settlements with parties who sent small amounts of hazardous substances to a site but still have some ability to pay toward cleanup—this is, de minimis contributors.''—Testimony of Jacqueline Hamilton, Senior Project Attorney, Natural Resources Defense Council, before the Water Resources and Environment Subcommittee, April 10, 1997

''NWF also has heard the concerns of people who only have tangential ties to a Superfund site. These mom and pop entities, often cited as de micromis parties, deserve relief from the system.''—Testimony of Patricia Williams, Counsel and Legislative Representative, National Wildlife Federation, before the Water Resources and Environment Subcommittee, June 21, 1995

Small businesses

''For my company it started on February 10, 1999 when we received a letter in the mail from the EPA that stated 6 large local corporations and the city were looking to recover some of their costs for the cleanup of our local landfill. Even though the majority of what we had hauled there was only trash and legally disposed of at the time, the EPA said . . . we were potentially responsible for paying our proportional share of that cleanup.

''When I read the letter, I felt sick. For me and the 148 other companies that received the letter, it was unexpected and without warning . . . It was asking us, as small companies to 'contribute' 3.1 million dollars . . .

''. . . the EPA sent one of their attorneys . . . Many people stood up and pleaded their situations and how unfair and un-American this whole situation was. He admitted to everyone that the law was probably unfair and very harsh . . . he couldn't do anything about its unfairness . . . he said that it was all he had to work with.''—Testimony of Mike Nobis, JK Creative Printers before the Subcommittee on Finance and Hazardous Materials, September 22, 1999

''Even those who paid their assessments can't put the situation behind them . . . different agencies could come after them for additional money . . . 'By paying, I thought we had closure, says Eldor Hadler, whose truck dealership was assessed $46,000. He recently sold his business to his son and another partner . . . 'There's a dark cloud hanging over the business,' he says, 'They could come back any time'.''

''The fight continues for Greg Shierling . . . He was in grade school in the '60s and '70s when his parents hired [a trash disposal company] to take away the garbage from their McDonald's . . . Shierling took over the business from his parents in 1996 and was dumbfounded when he got the letter from the EPA in 1999 telling him he was a polluter to the tune of $65,000. Shock turned to defiance, and he's refusing to settle—even though the feds reduced his fine to $47,000.

Meanwhile, Shierling is paying $4,000 a month in legal bills and faces a six figure judgement if he loses. He has been forced to lay off two longtime employees, and says his parents are drawing on their retirement money to help him and his wife support their two young children. Firing loyal workers was one of the hardest things he's ever had to do, he says. He had written a prepared script to help him maintain his composure, but he says he burst into tears any way. Yet he refuses to buckle under. ''I just couldn't feel good about saying, 'I'm sorry, here's $47,000, I'm out' . . .''

''Many of those who settle still seethe about the situation . . . Pat McClean . . . was hit for $21,900. He says his trash consisted of chicken bones, potato peelings and soiled napkins. He thought about fighting, but he was demoralized by a recent divorce. McClean is a weekend biker who likens the assessment to a shakedown. 'Paying that $21,900 was like buying a brand new Harley, loading it up with chrome, and handing it over to the EPA' he says.''—From ''Unintended Victims'' by Eric Berkman, Fortune Small Business, July/August 2000

''Most of the cost contributed by our companies to this site didn't clean one ounce of the landfill . . . Of all the money spent, the attorneys received the most . . . It has been reported in our local newspaper that the EPA and the major [potentially responsible parties] PRP's are now suing many of these companies who didn't settle, resulting in more business for the attorneys. As I understand it, these companies will be allowed in later months to bring third party lawsuits. Where will it end? I do not think the law's intent is to place hardships on small business when the ultimate winners are the attorneys, not the environment.

''Who were the companies forced to pay this settlement . . . Some are people in their retirement years. Some are widows whose husbands passed away and they now have this settlement to deal with. Some are sons whose fathers once owned the business and now, years later, they have inherited the problem

. . . Mothers and fathers would have been reluctant to pass a family business—and its liability—to the next generation. We have some men in their late 70's and early 80's that could lose their life's savings when they should be enjoying their retirement years. They are spending their time and money paying the EPA for something they did 25 years ago that was legal . . .

. . . It is needless business pressures like this that destroy small businesses and cause undue pain and hardship. Victimizing small business is not going to help speed the cleanup of Superfund sites.'' Testimony of Mike Nobis, JK Creative Printers before the Subcommittee on Finance and Hazardous Materials, September 22, 1999

''When examining the few sites that have been cleaned up, the costs associated with such cleanups, coupled with the staggering amount of money that has gone directly to lawyers' coffers, it's easy to see that the fault and liability system currently in Superfund is flawed. Congress may have envisioned a system that would only catch the few, large, intentional or irresponsible polluters, however, the reality has been very different.

. . . The effect of the current liability system is permeating all segments of the small business community. No issue in this very complex public policy debate will have a more direct impact on the present and future economic viability of many small businesses . . . There isn't one segment whether it be a retail store, a professional service business, or a construction business that has not been touched.''—Statement for the Record by National Federation of Independent Business (NFIB), for the Subcommittee on Superfund, Waste Control & Risk Assessment, Senate Committee on the Environment and Public Works, March 5, 1997

''I am a fourth party defendant in the Keystone Superfund lawsuit. I have been sued by my friends and neighbors. Why did they do this? Upon the advice of attorneys bringing others into the suit, this was the only way they could lessen the amount of their settlements . . . I am being sued for $76,253.71 . . .

This legal action has angered, depressed and confused me . . . I obeyed, State, local and Federal regulations. Being forced to defend myself is a travesty of justice. Being forced to pay this settlement would be devastating to my business. Has anyone considered the effect on my employees and their families. Has anyone considered the effect on our community? . . . What is the Superfund law accomplishing? The attorneys are making a fortune, small businesses are unfairly burdened, and the contamination still isn't cleaned up.''—Statement of Barbara A. Williams, former owner, Sunny Ray Restaurant, Gettysburg, PA, before the Senate Committee on Environment and Public Works, April 23, 1996

''In October 1997, you and I were featured in a '60 Minutes' segment on how the Superfund law unfairly victimizes small-business

owers. Since that time you have moved to Washington and I have sold my business. While I congratulate you on your recent appointment as the number two official at the U.S. Environmental Protection Agency, I have not been as fortunate. The sale of my business (Sunny Ray Restaurant) was hampered by the liability forced upon me by the Superfund law. I remain personally liable in the ongoing litigation related to the Keystone Landfill Superfund site. While you and I have publicly agreed that this is a gross miscarriage of justice, the law remains unchanged . . . It will soon be five years since I was brought into this lawsuit. Isn't it time for it to end? Please . . . —Letter from Barbara A. Williams to Michael McCabe, Deputy Administrator of EPA, August 24, 2000.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong opposition to this bill. In this body, we normally consider noncontroversial bills on the suspension calendar. Let me assure you, there is a lot of controversy around this bill, as well as confusion and even misrepresentation associated with the bill.

I have letters from the administrator of the Environmental Protection Agency, the Business Roundtable, the New York Attorney General and various environmental groups opposing this bill.

Mr. Speaker, there is opposition to this bill; yet the proponents of this bill would have you believe otherwise. I suppose anyone could get confused, since many of us on both sides of the aisle have agreed for years that clarification of Superfund liability for small businesses and small contributors to the cost of cleanup is a mutually desirable goal. However, while we may have widespread agreement on the goal, we certainly do not have agreement on H.R. 5175.

As my colleagues know, I have been a proponent of Superfund reform. Despite my often-stated willingness to work on this issue, my colleagues introduced H.R. 5175 without any discussion with this side and did not follow the normal committee process for consideration of legislation. This bill was already scheduled for consideration on this suspension calendar when my staff was first invited to provide our concerns about the bill.

Unfortunately, the proponents of the bill have chosen to ignore some of our most significant concerns, as well as our suggestions to postpone floor consideration in order to continue our discussion. We want to work with you, but you must give us an opportunity to do so.

Given this rush, this closed-door, back-door, whatever process they use, I am not surprised that there are mistakes and problems with this bill. New York Attorney General Spitzer, whom I have great respect for, writes that ''many companies and individuals who knowingly violated hazardous waste laws would receive exemptions from liability.''

I agree with the attorney general that deliberate violators of environmental laws should not be excused from liability, and I believe we should make certain this bill does not produce such results.

The attorney general fears that ''hundreds of millions of dollars in costs would be shifted from responsible parties to the State and Federal taxpayers.'' I am very concerned about these statements, especially coming from the primary enforcing authority of our environmental laws in New York.

Mr. Speaker, at the risk of sounding like a broken record, I will once again reach out to my colleagues and ask that we work together in a bipartisan and consensus fashion to craft a bill that is truly noncontroversial and ripe for consideration on the suspension calendar. Unfortunately, this bill is not.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from New York (Mr. BOEHLERT), who has been such a leader on this critical issue.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, H.R. 5175 will end Superfund litigation for the overwhelming number of small businesses across America. That is what we are here about.

As most of my colleagues know, I am a very strong proponent of Superfund reform. Superfund remains a program with flaws, flaws that need to be corrected. This is not to say that changes have not been made, adjustments have not been made, that some progress has not been made; but we need to correct the flaws, and exempting small business is one of the most glaring flaws in the whole bill.

My Subcommittee on Water Resources and Environment have held 13 hearings on the Superfund program. I have heard from dozens of witnesses from small businesses one horror story after another. Let me give you an example.

Mr. Lefelar testified before us. He owns Clifton Adhesive. He was brought into litigation in the GEMS Superfund case in New Jersey because his company's name was written on a ticket for a toll bridge that a waste hauler had in his records. That was it, one toll bridge ticket from 1974. He had no records from 1974 to prove that he did not send waste to the GEMS site, so he was stuck in litigation for 8 years and spent $450,000 in legal fees.

Here is what he told the committee: ''The pressure was unbelievable for me. Hundreds of thousands of dollars were being mentioned, possible litigation personally, lifetime personal assets were at risk, loss of home. I was really becoming desperate at this time. About 3 years into this suit, I had to take a look at how much more money we could expend, and we were teetering, actually, it drove us to teetering on the brink of bankruptcy, and here is a company that had been operating since 1945.''

Do you know why it was brought into the scheme? Because of one toll ticket.

I have heard from the environmental community. Let me tell you what the NRDC said: ''We suggest an exemption for parties who only contributed household-type waste to sites, liability waivers for those who only sent tiny amounts of hazardous materials to a site, that is, de micromis contributors, and aggressive settlements with parties who sent small amounts of hazardous substances to a site, but still have some ability to pay toward cleanup, that is de minimis contributors.''

That is what the environmental community said. I agreed with them then; I agree with them now.

Administrator Browner, here is what she said last year: ''If you are a small business, if you sent garbage, like the stuff you and I put out every Monday evening,'' it is Wednesday with me, ''for the garbage company to pick up, you should never hear the word Superfund. I think there is not a person up here who does not agree with that.'' So said Administrator Browner. I agreed with her then; I agree with her now.

Let me tell you, I feel particularly close to the environmental community. I am proud of that affiliation. The Sierra Club and the League of Conservation Voters, sent a letter on the 21st of September outlining some concerns. I would like to be responsive to their concerns, because I think that they are responsible organizations for the most part.

First the LCV letter sent on the 21st of September claims that H.R. 5175, as introduced, could relieve liability for more than small businesses because it did not specify that the employees and revenues of the parent corporations or subsidiaries or affiliates are considered when determining whether a business is small. That is a legitimate concern. The authors of H.R. 5175 never intended to include parents or the big guys. In short, the problem is fixed by this bill.

Second, the LCV letter addresses other concerns that LCV has in the letter. Let me report that the gentleman from Ohio (Mr. OXLEY) and I with our Democrat colleagues, on a bipartisan basis, addressed those concerns and remediated them.

It is time to get the small businesses all across America out of this litigation quagmire. It just is not fair to them, and it is not fair to us to argue on this floor about policy supposedly, when it is really politics below the surface that is driving the opposition.

Mr. TOWNS. Mr. Speaker, I yield 3¼ minutes to the gentleman from Pennsylvania (Mr. BORSKI).

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to H.R. 5175, the Small Business Liability Relief Act. For years now, Members on both sides of the aisle and the administration have been talking about taking

certain individuals and truly small businesses out of the Superfund debate.

Since 1994, there has been little disagreement that people who sent garbage to a landfill were unintended targets of the Superfund law. The question has not been whether we should provide liability relief. The question has always been how, and, secondly, who should be eligible.

On the Committee on Transportation and Infrastructure under the leadership of our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), we worked to resolve this issue in what we believed was a fair and equitable solution to the problems of small business liability under Superfund.

This agreement was included in the legislation that was approved by our committee last summer with overwhelmingly bipartisan support. Unfortunately, no further action has occurred on that bill.

Mr. Speaker, that agreement is not represented in this legislation. In their zeal to pass smaller pieces of the broader Superfund reforms, the proponents of this legislation have chosen instead to grant a blanket absolution for many small businesses from Superfund liability, effectively tying the hands of government in its efforts to prosecute the polluters and shifting the cost of cleanup to the other parties at a site.

This bill would turn U.S. jurisprudence relating to Superfund on its head by shifting the burden of proof from the party seeking the exemption from liability to the Federal Government. Under this bill, the government would have the burden of establishing that a small business was not entitled to exemption because it shipped more than an allowable amount of toxic waste. Remember, this is toxic waste, not harmless trash.

If the government cannot meet this burden, the small business would be exempt from liability, regardless of how toxic the materials they sent for disposal or the threat to human health and the environment from their actions.

The government's burden under this legislation is made even more difficult because the information that the Environmental Protection Agency or the Department of Justice would need to meet this burden is held by the small business, with little incentive for those who would otherwise be liable to turn over such information to the government.

Mr. Speaker, providing liability relief for small business should not be a partisan issue.

Unfortunately, this legislation was developed and drafted without the participation of Democratic leadership of either the Committee on Transportation and Infrastructure or the Committee on Commerce. In fact, the only bipartisan conversations scheduled on this bill were under the condition that, regardless of the outcome, the bill would remain on today's suspension calendar. This is not a way to draft legislation on a subject that, at least in concept, could have the support of all the principal parties involved in the Superfund debate. Also, this is not the way the issues are traditionally handled by the Committee on Transportation and Infrastructure.

Despite major disagreements on issues, including Superfund reform, under the leadership of our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and our ranking member, the gentleman from Minnesota (Mr. OBERSTAR), we have been able to bridge the gap and work together in drafting good, bipartisan legislation. It has been this commitment to work together that has made our committee effective in reaching consensus on difficult issues. That has not been the case with this legislation.

Mr. Speaker, I urge a no vote on this bill.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, my citizens and colleagues and friends in Quincy, Illinois, will not believe this debate, because I want to share with you the story that they have been through.

Nearly 8 years after the landfill closed, the city landfill in Quincy, Illinois, the site was placed on the Superfund National Priorities list and the EPA began working with the city and several large waste contributors to clean up the site.

This is where the proposed order comes into play. Superfund allows EPA and other potential responsible parties to seek contributions from innocent small businesses to pay for the cleanup.

□ 1715

In Quincy that equals $3 million from 159 small businesses averaging $160,000 per business. The EPA asked Quincy bowling alleys, dairy farms and family-owned restaurants to pay as much as $160,000 per business, despite the fact that these businesses did nothing wrong.

For some small businesses, the amounts they are being asked to pay will mean the difference between breaking even or losing money. Simply put, the current law is costing hard-working American citizens their jobs and their livelihood.

Quincy, Illinois and Gettysburg, Pennsylvania, have been two Superfund sites that we find in the media. However, those two litigation nightmares could happen in any of these Superfund landfills across the United States:

Boaz, Alabama; Alviso, California; Bridgeton, Missouri; Ackerman, Mississippi; Texas City, Texas; Jacksonville, Florida; Wheatcroft, Kentucky; Charleston, West Virginia; Hominy, Oklahoma; Browning, Montana.

Mr. Speaker, I say to my colleagues that their time will come. Their small businesses will be hit by this litigation nightmare and they will close their doors to pay their fees. For this reason I ask this House to support H.R. 5175 and provide relief for the ''Mom and Pop'' businesses across this Nation.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to this bill. It was only introduced 10 days ago. Copies of the legislation have never been made available to the minority, because the bill has been changed significantly between the time it was introduced and between the time that we are now considering it.

No hearings have been heard. No one has been able to comment efficiently on this. There have been no comments requested from the administration or any other interested parties.

Now, I, like my colleagues on this side of the aisle, favor proper legislation that would establish an exemption from Superfund liability for any person or company, large or small, if they could establish that they sent only a small amount of toxic waste to a site. We have followed established precedents and put the burden on persons who had the facts and records available to show that the toxic waste they sent was less than a threshold amount. That is the proper way. That is how it should be done.

In short, then, the person seeking the benefit from that exemption must demonstrate that he or she qualifies for the exemption. That is how it should be for toxic waste such as dioxins, PCBs, and other noxious and harmful materials.

The legislation before us, unseen, unheard by any committee of this body, turns legal precedents on their head. It creates incentive for businesses or entities to destroy or lose records, or to engage in other rascality, to achieve a preference at the expense of all of the American people. As a result, the other parties at the site, the State or the Federal Government, would have to bear clean-up costs under this legislation, whether the person who was getting the exemption on the basis of a burden imposed upon the Federal Government has achieved a relief from the requirements of law.

This is, I think, why the Business Roundtable, the Justice Department, the Environmental Protection Agency, the entire environmental community and the New York Attorney General have written in opposition to this legislation. They know that it is neither fair nor proper and they know that it has not been properly heard by any committee of the Congress, and no person has been invited to appear here before us to tell us the facts with regard to this legislation.

The legislation is not the legislation which was introduced. The only thing that has been presented to the minority is this curious document, which is not the document which is before us, but which is somewhat changed. This is the way in which we achieve a bad reputation for this body, by bringing legislation to this Congress which is not properly heard and without proper opportunity for consultation or careful consideration.

Mr. Speaker, as I mentioned, it is opposed by almost everyone who has had the opportunity to view it: The League of Conservation Voters, the Business Roundtable, the U.S. Environmental Protection Agency, the U.S. Department of Justice, the Attorney General of the State of New York, the Sierra Club, the Natural Resources Defense Council, Clean Water Action, Friends of the Earth, Environmental Defense all oppose this, both because of the procedure and because of the unfair and improper substance.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), who has a very interesting and poignant story about the problems of Superfund.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I just want to say to my colleagues that I hope none will ever have to go through what I have gone through during the last 8 years, I have had to sit there idly because there was nothing I could do and watch 700 small businesses lose their livelihood. Why did they lose their livelihood? For doing exactly what the State and local government said they had to do with their waste: Put it in the landfill.

The restaurants put the same thing in the landfill that my colleagues and I put in the landfill every day. The wastes from our tables. But yet they have had to go out of business. Why? They have had to pay lawyers day after day after day. They got swept into this because the biggies, first of all, the owner decided that he would get the next eight. And the next eight big contributors to the landfill decided they will get the other 700, who had to do exactly what they did.

So I would hope that this legislation, which will not help my people, it is too late for my people, but I sure hope that none of my colleagues will have to go through what I have had to go through during the last 8 years watching 700 small businesses being put out of business simply because they did what they were instructed to do and what the law told them they had to do.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from New York (Mr. TOWNS) for yielding me this time.

Mr. Speaker, this is a bad bill developed through a bad process, and ought to be badly defeated. It has a disarming title: Small Business Liability Relief. But it is nothing other than a wolf in sheep's clothing.

It relieves large businesses of the responsibility for cleanup of toxic wastes such as dioxin, PCBs, nerve gas, by simply letting them include those substances in their trash. That is an egregious circumvention of the Superfund law.

It puts at risk the health and welfare of the public in order to give oil, chemical and other industries a windfall benefit. Our Committee on Transportation and Infrastructure worked for 6 years to develop a bipartisan bill that could have broad support. We reported that bill out by a vote of 69 to 2. It may not be perfect, but it reflects good faith and hard work. This bill does not.

Our bill addressed responsible liability relief for small businesses and makes the liability system more flexible and fair for all parties. This bill does not. The key element of our bill was that it was paid for. It called for the reinstatement of Superfund taxes, guaranteeing cleanup for the next 8 years. This bill creates a favored class of businesses, absolves them of liability, and leaves it up to taxpayers and other parties to pick up the tab.

Since the Superfund taxes expired in 1995, oil, chemical and other industries have enjoyed a $4 million a day tax break, a tax holiday from the refusal to reinstate taxes to pay for Superfund cleanups. They have saved over $6 billion. As the gentleman from Ohio has said, enough indeed is enough.

Mr. Speaker, the majority's refusal to reinstate Superfund taxes is shifting the cost of cleanup on to the taxpayer and States who are footing that bill. This year alone half of the nearly $1.5 billion in Superfund costs was taken from general revenues. We are borrowing from the future, our surplus, in order to provide a $4 million a day tax break for America's biggest polluters. That is wrong.

We ought to be addressing all of Superfund's needs instead of this flawed legislation. We ought to vote ''no'' on this bad bill.

Mr. OXLEY. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Ohio (Mr. OXLEY) has 7 minutes remaining, and the gentleman from New York (Mr. TOWNS) has 8 minutes remaining.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise in support of this good bill developed under a less-than-perfect process for a much, much-needed solution. Much-needed relief to individuals, families, and small businesses that have been unfairly trapped in the litigation nightmare of the Superfund program for the crime of sending ordinary garbage to their local landfill.

It is needless business pressures like this that cause undue pain and hardship for small business. Furthermore, victimizing small business is not going to speed the cleanup of Superfund sites.

This bill will put an end to the current Superfund philosophy that treats small business owners as ''guilty until they prove themselves innocent.'' H.R. 5175 ensures that small business owners are considered innocent until it can be proven they are liable. Furthermore, this legislation limits frivolous lawsuits. A small business' legal fees can be recovered if a small business is wrongly accused of contributing to a Superfund site.

In the end, H.R. 5175 fairly shifts the burden of proof, discourages abusive litigation, and finally focuses resources on the actual cleanup of toxic sites. Granted, broader Superfund reform is sorely needed. But small business liability relief simply cannot wait any longer.

The Environmental Protection Agency has said on a number of occasions that it supports efforts that will fix the Superfund law so it targets real polluters and not innocent small businesses. The delicate fabric compromise between the industry and environmentalists have helped advance the bipartisan Small Business Liability Relief Act, further paving the way to common ground.

All of this being said, with the methods that we have gotten here today, I support this consensus legislation that has been enthusiastically endorsed by the National Federation of Independent Business in order to help rescue innocent small businesses from the Superfund liability trap. With so many points of consensus covered under H.R. 5175 and strong bipartisan support, I am hopeful that my fellow colleagues will join me in passing this measure, marking an end to this unfair system and freeing small business owners from unnecessary liability.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK.)

(Mr. STUPAK asked and was given permission to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I rise in opposition to this bill. As a Member who sits on the Committee on Commerce, I have expressed interest during numerous committee hearings in clarifying the liability for small businesses under Superfund law.

In 1997, I introduced H.R. 2485, along with the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Colorado (Mr. HEFLEY), and Mr. McHale. In 1999, I introduced H.R. 2940. Both of these bills contained provisions that clarify liability for small businesses. Both of these bills would have provided the relief for Barbara Williams of the Keystone Landfill, as well as other similarly situated small businesses. But for years these bills have languished while my majority colleagues held small business hostage to

large, cumbersome, and very controversial Superfund bills.

Now in the closing days of this session, and coincidentally close to the elections, my majority colleagues have introduced and simultaneously scheduled this bill for floor action. Yes, we have had hearings on various Superfund bills in committee, but we have not ever examined this bill. We have never had a hearing. We have never had a markup.

In fact, even since it's introduction 10 days ago, this bill has been a moving target. Late last night, the NFIB was calling committee staff proposing additional changes to the bill, yet they refused to postpone the vote on this bill even for a week so that discussions could take place and Members could be informed.

Mr. Speaker, unfortunately, we have a product today that none of us are familiar with and that is opposed by the administration, majority environmental groups like Clean Water Action, the Association of Trial Lawyers of America, and the Business Roundtable.

I ask my colleagues are we playing politics or are we serious about enacting a public law that effectuates good public policy? Let us at least have a chance to review the bill. Democrats would like to have a bill to give greater relief for small businesses, the American Legion, and any other innocent contributor to a landfill. But we must reject this bill as it is being brought to the floor today.

Mr. Speaker, I urge my colleagues to vote ''no'' on this bill.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, it has been said several times on the floor that we have had no hearings. That is absolutely ludicrous. Year after year in the Committee on Commerce and in the Committee on Transportation and Infrastructure, we have had hearings. Extensive hearings. Hours and hours and hours and hours of hearings. Dozens of witnesses, one after another. And all from the small business community have said the same thing repeatedly: Get us out of this litigation quagmire. It just is not fair.

We are talking about somebody from Pennsylvania being in the litigation scheme because she sent mashed potatoes to a landfill. We are talking about someone in New York, a small business, being in this litigation quagmire because the small business sent an empty pizza box to the landfill.

□ 1730

That is absolutely scandalous. What this is all about, when all is said and done, it is about pure politics trying to trump responsible public policy.

There are those fortunately in the minority in numbers who do not want this Congress to do anything constructive this close to legislation. There are those of us from both parties who fortunately will make the majority, when the vote is taken, who are concentrating on shaping responsible public policy, because we are convinced in the final analysis that Republicans and Democrats alike will gain from shaping public policy in a responsible way.

Mr. Speaker, I would suggest that exempting small businesses under very strict conditions is responsible public policy. Guess what? That is what the administration says it wants to do; that is what the administrator of EPA says what it wants to do; that is what environmental groups want to do; that is what we want to do; and that is what my colleagues should want to do.

This is responsible action to deal with a very legitimate problem in a very responsible way.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, first of all, there have been a lot of hearings on Superfund; there have been a lot of hearings on a lot of issues. We admit that. There just have not been any hearings on this bill. Nobody has any idea what is in this bill. This is a little process put together, a secret process. We were not told that there were going to be meetings. We had no ideas which rooms to go to. So the Democrats were not allowed in the room. So it is their own bill.

There were no hearings on it. They do not want to have this bill to have to withstand the scrutiny of public examination, so they just bring it in here today and they say they support taking care of small businesses. Well, we all support taking care of small businesses, we do. That is not the debate here.

The real issue is, by reforming Superfund, by passing this bill, it is a lot like losing weight by swallowing a tapeworm. Yeah, you will get the desired results, but you are going to have a host of additional problems as well. My colleagues are not willing to let everybody here talk about it in public.

Let me go down a few of the things that are wrong with it in our cursory examination of it. The idea is to get these small companies out of the cleanup process who have only contributed a small amount of toxic waste, but the problem with the bill is, they put the burden on the States and on the Federal Government. They do not have the records. The little companies do.

The little companies should come in with the records to get themselves out of trouble; otherwise we are not going to know if some of these little companies did some bad things, but at least they should have the responsibility of bringing all of the information in.

As well it is going to spawn more litigation, rather than less, because it reopens already decided administrative hearings. By the way, my colleagues have done an amazing job. My colleagues have the EPA and the environmental groups and the Business Roundtable all opposed to it. That is an impossible triple. That is the 1–7–10 split in bowling.

My colleagues cannot get the Business Roundtable and the environmentalists opposed to a bill; it is impossible. What my colleagues have done is created a toxic combination of bad policy and bad procedures which contaminate the House procedures, the whole House, because Democrats are not allowed in the room.

Mr. Speaker, the only way to clean up the mess is to defeat the bill out here on the House floor this evening.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, let us be real here. We are not talking about people who send their mashed potatoes or their parking stubs to a garbage site. Everyone in this room and everyone in the Congress shares the same goal, of giving relief to bona fide small businesses who are unfairly targeted in Superfund cleanups.

Mr. Speaker, in fact, as we have heard, there are several excellent bills pending which would achieve this goal, but this bill is filled with corporate loopholes big enough to drive a fleet of garbage trucks through. It is naive to think that by slapping the small business label on this title of legislation Congress would pass a bill that fails to provide real Superfund reform and jeopardizes toxic waste cleanup.

Mr. Speaker, I hope the Members see through this and work to pass legislation that will protect individuals and communities, not corporate interests. This legislation, first of all, applies to businesses of 100 employees without consideration of affiliation and not true small businesses whose contributions to the site are small and the costs of cleanup not significant.

This bill also reverses years of U.S. jurisprudence by shifting the burden for the potential wrongdoing from the wrongdoer to the government.

Mr. Speaker, this big business giveaway is likely to span new litigation and reopen long-closed Superfund cases in an attempt to absolve big business of its responsibility to clean up the toxic messes that it created. It creates incentives for corporate cover-ups so that businesses can hide their responsibility and avoid paying to clean up the contamination. Let us really get serious here.

It is time to pass real Superfund reform that protects true small businesses and communities by assuring that responsible parties clean up their toxic waste. Vote no on H.R. 5175.

Mr. TOWNS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I rise in opposition to the bill as a member of the Committee on Commerce. I am outraged that we were not able to have any kind of hearings.

Mr. Speaker, I am disturbed that we are here today to vote on H.R. 5175, the Small Business Liability Relief Act. I serve on the Commerce Committee and the relevant subcommittee and I have not seen this bill in a mark-up as of yet. We all want liability relief for small businesses. No one wants to burden small business with the tumultuous process of determining responsible parties of a hazardous waste site.

The bill before us addresses some real concerns but we have not had the time to deliberate some of the more contentious issues. The bill provides blanket immunity for businesses under 100 employees. These are hardly small businesses and in some cases these companies could be the main polluter. In fact, the ambiguous language creates loopholes that would effectually exempt large businesses from paying their share for polluting a particular site. It puts the burden back on taxpayers to cover cleanup costs. The EPA, opposes the bill, the New York Attorney General opposes the bill, and I oppose the bill and urge my colleagues to vote no on H.R. 5175.

Mr. TOWNS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, let me address one of the consequences of this bill, which I hope is unintended but would nevertheless occur. Many of the hazardous waste sites in New York, for example, and in many other States particularly up and down the Eastern Seaboard, were caused or created in whole or in part by small business which are nevertheless controlled by organized crime. We have organized crime dumpers who have been responsible for most of the toxic waste dump sites in the State of New York and in a number of other places up and down the Eastern Seaboard.

This legislation I hope unintentionally would exempt those organized crime cartels who are in many cases the sources of the contamination and who are in almost all cases at least substantially in part responsible for transporting the waste from its places of origin to its place of rest, at least temporary rest, in these toxic and hazardous waste dump sites.

This is a bad bill. It is bad and these bad provisions are there, largely because it has not had the opportunity to be examined and to be seen in its true light. So let us see it for what it is and defeat it because of what it is.

Mr. TOWNS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me say there is no question about it that we have not seen this bill on this side of the aisle; and, of course, if we ask the 435 Members of this body have they seen it, I am certain that about 85 percent to 90 percent of them would say no, we have not seen it. So I think that to legislate in this fashion is not the way to go.

This is a very serious issue, very serious matter; and when we look at the people that are against this legislation, I think that is enough to bring about some kind of reservation and pause on the other side of the aisle to say maybe we should stop at this point and do it right. I think when we look at the fact that the Physicians for Social Responsibility, they are against this. The United States Public Interest Research Group, they are against it. And, of course, Friends of the Earth and we can go on and on, Environmental Defense and Clean Water Act Action, they are all against it in the Sierra Club, and the list goes on and on and on. I do not think that we should do this this kind of way.

I mean, why should we do it in a closed-door kind of thing? Why do we not open up the process and let us deliberate it and see if we cannot come out with something that is really going to make a difference. I hope that my colleagues would look at that; and then if not, then I will ask our friends who are concerned about small businesses to vote no. This is not it.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman for the way you have conducted this debate, and I appreciate my friends on the other side of the aisle.

Let me, first of all say, this issue to the Members on the Committee on Transportation and Infrastructure and to the Committee on Commerce is not a new issue. Lord, we have had hundreds of witnesses, scores of hearings, discussions about this.

We have had a bipartisan effort on many occasions, many of the provisions that were in H.R. 2580 and H.R. 1300. Bills that passed both the Committee on Transportation and Infrastructure and to the Committee on Commerce are part and parcel of this small business bill, and I would not be here today if we had not been frustrated by the fact that we are not able to get a comprehensive Superfund reform bill passed.

But in the meantime, the small business owners, the people who suffer, the Barbara Williams in Gettysburg, Pennsylvania, sued for $56,000 for sending chicken bones to the local dump, to the Keystone Dump. Those are the people that are suffering day after day after day.

There is not an individual that was on the Committee on Transportation and Infrastructure or the Committee on Commerce that can stand here and say with any certainty that they did not know what was in this bill or we have not discussed this bill, time and time again in this Congress and any other Congress.

I understand when my colleagues do not have an argument on the substance, my colleagues can talk about the process; but this process has been a good one. We have been working with the EPA over the last several weeks in trying to craft a bill; and, in fact, we only got to one issue that was a critical issue, that was a burden-of-proof issue.

Apparently, my friends on the other side of the aisle cannot quite understand that we think that the burden of proof ought to be on the Federal Government, not on some innocent, small business man who is trying to make a living who is sending chicken bones to the dump.

My friend, the gentleman from Minnesota (Mr. OBERSTAR), talked about an interesting theory that somehow a small business man would mix dioxins with the chicken bones to make some kind of salad to send to the dump. How preposterous is that? In fact, the burden of proof even under his proposal would be on the small businessman to show that he did not do that. It gives us an idea about where we have come in this debate.

This is a bipartisan piece of legislation. We have a number of Members on here from the other side of the aisle, the gentleman from Michigan (Mr. BARCIA), the gentleman from Alabama (Mr. CRAMER), the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Texas (Mr. STENHOLM), the gentleman from California (Mr. CONDIT), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Indiana (Mr. ROEMER), the gentleman from Mississippi (Mr. SHOWS), the gentleman from California (Mr. BACA), the gentlewoman from Missouri (Ms. DANNER), the gentleman from Texas (Mr. TURNER), the gentleman from Georgia (Mr. BISHOP), the gentleman from North Carolina (Mr. MCINTYRE), and the gentleman from Texas (Mr. SANDLIN) all responding to small business concerns in their particular congressional districts that have told them they are getting tired of getting ripped off by Superfund, they are getting tired off being ripping off by a program that does not work and costs them money and threatens to put them out of work. I think that is a shame.

Mr. Speaker, we have an opportunity to strike a blow for small business. Let me remind the Members, both here and listening and watching on television, this is an NFIB key vote, NFIB key vote. That is, how Members vote on this legislation will be determined by all of the small businesses in your particular districts. I would ask that they pay attention to that and understand this is critical to the small business survival. Let us not make Superfund the enemy of small business. Let us, Congress, step ahead and save the day on Superfund reform as it relates to small business.

Mr. BLUMENAUER. Mr. Speaker, my goal in serving in Congress is to promote communities that are more livable. We are not going to achieve that goal unless we make significant progress toward cleaning up our Superfund and Brownfield sites. For that reason, I have been a consistent supporter of Superfund and Brownfield legislation in the 106th Congress.

Of all the Superfund and Brownfield bills, it appeared that H.R. 1300 had the greatest chance for passage in the House. Despite significant bipartisan support, Senate leadership has made it clear that H.R. 1300 will not move on their side. I am deeply disappointed that instead of moving H.R. 1300 we are being asked to vote on a controversial bill which I

must oppose as will many of my colleagues. Hopefully in the next Congress we will be able to pass genuine Superfund and Brownfield legislation.

Mr. BARCIA. Mr. Speaker, I rise today in support of H.R. 5175, the Small Business Liability Relief Act which is important to the welfare of our nation's small businesses.

H.R. 5175 is bipartisan legislation that will streamline the Superfund process by removing innocent small businesses from liability. I have read this bill. I have looked at the language. It is specifically tailored so that the little guys in our districts will no longer be punished for legally disposing of their household trash. It is written so that the government will finally be able to bring justice to big polluters at Superfund sites trying to shirk their responsibilities for cleanup by suing your innocent small business owners. The big polluters will pay and they will have no excuses.

I have in my office a stack of letters from small business owners throughout my home state of Michigan embroiled in the Superfund process. For seven years, small business owners in my district have complained to me about the enormous costs their businesses have incurred as a result of the flawed Superfund system. For seven years, we have stood on this floor and in committee rooms trying to pass fair, bipartisan legislation that would get them out, while still preserving the original intentions of the program. For seven years, we have failed. Today, we have a chance to succeed. A chance to finally remove innocent small businesses from the process so we can punish the big polluters and finally get these sites cleaned up. This bill is the best chance we have to act as a bipartisan body to start cleaning up the Superfund program.

The time has come to do something to help innocent small business owners in your district and mine, and the vehicle is here: H.R. 5175.

Mr. SHUSTER. Mr. Speaker, I rise in strong support for H.R. 5175, the Small Business Liability Relief Act.

Like most Members of Congress, I know small businessmen in my district who have been caught up in superfund litigation. It is terrible to see the toll it takes on the lives of these individuals. They don't know if they will lose their businesses, or even their homes.

I would like to enact legislation that eliminates superfund liability for everyone. But I recognize that disagreements remain about how to do that, and how to pay for it.

But if there is one thing all of us should be able to agree on, it is liability relief for small businesses that sent only 2 drums of waste or only ordinary garbage to a superfund site.

Congress never intended that these parties be subject to superfund liability.

Please vote "yes" on H.R. 5175.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 5175, as amended.

The question was taken.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BEACHES ENVIRONMENTAL AWARENESS, CLEANUP, AND HEALTH ACT OF 1999

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Beaches Environmental Assessment and Coastal Health Act of 2000''.

SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:

''(i) COASTAL RECREATION WATER QUALITY CRITERIA.—

''(1) ADOPTION BY STATES.—

''(A) INITIAL CRITERIA AND STANDARDS.—Not later than 42 months after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

''(B) NEW OR REVISED CRITERIA AND STANDARDS.—Not later than 36 months after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable.

''(2) FAILURE OF STATES TO ADOPT.—

''(A) IN GENERAL.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.

''(B) EXCEPTION.—If the Administrator proposes regulations for a State described in subparagraph (A) under subsection (c)(4)(B), the Administrator shall publish any revised or new standard under this subsection not later than 42 months after the date of enactment of this subsection.

''(3) APPLICABILITY.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare.''.

SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.

(a) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

''(v) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Not later than 18 months after the date of enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

''(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;

''(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

''(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

''(4) guidance for State application of the criteria for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.''.

(b) REVISED CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) REVISED CRITERIA FOR COASTAL RECREATION WATERS.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate), based on the results of the studies conducted under section 104(v), for the purpose of protecting human health in coastal recreation waters.

''(B) REVIEWS.—Not later than the date that is 5 years after the date of publication of water quality criteria under this paragraph, and at least once every 5 years thereafter, the Administrator shall review and, as necessary, revise the water quality criteria.''.

SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:

"SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

''(a) MONITORING AND NOTIFICATION.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—

''(A) monitoring and assessment (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or similar points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and

''(B) the prompt notification of the public, local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).

''(2) LEVEL OF PROTECTION.—The performance criteria referred to in paragraph (1) shall provide that the activities described in subparagraphs (A) and (B) of that paragraph shall be carried out as necessary for the protection of public health and safety.

''(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters

adjacent to beaches or similar points of access that are used by the public.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—

''(i) the program is consistent with the performance criteria published by the Administrator under subsection (a);

''(ii) the State or local government prioritizes the use of grant funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens or pathogen indicators;

''(iii) the State or local government makes available to the Administrator the factors used to prioritize the use of funds under clause (ii);

''(iv) the State or local government provides a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided that specifies any coastal recreation waters for which fiscal constraints will prevent consistency with the performance criteria under subsection (a); and

''(v) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.

''(B) GRANTS TO LOCAL GOVERNMENTS.—The Administrator may make a grant to a local government under this subsection for implementation of a monitoring and notification program only if, after the 1-year period beginning on the date of publication of performance criteria under subsection (a)(1), the Administrator determines that the State is not implementing a program that meets the requirements of this subsection, regardless of whether the State has received a grant under this subsection.

''(3) OTHER REQUIREMENTS.—

''(A) REPORT.—A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, a report that describes—

''(i) data collected as part of the program for monitoring and notification as described in subsection (c); and

''(ii) actions taken to notify the public when water quality standards are exceeded.

''(B) DELEGATION.—A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).

''(4) FEDERAL SHARE.—

''(A) IN GENERAL.—The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—

''(i) in an amount not to exceed 50 percent, as determined by the Administrator in consultation with State, tribal, and local government representatives; and

''(ii) provided in cash or in kind.

''(c) CONTENT OF STATE AND LOCAL GOVERNMENT PROGRAMS.—As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—

''(1) lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

''(2) in the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

''(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—

''(A) the periods of recreational use of the waters;

''(B) the nature and extent of use during certain periods;

''(C) the proximity of the waters to known point sources and nonpoint sources of pollution; and

''(D) any effect of storm events on the waters;

''(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and

''(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

''(5) measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—

''(A) the Administrator, in such form as the Administrator determines to be appropriate; and

''(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;

''(6) measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

''(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

''(d) FEDERAL AGENCY PROGRAMS.—Not later than 3 years after the date of enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—

''(1) protects the public health and safety;

''(2) is consistent with the performance criteria published under subsection (a);

''(3) includes a completed report on the information specified in subsection (b)(3)(A), to be submitted to the Administrator; and

''(4) addresses the matters specified in subsection (c) .

''(e) DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides—

''(1) the data reported to the Administrator under subsections (b)(3)(A)(i) and (d)(3); and

''(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—

''(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and

''(B) the Administrator determines should be included.

''(f) TECHNICAL ASSISTANCE FOR MONITORING FLOATABLE MATERIAL.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

''(g) LIST OF WATERS.—

''(1) IN GENERAL.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—

''(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and

''(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).

''(2) AVAILABILITY.—The Administrator shall make the list described in paragraph (1) available to the public through—

''(A) publication in the Federal Register; and

''(B) electronic media.

''(3) UPDATES.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.

''(h) EPA IMPLEMENTATION.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a) after the last day of the 3-year period beginning on the date on which the Administrator lists waters in the State under subsection (g)(1)(B), the Administrator shall conduct a monitoring and notification program for the listed waters based on a priority ranking established by the Administrator using funds appropriated for grants under subsection (i)—

''(1) to conduct monitoring and notification; and

''(2) for related salaries, expenses, and travel.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), $30,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 5. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(21) COASTAL RECREATION WATERS.—

''(A) IN GENERAL.—The term 'coastal recreation waters' means—

''(i) the Great Lakes; and

''(ii) marine coastal waters (including coastal estuaries) that are designated under section 303(c) by a State for use for swimming, bathing, surfing, or similar water contact activities.

''(B) EXCLUSIONS.—The term 'coastal recreation waters' does not include—

''(i) inland waters; or

''(ii) waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

''(22) FLOATABLE MATERIAL.—

''(A) IN GENERAL.—The term 'floatable material' means any foreign matter that may float or remain suspended in the water column.

''(B) INCLUSIONS.—The term 'floatable material' includes—

''(i) plastic;

''(ii) aluminum cans;

''(iii) wood products;

''(iv) bottles; and

''(v) paper products.

''(23) PATHOGEN INDICATOR.—The term 'pathogen indicator' means a substance that indicates the potential for human infectious disease.''.

SEC. 6. INDIAN TRIBES.

Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking ''and 404'' and inserting ''404, and 406''.

SEC. 7. REPORT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—

(1) recommendations concerning the need for additional water quality criteria for pathogens and pathogen indicators and other actions that should be taken to improve the quality of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and

(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.

(b) COORDINATION.—The Administrator of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

□ 1745

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to support H.R. 999, the Beaches Environmental Assessment and Coastal Health Act of 2000, which was introduced and championed by the gentleman from California (Mr. BILBRAY). He has been a tireless advocate for monitoring the quality of our Nation's coastal recreation waters.

This issue has been languishing in Congress for years. But thanks to the tenacity of the gentleman from California (Mr. BILBRAY), all the interested parties have come together, come to the table, and we have reached an agreement on a bipartisan basis. That is a tribute, a singular tribute to the gentleman from California (Mr. BILBRAY). It is a privilege to work with him on this very important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, this bill represents a significant step in protecting the health of millions of beach goers. It passed the Senate unanimously. It is supported by the administration, the States, and the environmental community. It is a good bill worthy of our support, and I urge its passage.

I am pleased to lend my support to H.R. 999, the BEACHES bill. This simple, but important legislation aims at protecting our nation's beach goers from unhealthy ocean water quality conditions. Wherever it may be, beach goers, everywhere, have the right to know that the waters they choose to visit are safe for themselves and their families.

Mr. Speaker, this legislation is the product of work conducted over the past few Congresses. Originally introduced by our friend and former colleague, Bill Hughes, in 1990, this issue has subsequently been picked up by our colleagues from New Jersey, Mr. PALLONE and Senator LAUTENBERG, and by the sponsor of this legislation, Mr. BILBRAY from California. I commend these gentlemen for their dedication and their tireless efforts to protect the public from unhealthy water conditions at our nation's beaches. And I am pleased that this time, we will send this important legislation to the President for his signature.

The BEACHES bill advocates three simple principles: First, beach water quality should be monitored. You cannot know whether waters are safe unless the waters are adequately tested. Second, water quality criteria should be uniform. Just as we provide assurances to the public that water supplies will be safe for drinking no matter which state a person happens to be in, the public should feel confident that the public health standards at our Nation's beaches meet minimum, consistent health requirements. And finally, if a health problem is discovered at the beach, the public has the right to prompt, accurate, and effective notification so that they may protect themselves and their families.

In realizing these principals, this legislation authorizes over $30 million in funding for Federal, State, and local partnerships for water quality monitoring and notification. Under this legislation, States and localities would be given the flexibility to tailor their monitoring and notification programs to meet local needs, so long as these programs are consistent with EPA's minimum requirements for the protection of public health and safety. In addition, the BEACHES bill directs the EPA to periodically review and develop revised water quality criteria for coastal areas to ensure we are using the best scientific information available. The public deserves no less. Finally, this legislation requires EPA to maintain a publicly available database of our nation's beaches, listing those beaches that are subject to local monitoring programs, and those that do not. This information will be very helpful to many Americans for vacation planning, so they will know whether the waters at their favorite vacation spot are safe, and will choose accordingly.

Mr. Speaker, I support this important legislation, and urge my colleagues to vote for its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY), the author of this bill and the driving force behind it all.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Mr. BORSKI), the ranking member, and the gentleman from New York (Mr. BOEHLERT), chairman of the Subcommittee on Water Resources and Environment. I appreciate the bipartisan way we have approached this issue.

I am glad to see the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, here today who has worked on a lot of water quality issues over the years.

H.R. 999 is really a bipartisan approach to addressing an old problem. What we have done is try to raise not only our environmental strategies to a higher level of outcome-based approaches, but also the political process here in Washington, to one of putting the public's health first ahead of partisan bickering.

It has been a privilege to work with the subcommittee chairman and the ranking members. The gentleman from Pennsylvania (Chairman SHUSTER) has been a leader on this issue. The Senate has taken up the challenge after we passed this on Earth Day a year ago, and they have moved it along.

I would just like to say sincerely that we are talking about a bill, H.R. 999, that will allow the American people to know when their beaches are clean, and if it is safe for their children to go in the water. They will be able to go on the Internet to see that, should one want to go to Ocean City, whether Ocean City be safe enough to be able to surf in this weekend. If one wants to go to San Diego next week, will it be safe at La Jolla, Imperial Beach or Coronado to be able to allow one's children, indeed, allow oneself, to get in the water and enjoy the waves and the ocean.

It will mean that those from the Gulf to the Great Lakes will finally be able to say we know about our water quality and we know if it is safe.

I would just ask every Member here to recognize that this is not just a victory for the environment, it is a victory for this institution and the system because, while we may fight and bicker about a lot of things, when it came to our children and our grandchildren's health, when it came to the safety of our communities and the safety of our families, Democrats, Republicans worked together on this bill. They worked together and found reasons to vote aye.

I want to thank both sides for that kind of cooperative effort. I want to thank my colleagues for not only setting an example here in the House, but I think to the rest of the country that we can work together as Americans for Americans. I think people are going to look back at the Beach bill of 2000 and say, why do we not do more of that? Why do we not work together more? Why do we not help the environment together?

Mr. Speaker, I rise in strong support of H.R. 999, on behalf of all surfers, swimmers, divers, sailors, lifeguards, and all Americans who love the ocean.

This is a real triumph, not only for coastal communities and ocean enthusiasts of all kinds, but in fact for all beach users or visitors all across this country. We've been able to take a strong bill that we passed unanimously in the House last year, and make it even more effective, by taking the perspectives and real

life experiences shared with us by local and state public health officials and water administrators, members of the environmental community, and other stakeholders. H.R. 999 reflects what can really be accomplished for the environment by working together in an inclusive and bipartisan manner, and I'm very proud of both the process that produced this important public health bill, and the fact that we are in a position here today to send this bill to the President.

Mr. Speaker, we've come a long way since I first sat down with the Surfrider Foundation and the San Diego Department of Environmental Health to seek their input in the process of drafting what became H.R. 999. Now, no longer will surfers, swimmers, and beach-going families and their children have to serve as the proverbial ''canaries in the coal mine''. H.R. 999 will provide coastal states with both the incentive and the financial means to develop and implement a specific monitoring and public notification program for its recreational waters, in partnership with local, state, and federal public health officials.

This is a strong step in a new direction, away from a punitive, over-regulatory approach to an inclusive and incentive-based process, which is tailored specifically to encourage the growth and implementation of testing and notification programs that meet the needs of individual communities or regions. What is most effective for water quality testing and subsequent public notification in New Jersey may not be as appropriate along the California coast, or vice versa. This bill recognizes the need for flexibility and partnership in developing these programs, based on strong and current science. One of the problems we've encountered in water quality testing in general is the use of outdated science and methodology; under H.R. 999, that science will be constantly under scrutiny and review to help ensure that the best available information is being used as the foundation for these custom-made programs.

The bottom line is that due to the implementation of this bill, families from across the country will be able to go to the beach with the expectation that it is either safe to go into the water at a given location, or that they will be properly informed if it is not. In many instances, families will be able to go on-line to determine whether a given beach is clean and safe before leaving their house, another example of how H.R. 999 uses current technology to better inform the public.

Mr. Speaker, this is something I'm extremely proud of, but it has been an incredible team effort. I want to particularly thank my colleagues in both the House and Senate, who worked so hard and in a bipartisan fashion to help achieve this wonderful result we have here today. In the House, Water Resources Subcommittee Chairman SHERRY BOEHLERT and full Transportation Committee Chairman BUD SHUSTER, along with their counterparts ROBERT BORSKI and JAMES OBERSTAR, have committed considerable time and energy toward this day. The committee staff deserve particular recognition for the considerable time, attention, and long hours they've focused on this goal, particularly Susan Bodine and Ben Grumbles of the Chairman's staff, and Ken Kopocis of Mr. OBERSTAR's staff.

In the other body, Senate Environment committee Chairman ROBERT SMITH made H.R. 999 a top priority of his Committee, which was already preoccupied with an active pro-environmental agenda, and I am very grateful for the time and resources he devoted to shepherding this bill through the Senate. This success was due in large part to the efforts of John Pemberton, Christy Plummer, and Ann Klee of the EPW committee staff, who did yeoman's work on this issue, as did Jo-Ellen Darcy of Senator BAUCUS' staff. I want to particularly thank my beach bill partner in the Senate, the senior Senator from New Jersey, FRANK LAUTENBERG, who introduced the companion beach bill and has been working on water quality issues throughout his distinguished career in public service. The people of New Jersey will certainly miss his presence in the Senate, but the legacy he's helped shape with this bill will be a permanent reminder of his leadership. I greatly appreciate Senator LAUTENBERG's willingness to work together with me to craft a bill which will do so much for our own constituents, and for all Americans who enjoy the beach. He and Amy Maron of his staff have done their home state proud.

There has been strong support for this effort from the environmental community since my other New Jersey colleague FRANK PALLONE and I first introduced H.R. 2094 back in the 105th Congress, which paved the way for H.R. 999. The Surfrider Foundation, the Center for Marine Conservation, and the American Oceans Campaign have all been strong partners in this shared effort. I want to particularly thank the Surfrider Foundation, for their willingness to work with me from the very early going, and stick with me, to help accomplish this long-shared public health goal. I have to also thank Chris Gonaver of the San Diego County Department of Environmental Health, for providing critical input on the need to provide for a substantive role for local public health officials in crafting and implementing an effective monitoring and notification program that is tailored to fit a specific region.

This kind of brings it full circle for me, Mr. Speaker. Coming from local government myself, and knowing how important it is to have that perspective and expertise applied to any effective environmental or public health strategy, I think that the path we have blazed with H.R. 999 is critical for the success of our current and future environmental strategies. I can't think of any better result or legacy, than for the outcome and incentive-based approach of this Beach Bill, H.R. 999, to be used as a blueprint for the next generation of environmental strategies.

Thanks again to my colleagues and all the stakeholders who worked so hard with me to make this bold step on behalf of our ocean environment and the public health.

Mr. SHUSTER. Mr. Speaker, I congratulate Representative BILBRAY on this bill, H.R. 999, the Beaches Environmental Assessment and Coastal Health Act of 2000. I also thank Representatives OBERSTAR, BOEHLERT and BORSKI, and Senators SMITH, BAUCUS and LAUTENBURG, for their assistance on this legislation.

H.R. 999 amends the Clean Water Act to establish a grant program for States to monitor the safety of coastal recreation waters, and to set a deadline for updating State water quality standards for these waters to protect the public from disease-carrying organisms.

Each year over 180 million people visit coastal waters for recreational purposes. This activity supports over 28 million jobs and leads to investments of over $50 billion each year in goods and services.

Public confidence in the quality of our nation's waters is important not only to each citizen who swims or surfs, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

This is a bipartisan bill that uses incentives, not mandates, to improve public health and safety by monitoring the quality of our Nation's coastal waters.

The House passed this bill on April 22, 1999, by voice vote. The Senate passed the bill, with an amendment, on September 20, 2000, by unanimous consent.

The Senate amendment does not make significant changes to the bill.

Like the House-passed bill, the Senate amendment to H.R. 999 gives EPA no new regulatory authorities and contains no intergovernmental or private-sector mandates.

Like the House-passed bill, the grant program established by H.R. 999, as amended, does not provide EPA with an opportunity to micro-manage State monitoring programs if a State chooses to seek Federal assistance.

Under this legislation, EPA is to establish a level of protection for monitoring programs, which will be used to determine if a program is eligible for a grant. But each individual State program determines how that level of protection is reached.

By providing grants this legislation provides incentives to all States to develop monitoring programs that protect public health and safety. This does not mean uniform monitoring programs. This does not mean that EPA may impose a Federal template on States.

Like the House-passed bill, the Senate amendment to H.R. 999 also does not address control of pollution from point or nonpoint sources. It imposes no new mandates, unfunded or otherwise.

Like the House-passed bill, the Senate amendment clarifies that State water quality criteria for pathogens or pathogen indicators for coastal recreation waters must be as protective of human health as EPA's criteria.

This does not mean that States must adopt criteria that are identical to those that have been published by EPA. States adopt water quality criteria under section 303(c) of the Clean Water Act and continue to have the flexibility, provided under that section to change EPA's criteria based on site-specific conditions, or to adopt different, scientifically-justified criteria.

Thus, if a State can demonstrate that the pathogen indicators that it is using are as protective of human health as the criteria for pathogen indicators that EPA has published, a State may continue to use its existing criteria.

The House-passed bill provided that the information database authorized under section 406(e) is intended to be information on exceedances of water quality standards in coastal recreation waters only. This database does not address other matters. The Senate amendment further specifies that the source of that information is to be from State and local monitoring programs only.

Like the House bill, the Senate amendment provides for EPA implementation of a monitoring and notification program only in situations where a State is not implementing a program that protects public health and safety.

The bill does not provide for partial EPA implementation and partial State implementation of a monitoring and notification program.

In addition, EPA's duty to conduct a monitoring and notification program is subject to the same conditions as a State program. This means that EPA has the same flexibility that States are provided to target available resources to those waters that it determines are the highest priorities.

Finally, like the House-passed bill, the Senate amendment provides that the term ''coastal recreation waters'' includes only the Great Lakes and waters that are adjacent to the coastline of the United States. ''Coastal recreation waters'' is not synonymous with the ''coastal zone'' as defined under the Coastal Zone Management Act. The Senate amendment further clarifies in bill language that geographic scope of this act does not include any inland waters and does not extend beyond the mouth of any river or stream or other body of water having unimpaired natural connection with open sea.

I urge all Members to support H.R. 999, as amended.

Mr. HORN. I thank the gentleman from California, Mr. BILBRAY, for all of his hard work on H.R. 999, the Beaches Environmental Assessment and Coastal Health Act of 2000. I strongly urge that we pass this much needed environmental initiative today.

As a Representative from California, with beautiful beaches stretching along the coastal areas in my district, I have seen first-hand the need to establish national safety standards for monitoring coastal recreation waters. Beachgoers in my district and across the nation are often forced to postpone their recreational plans due to contamination by urban runoff or sewage spills. Swimming along California's shore should not pose a potential health hazard. However, in 1999, Lost Angeles County—including Long Beach—issued advisories or closed beaches 460 times.

H.R. 999 addresses this problem by providing effective mechanisms to ensure that beach water quality is monitored and safe for recreational use. The bill amends the Clean Water Act to establish a grant program for states to monitor coastal recreation waters. It also sets a deadline for updating state water quality standards to protect the public from disease-carrying pathogens. I should also mention that updated water quality standards are not only good for public health, but also for the environment—cleaner waters mean healthier marine animals and protected aquatic habitats.

Each year over 180 million people visit coastal waters for recreational purposes. I believe we owe it to each citizen of our nation to pass this bill and ensure that they can enjoy safe, hazard-free coastal waters. I strongly urge my colleagues to join me in supporting final passage of H.R. 999.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 999.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EFFIGY MOUNDS NATIONAL MONUMENT ADDITIONS ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3745) to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa, as amended.

The Clerk read as follows:

H.R. 3745

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 ''Effigy Mounds National Monument Additions Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Proposed Boundary Adjustments/Effigy Mounds National Monument'', numbered 394/800 35, and dated May 1999.

(2) MONUMENT.—The term ''Monument'' means the Effigy Mounds National Monument, Iowa.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ADDITIONS TO EFFIGY MOUNDS NATIONAL MONUMENT.

(a) IN GENERAL.—The Secretary may acquire by purchase, from willing sellers only, each of the parcels described in subsection (b).

(b) PARCELS.—The parcels referred to in subsection (a) are the following:

(1) FERGUSON/KISTLER TRACT.—The parcel consisting of approximately 1054 acres of undeveloped, privately-owned land located in portions of secs. 28, 29, 31, 32, and 33, T. 95 N., R. 3 W., Fairview Township, Allamakee County, Iowa, as depicted on the map.

(2) RIVERFRONT TRACT.—The parcel consisting of approximately 50 acres of bottom land located between the Mississippi River and the north unit of the Monument in secs. 27 and 34, Fairview Township, Allamakee County, Iowa, as depicted on the map.

(c) BOUNDARY ADJUSTMENT.—On acquisition of a parcel described in subsection (b), the Secretary shall modify the boundary of the Monument to include the parcel. Any parcel included within the boundary of the Monument pursuant to this subsection shall be administered by the Secretary as part of the Monument.

(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3745, introduced by the gentleman from Iowa (Mr. NUSSLE), authorizes the Secretary of the Interior to purchase two tracts of land from willing sellers for addition into the Effigy Mounds National Monument. The gentleman from Iowa (Mr. NUSSLE) deserves credit for crafting this legislation which protected the rights of property owners while also helping to expand the Effigy Mounds for the public enjoyment.

Mr. Speaker, Effigy Mounds is located in northeastern Iowa along the Mississippi River and borders Wisconsin. Currently, the 1,481-acre Monument protects approximately 200 mound sites built by Eastern Woodland Indians from about 500 BC to 1300 AD. Although prehistoric mounds are common from the Midwest to the Atlantic Seaboard, they seldom are found in an effigy outline of mammals, birds, or reptiles. The 200 mounds, including the 29 effigy mounds, are thought to have served a variety of purposes such as territory markers, burials, or other cultural activities.

H.R. 3745 authorizes the acquisition of two parcels of land from willing sellers in order to expand the boundaries of the existing monument. The Iowa Natural Heritage Foundation has negotiated the purchase of the Ferguson-Kistler Tract which represents the largest of the parcels. This tract also contains two effigy mounds and numerous other historic and prehistoric sites. The State of Iowa owns the second parcel.

Mr. Speaker, an amendment was passed during committee proceedings on this bill which excluded those landowners not wanting to be within the boundaries. The gentleman from Iowa (Mr. NUSSLE) worked hard to make sure these property owners are protected. Now this bill is ready to move forward.

I urge my colleagues to support H.R. 3745, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, the National Park Service has identified several parcels of land near the existing boundaries of the Effigy Mounds National Monument in Northeastern Iowa that would be valuable additions to the Monument.

H.R. 3745, as introduced by the gentleman from Iowa (Mr. NUSSLE) would have authorized the Secretary to purchase all of these parcels from willing sellers only and to adjust the boundaries of the Monument to include these lands, once they were acquired. As introduced, the bill was identical to legislation sponsored by Senator GRASSLEY.

However, members of the majority staff of the Subcommittee on National Parks and Public Lands contacted the owners of the tracts included in the legislation; and after those contacts, three of these owners no longer wish to be included in the legislation. As a result, an amendment was adopted by the committee striking these parcels from the bill.

It is unfortunate that this change was made. It is difficult to imagine what could have caused these landowners concerns given that the bill specifies that the properties may only be purchased if the owners want to sell and may only be added to the Monument after they are acquired.

The only effect of passage of the bill as introduced would have been to add the Federal Government to the list of potential buyers if and when these landowners decided to sell their property. Adoption of the committee amendment, however, means that approval of a second measure allowing the Federal Government to bid on these properties if they ever come on the market will be required.

As introduced, H.R. 3745 was a straightforward bill allowing the Federal Government to bid on significant lands near a national monument. We continue to support this legislation, but the changes made to the bill make it more likely that lands which might have been preserved will someday be developed.

We urge our colleagues to support H.R. 3745 as well as the future legislation that will be required to complete the process of adding these important parcels to this national monument.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), the author of this bill.

(Mr. NUSSLE asked and was given permission to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, I would like to first thank the gentleman from Utah (Chairman HANSEN) who has been a strong advocate and supporter of this legislation, who has held hearings. As my colleagues can tell by his opening statement here today, as well as the gentleman frøm Puerto Rico (Mr. ROMERO-BARCELO), the ranking member, they know quite a bit about this very small, yet very significant historical monument in northeast Iowa.

This year we have the opportunity to expand this monument and preserve more mounds. This is a project that the Iowa Natural Heritage Foundation has put together. It is a plan to purchase 1,000 acres, as has been said.

This parcel of land that we talk about today has been sought after by the National Park Service since the Monument's establishment by proclamation by President Truman back in 1949. So this has been a long time in coming. This is a very significant day.

Anthropologists estimate that there were thousands of these Indian burial mounds built on the North American continent. However, effigy mounds are primarily located today in northeast Iowa, southeastern Minnesota, and western Wisconsin. They were constructed, by some estimates, over the course of the last 2,500 years.

The mounds inside the Effigy Mounds National Monument are a representative and very outstanding example of a significant phase of prehistoric American Indian mound-building culture. The tract that we talked about here today would be a valuable addition to the monument because not only of its natural beauty and historical significance, but this tract is known to contain four additional mounds, two linear forms as well as two bears, the outline of a bear. It includes not only endangered plant and animal species along the Yellow River, but additionally, and interestingly enough, this property was the site of Iowa's first sawmill, which was powered by water and managed by none other than Jefferson Davis.

I believe that expanding the Monument's current boundaries to include the Ferguson-Kistler Tract would be a wise step.

Mr. Speaker, I am a very strong supporter of private lands and private ownership. Iowa has less than 2 percent of its land in other than privately owned hands. We do not come to this floor without concern for private property, and that is why this bill has been crafted for willing sellers only. But we have willing sellers.

This is a strong piece of legislation to enhance the beauty and historical significance of this park. I ask my colleagues to support H.R. 3745. I thank the committee and the gentleman from Utah (Chairman HANSEN) for their diligent work on this.

Mr. ROMERO-BARCELO. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3745, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4613) to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program, as amended.

The Clerk read as follows:

H.R. 4613

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 ''National Historic Lighthouse Preservation Act of 2000''.

SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w–6) is amended by adding at the end the following new section:

''SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.

''(a) IN GENERAL.—In order to provide a national historic light station program, the Secretary shall—

''(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

''(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

''(3) sponsor or conduct research and study into the history of light stations;

''(4) maintain a listing of historic light stations; and

''(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

''(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

''(1) PROCESS AND POLICY.—Not later than one year after the date of the enactment of this section, the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible entity.

''(2) APPLICATION REVIEW.—The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be 'excess property' as that term is defined in the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e)), and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the state in which the historic light station is located.

''(3) CONVEYANCE OF HISTORIC LIGHT STATIONS.—(A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105–383).

''(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

''(ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

''(iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

''(iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements

with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

''(c) TERMS OF CONVEYANCE.—

''(1) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—

''(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

''(B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

''(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

''(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the state in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

''(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

''(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

''(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

''(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

''(2) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14, United States Code, to the eligible entity.

''(3) REVERSION.—In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

''(A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

''(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

''(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

''(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

''(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

''(F) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

''(d) DESCRIPTION OF PROPERTY.—

''(1) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

''(2) ARTIFACTS.—Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.

''(3) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

''(4) SUBMERGED LANDS.—No submerged lands shall be conveyed under this section.

''(e) DEFINITIONS.—For purposes of this section:

''(1) ADMINISTRATOR.—The term 'Administrator' shall mean the Administrator of General Services.

''(2) HISTORIC LIGHT STATION.—The term 'historic light station' includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated therewith; provided that the 'historic light station' shall be included in or eligible for inclusion in the National Register of Historic Places.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' shall mean:

''(A) any department or agency of the Federal Government; or

''(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

''(i) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station; and

''(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c).

''(4) FEDERAL AID TO NAVIGATION.—The term 'Federal aid to navigation' shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.''.

SEC. 3. SALE OF HISTORIC LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w–6), as amended by section 2 of this Act, is amended by adding at the end the following new section:

''SEC. 309. HISTORIC LIGHT STATION SALES.

''(a) IN GENERAL.—In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 308, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

''(b) NET SALE PROCEEDS.—Net sale proceeds from the disposal of a historic light station—

''(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994 (Public Law 103–451) within the Department of the Interior; and

''(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.''.

SEC. 4. FUNDING.

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

□ 1800

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4613 was introduced by the gentleman from Indiana

(Mr. SOUDER) and amends the National Historic Preservation Act for purposes of establishing a National Historic Lighthouse Preservation Program. This legislation has been a long time coming, and the gentleman from Indiana is to be congratulated in working hard to get all parties to agree to this bill.

Specifically, H.R. 4613 establishes a process for the conveyance of excess historic lighthouses from Federal ownership to eligible entities who have agreed to the terms and conditions of the conveyance. Eligible entities can include Federal, State or local agencies, along with nonprofit corporations and community development organizations.

The bill also provides for the establishment of a national historic light station program to collect information on, foster educational programs relating to, and maintaining a listing of historic light stations.

Mr. Speaker, lighthouses and light stations have long played an important role in our Nation's history. Today, the United States has the largest number of lighthouses, as well as the most diverse collection of light stations, in any country in the world. There are 633 lighthouses built before 1939 and classified as historic. The majority of these lighthouses are owned by the Federal Government. A number of historic lighthouses have been leased to local communities and nonprofit lighthouse friends groups for parks, recreation, and educational purposes. The costs associated with maintaining a historic lighthouse in compliance with National Historic Preservation standards can be significant.

Federal agencies with direct responsibilities for these lighthouses have begun to look for an alternative means for efficient management and reducing costs. However, current procedures for disposal of these sites do not guarantee that all historic light stations will be protected. H.R. 4613 would alleviate these problems by providing a mechanism to ensure that light stations will be protected not only for their significant historic values but also for architectural contributions.

Mr. Speaker, this bill is supported by the minority and the administration. It serves a very important purpose, and I urge my colleagues to support H.R. 4613, as amended.

Mr. Speaker, I submit for the RECORD letters to and from the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Alaska (Mr. YOUNG) regarding this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 21, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I ask your help in scheduling H.R. 4613, authored Congressman Mark Souder, for consideration by the House of Representatives as soon as possible.

H.R. 4613 was referred solely to the Committee on Resources, but I believe that your committee has a jurisdictional interest in the bill. The bill amends the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program. The bill was introduced on June 8, 2000, and the Subcommittee on National Parks and Public Lands held a hearing on the bill on July 13, 2000. The Committee on Resources ordered the bill favorably reported with technical amendments by voice vote on September 13, 2000. My staff has forwarded a copy of the bill report to your staff for review.

Because the House has less than 3 weeks before the target adjournment, I ask that you not seek a sequential referral of the bill. This action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bill. Moreover, if the bill is conferenced with the Senate, I would support naming Transportation and Infrastructure Committee members to the conference committee.

I look forward to your response and would be pleased to include it and this letter in the report on H.R. 4613.

Sincerely,

DON YOUNG, *Chairman.*

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, September 26, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 4613, the National Historic Lighthouse Preservation Act of 2000. The Transportation and Infrastructure Committee has a jurisdictional interest in this bill, to the extent that it may affect Coast Guard lighthouses and adjacent property that have not been declared excess to the needs of the Coast Guard and transferred to the General Services Administration for disposal. However, we have reviewed H.R. 4613, and agree not to request a sequential referral of this bill.

I appreciate your acknowledgement that this action will not be considered as precedent for future referrals of similar measures or affect the Transportation and Infrastructure Committee's jurisdiction over the subject matter of the bill. I also appreciate your support for naming Transportation and Infrastructure members to the conference committee on H.R. 4613.

With kind personal regards,

Sincerely,

BUD SHUSTER, *Chairman.*

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 4613, sponsored by the gentleman from Indiana (Mr. SOUDER), would amend the National Historic Preservation Act to create a program under which historic lighthouses might be transferred to State, local, or private ownership. Such a program is needed as technological developments render more and more of these properties outdated. It would be a shame, indeed, if historical and educational values of these old lighthouses were lost to all Americans simply because they are no longer needed by the ship captains.

Mr. Speaker, we support H.R. 4613, and we urge our colleagues to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), the author of this legislation.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN) for moving this bill forward, as well as the ranking minority member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and his cosponsorship. I very much appreciate the bipartisan effort that we have been able to develop on this bill.

I also want to publicly thank Senator MURKOWSKI of Alaska, who has been the leader in passing this in the last Congress in the Senate and through the Committee on Resources this time, and I hope we can finally get this bill done.

This bill would amend the National Historic Preservation Act to establish a historic lighthouse preservation program within the Department of the Interior. It also directs an improved process for conveying historic lighthouses. It has not been fair that some community organizations have worked to preserve and restore these lighthouses only in the conveyance process to have to go through a bidding process where first government agencies sometimes get a crack at it, other times private entities, and the very groups that worked so hard to preserve it get to be last in line. This, I believe, will correct that.

When a historic lighthouse has been deemed excess to the needs of the Federal Government, the General Services Administration will convey it, for free, so the groups do not get in a bidding war, to a selected entity for education, park, recreation, cultural, and historic preservation purposes. It is important to note that groups selected for conveyance will be obligated to maintain the integrity of these historic structures. In fact, lighthouses conveyed pursuant to this act would convert back to the Federal Government if the property ceases to be used for education, park, recreation, cultural or historic preservation purposes; or if it is not maintained in compliance with the National Historic Preservation Act.

Having public access to these lighthouses is extremely important, and there are many more lighthouses, more than we have had in the many years up to this point that are about to be conveyed into the private sector. I have a couple of beautiful models from my office to illustrate this point. This is near Stony Brook on Long Island at Old Field Lighthouse. Here the local town uses this building for a community office and then the public can arrange tours to go through the lighthouse. That is a multiple-use purpose

where the public can still appreciate this beautiful lighthouse.

I brought this one from my office today, the Spectacle Reef in the Great Lakes region, to illustrate another point that I want to make sure the legislative language reflects. Some of these are out in the middle of the Great Lakes, or off the shore in the ocean, or in Chesapeake Bay. Those lighthouses, we need to understand, will not have the same public access as would a lighthouse on the shore. While that is not in the bill, I think we understand that and it has been a point brought to our attention by the Great Lakes lightkeepers.

Mr. Speaker, I want to thank the chairman again for his leadership, and I submit for the RECORD testimony offered at a hearing held before the Subcommittee on National Parks and Public Lands regarding this topic:

TESTIMONY OF RICHARD L. MOEHL, PRESIDENT, GREAT LAKES LIGHTHOUSE KEEPERS ASSOCIATION

The Process and Policy process of this Bill (H.R. 4613) will determine the success of the legislation.

1. Off-shore and remote light stations deserve special considerations.

a. Seasonal and weather related access limits the practical and productive time at these light stations.

b. The cost of restoring and preserving these light stations is five to ten times the cost of restoring and preserving a drive-up-to light station.

c. Sanitation conditions are a challenge. Taking care of human waste is different today than when these light stations were originally operated. This may be THE major problem in restoring offshore lighthouses. A solution MUST be found.

d. Boat expenses for mooring, insurance, inspections, maintenance and operations can run into the tens of thousands of dollars per year.

2. The ''open to the public'' portion of the Bill needs some''teeth'' put into the Process and Policy decision. Regulations are needed such as the prohibition of alcohol and tobacco products at the light station. We see too many boaters smoking and with alcohol products in hand visiting the St. Helena Island Light Station. Prohibition of these risky activities would carry more enforcement weight if included in deeds.

3. The limitation on commercial activities cannot exclude fund raising for restoration, preservation and operational expenses.

4. Michigan Lighthouse Project: This collaboration of agencies and organizations to facilitate the transfer of historic light stations in the State of Michigan can be a model for other states and regions.

5. The State of Michigan, and possibly other states, has a law of public trust that prohibits certain uses of bottomlands upon which the off-shore lights in the State of Michigan are built. The interpretation of this ''public trust'' needs to be resolved in order for any of these light stations to be transferred. In the meanwhile long-term leases can transfer control; but there needs to be a little transfer provision for the lessee should the public trust law be resolved.

6. All eligible entities need to have access to surplus Federal personal property i.e. generators, boats and other needed supplies.

7. Group insurance, liability and theft/vandalism for valuable historic artifacts, coordinated with these transfers needs to be a consideration.

8. A National Lighthouse Preservation Fund should be put into place. Upwards of $750,000 can be spent abating, stabilizing, dealing with public health issues, and completing a Historic Structures Report to begin the needed restoration process.

Mr. ROMERO-BARCELO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4613, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WILLING SELLER AMENDMENTS OF 2000 TO THE NATIONAL TRAILS SYSTEM ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2267) to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2267

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 ''Willing Seller Amendments of 2000 to the National Trails System Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In spite of commendable efforts by the governments of States and political subdivisions of States and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails (referred to in this Act as the ''trails''), the rate of progress towards developing and completing the trails is slower than anticipated.

(2) Nine national scenic and historic trails were authorized by Congress between 1978 and 1986 with restrictions totally excluding Federal authority for land acquisition. To complete these trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments, limited to acquisition from willing sellers only, and specifically excluding condemnation, should be extended to the Secretary administering those trails.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that in order to address the problems involving multijurisdictional authority over the national trails system, the head of each Federal agency with jurisdiction over an individual trail should—

(1) cooperate with appropriate officials of States and political subdivisions of States and private persons with an interest in the trails to pursue the development of the trails; and

(2) be granted sufficient authority to purchase lands from willing sellers that are critical to the completion of the trails.

SEC. 4. INTENT.

It is the intent of Congress that lands or interests in lands for the 9 components of the National Trails System affected by this Act shall only be acquired by the Federal Government from willing sellers.

SEC. 5. AMENDMENTS TO THE NATIONAL TRAILS SYSTEM ACT.

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

(1) in section 5(a)—

(A) in the fourth sentence of paragraph (11)—

(i) by striking ''No lands or interest therein outside the exterior'' and inserting ''No lands or interest in lands outside of the exterior''; and

(ii) by inserting before the period the following: ''without the consent of the owner of the land or interest''; and

(B) in the fourth sentence of paragraph (14)—

(i) by striking ''No lands or interests therein outside the exterior'' and inserting ''No land or interest in land outside of the exterior''; and

(ii) by inserting before the period the following: ''without the consent of the owner of the land or interest''; and

(2) in section 10(c), by striking paragraph (1) and inserting the following new paragraph:

''(c)(1) Notwithstanding any other provision of law (including any other provision of this Act), no funds may be expended by the Federal Government for the acquisition of any land or interest in land outside of the exterior boundaries of existing Federal lands for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Nez Perce National Historic Trail, the Lewis and Clark National Historic Trail, or the Iditarod National Historic Trail, except with the consent of the owner of the land or interest. If the Federal Government fails to make payment in accordance with a contract for sale of land or an interest in land transferred under this paragraph, the seller may avail himself of all remedies available under all applicable law, including electing to void the sale.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2267, introduced by the gentleman from Colorado (Mr. MCINNIS), amends the National Trails Systems Act to clarify Federal authority relating to land acquisition from willing sellers. The gentleman from Colorado is to be commended for correcting a long-standing problem with the National Trails System Act.

Mr. Speaker, under the existing statute, nine national scenic and historic trails have restrictions preventing the Federal Government from acquiring land from the trails outside of the exterior boundaries of any federally administered area. This bill would allow lands to be purchased by the Federal Government. However, H.R. 2267 specifically provides that such purchase can only be made with the consent of the owner of the land or interest.

Mr. Speaker, I urge my colleagues to support H.R. 2267, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELO asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, as currently written, the National Trails Systems Act authorizes the Federal Government to acquire property for use as part of a national trail in some cases and not in others. Still in other instances, Federal authority regarding land purchases under the act is simply unclear. The development of a system of trails that is truly national in scope has been slower than supporters of the program had hoped, and we fear that this inconsistency regarding Federal land acquisition may be a contributing factor.

H.R. 2267 has strong bipartisan support, and it will amend the act to specify that as long as there is a willing seller, the Federal Government may acquire land under the Trails Act. We support such a change in the hope that clarity on this issue will allow the development of a national trails system to progress more quickly. We urge our colleagues to support H.R. 2267.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS), the author of this legislation.

Mr. MCINNIS. Mr. Speaker, first of all, I would like to extend special recognition to two individuals in Colorado, Bruce and Paula Ward, who have given deep devotion to the Continental Divide Trail; and without their efforts, we would not be able to see progress like we have seen.

With that said, I want to thank the chairman, the gentleman from Utah (Mr. HANSEN). I also want to thank Tod and Allen for their efforts in regard to this. And last, but not least, I also want to thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELO).

Mr. Speaker, I think that the chairman of the committee, the gentleman from Utah, has adequately explained the bill in its fullness and within all four corners.

Mr. ROMERO-BARCELO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2267, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LINCOLN COUNTY LAND ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2752) to give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2752

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 ''Lincoln County Land Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Lincoln County, Nevada, encompasses an area of 10,132 square miles of the State of Nevada;

(2) approximately 98 percent of the County is owned by the Federal Government;

(3) the city of Mesquite, Nevada, needs land for an organized approach for expansion to the north;

(4) citizens of the County would benefit through enhanced county services and schools from the increased private property tax base due to commercial and residential development;

(5) the County would see improvement to the budget for the county and school services through the immediate distribution of sale receipts from the Secretary selling land through a competitive bidding process;

(6) a cooperative approach among the Bureau of Land Management, the County, the City, and other local government entities will ensure continuing communication between those entities;

(7) the Federal Government will be fairly compensated for the sale of public land; and

(8) the proposed Caliente Management Framework Amendment and Environmental Impact Statement for the Management of Desert Tortoise Habitat Plan identify specific public land as being suitable for disposal.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for the orderly disposal of certain public land in the County; and

(2) to provide for the acquisition of environmentally sensitive land in the State of Nevada.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Mesquite, Nevada.

(2) COUNTY.—The term ''County'' means Lincoln County, Nevada.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SPECIAL ACCOUNT.—The term ''special account'' means the account in the Treasury of the United States established under section 5.

SEC. 4. DISPOSAL OF LAND.

(a) DISPOSAL.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, notwithstanding the land use planning and land sale requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), the Secretary, in cooperation with the County and the City, in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law, and subject to valid existing rights, shall dispose of the land described in subsection (b) in a competitive bidding process, at a minimum, for fair market value.

(2) TIMING.—The Secretary shall dispose of—

(A) the land described in subsection (b)(1)(A) not later than 1 year after the date of enactment of this Act; and

(B) the land described in subsection (b)(1)(B) not later than 5 years after the date of enactment of this Act.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the land depicted on the map entitled ''Public Lands Identified for Disposal in Lincoln County, Nevada'' and dated July 24, 2000, consisting of—

(A) the land identified on the map for disposal within 1 year, comprising approximately 4,817 acres; and

(B) the land identified on the map for disposal within 5 years, comprising approximately 8,683 acres.

(2) MAP.—The map described in paragraph (1) shall be available for public inspection in the Ely Field Office of the Bureau of Land Management.

(c) SEGREGATION.—Subject to valid existing rights, the land described in subsection (b) is segregated from all forms of entry and appropriation (except for competitive sale) under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

(d) COMPLIANCE WITH LOCAL PLANNING AND ZONING.—The Secretary shall ensure that qualified bidders intend to comply with—

(1) County and City zoning ordinances; and

(2) any master plan for the area developed and approved by the County and City.

SEC. 5. DISPOSITION OF PROCEEDS.

(a) LAND SALES.—Of the gross proceeds of sales of land under this Act in a fiscal year—

(1) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(2) 10 percent shall be returned to the County for use as determined through normal county budgeting procedures, with emphasis given to support of schools, of which no amount may be used in support of litigation against the Federal Government; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States (referred to in this section as the ''special account'') for use as provided in subsection (b).

(b) AVAILABILITY OF SPECIAL ACCOUNT.—

(1) IN GENERAL.—Amounts in the special account (including amounts earned as interest under paragraph (3)) shall be available to the Secretary of the Interior, without further Act of appropriation, and shall remain available until expended, for—

(A) inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) in the County;

(B) development of a multispecies habitat conservation plan in the County;

(C)(i) reimbursement of costs incurred by the Nevada State Office and the Ely Field Office of the Bureau of Land Management in preparing sales under this Act, or other authorized land sales within the County, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and any public notice; and

(ii) processing public land use authorizations and rights-of-way stemming from development of the conveyed land; and

(D) the cost of acquisition of environmentally sensitive land or interests in such land in the State of Nevada, with priority given to land outside Clark County.

(2) ACQUISITION FROM WILLING SELLERS.—An acquisition under paragraph (1)(D) shall be made only from a willing seller and after consultation with the State of Nevada and units of local government under the jurisdiction of which the environmentally sensitive land is located.

(c) INVESTMENT OF SPECIAL ACCOUNT.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

SEC. 6. ACQUISITIONS.

(a) DEFINITION OF ENVIRONMENTALLY SENSITIVE LAND.—In this section, the term ''environmentally sensitive land'' means land or an

interest in land, the acquisition of which by the United States would, in the judgment of the Secretary—

(1) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(2) enhance recreational opportunities and public access;

(3) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(4) otherwise serve the public interest.

(b) ACQUISITIONS.—

(1) IN GENERAL.—After the consultation process has been completed in accordance with subsection (c), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Land may not be acquired under this section without the consent of the landowner.

(2) USE OF OTHER FUNDS.—Funds made available from the special account may be used with any other funds made available under any other provision of law.

(c) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary shall consult with the State of Nevada and with local government within whose jurisdiction the land is located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.

(d) ADMINISTRATION.—On acceptance of title by the United States, land and interests in land acquired under this section that is within the boundaries of a unit of the National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—

(1) shall become part of the unit or area without further action by the Secretary; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first would like to thank my colleague, the gentleman from Nevada (Mr. GIBBONS), for his efforts in introducing this bill. He has worked diligently in preparing this legislation, and I urge the Members' consideration and support of H.R. 2752.

This bill would grant Lincoln County, Nevada, the exclusive right to purchase pieces of public land at fair market value for a 10-year period. The bill would also withdraw such lands from all forms of entry and appropriations under public land laws, including the mining law, and from operation of the mineral leasing and geothermal laws during the 10-year period.

Located in southeastern Nevada, Lincoln County encompasses 6.8 million acres, making it the third largest county in the State. Despite its large size, Lincoln County remains lightly populated and nearly 90 percent of the land is under Federal ownership. This pattern of private ownership mixed with public lands poses many problems for Federal land managers. H.R. 2752 would help resolve this problem by allowing some of these lands to be made available to the private sector. The increase of private lands would also increase the revenue on county tax rolls, thereby providing much needed resources for Lincoln County schoolchildren.

Mr. Speaker, I reiterate my support for H.R. 2752 and ask for my colleagues' endorsement to grant Lincoln County the right to purchase pieces of public land at a fair market price. I urge all my colleagues to support H.R. 2752, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 2752, introduced by the gentleman from Nevada (Mr. GIBBONS), directs the Secretary of the Interior to provide for the sale of nearly 5,000 acres of public land in Lincoln County, Nevada. The bill, as amended, directs that the proceeds from any such sales be distributed on the basis of 5 percent to the State of Nevada, 10 percent to Lincoln County, with the remainder of the funds deposited in a newly created special account and available without further appropriation to reimburse the Bureau of Land Mines for land sale costs, development of a multispecies habitat conservation plan, and the purchase of conservation lands in Lincoln County.

The bill, as introduced, had a number of serious problems; and at the hearing of the Committee on Resources on H.R. 2752, the administration testified in opposition to the legislation. Subsequent to that hearing, discussions were held in an attempt to address the problems with the bill, and an agreement was worked out on all issues except the distribution of the land sale receipts.

Under current law, 95 percent of these sale receipts would go to the Federal Government for deposit into the Land and Water Conservation Fund, with the remaining 5 percent distributed to the State. The lands identified for sale by this bill are already being sold for the purpose of expanding the local tax base and generating local revenues. Thus, we must question whether a specific revenue-sharing provision for Lincoln County is justified. It is a benefit that is not being provided to other counties. This is not the southern Nevada situation, where Clark County was providing utilities that significantly enhanced the value of public lands being sold.

Mr. Speaker, the proposed distribution of land sale receipts by H.R. 2752 runs counter to what the Congress did just 3 months ago in passing as part of the Baca Ranch legislation, a national public land sale program.

□ 1815

We believe H.R. 2752 should be consistent with existing law. And although we hope that this matter would be addressed before final action is taken on the measure, we will not object to passage today of H.R. 2752.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) the author of this legislation.

Mr. GIBBONS. Mr. Speaker, I thank the chairman for yielding me the time to speak on this important piece of legislation for the Second District of Nevada.

Mr. Speaker, although America is enduring what I believe to be one of the most unprecedented economic boom times of all, not every American is benefitting from these most economic prosperity times. And that is certainly the concern in Nevada, because some of the constituents in Lincoln County believe that this economic boom has passed them by.

Mr. Speaker, since Nevada's historic inclusion as a State to this Nation, the Federal Government has laid claim to a very large percentage of the land within the State boundaries and Nevada counties are in a catch-22 because they are land locked in Federal property, unable to progress and grow and generate taxes. And to top it all off, the Federal Government has not ever completely funded their payment in lieu of taxes as a property owner in our State.

This is a time when Congress must fight for working families, our counties and our communities that are barely surviving. To help to rectify this difficult situation, I have introduced this bill before us today.

Lincoln County, Mr. Speaker, encompasses about 10,132 square miles of the State of Nevada, which is larger, by the way, than the State of Maryland, 98 percent of which is owned by the Federal Government.

With only 2 percent of the property for a tax base, the revenues that that county is able to generate for their highways and roads, schools, and infrastructure is about $1.1 million; and that is not enough to even provide the basic services needed and mandated by laws to the citizens of that county.

Lincoln County School District is in a critical situation, as its elementary and high schools are literally uninhabitable because of the lack of private property tax funds necessary to maintain them. And I know because I have had the opportunity to visit them and see for myself what is going on there.

If Lincoln County is unable to provide an adequate education to its young people, its future is in serious jeopardy. So by allowing the BLM the opportunity to sell land that it wants to divest itself of, a set amount of Federally owned land, it will increase Lincoln County's annual property tax base

by more than 10 times once it is fully put to use.

In fact, when the land is simply purchased by private individuals, it will immediately double the tax base of Lincoln County.

H.R. 2752 stipulates that a small portion of the money derived by the sale will stay in Nevada to benefit Nevada's students, its infrastructure, and the environment. Five percent of this money will go directly to the State education fund. That is a common practice that we have done in the past. Ten percent, however, of the money will go to Lincoln County to rebuild these condemned schools.

The remaining bulk of the money will be used by the BLM in our State to protect archaeological resources, develop a multi-species habitat conservation plan and cover the costs associated with these land sales, among other things.

Under this legislation, the children of Lincoln County will be able to attend school in a safe structure with an environment aimed toward a good education.

Lincoln County and its school district will gain badly needed property tax revenues, the City of Mesquite will gain much needed room for expansion that is consistent with its master plan for growth, and the Federal Government will be fairly compensated for the sale of public lands.

H.R. 2752 will give this rural county the vital economic infusion they are going to need to survive and grow and allows the affected parties to control their own growth and make their own land use decisions.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. ROMERO-BARCELÓ. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2752, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the Secretary of Interior to sell certain public land in Lincoln County through a competitive process."

A motion to reconsider was laid on the table.

DAYTON AVIATION HERITAGE PRESERVATION AMENDMENT ACTS OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5036) to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park, as amended.

The Clerk read as follows:

H.R. 5036

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 "Dayton Aviation Heritage Preservation Amendments Act of 2000".

SEC. 2. REVISION OF DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992.

(a) AREAS INCLUDED IN PARK.—Section 101(b) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww(b)) is amended to read as follows:

"(b) AREAS INCLUDED.—The park shall consist of the following sites, as generally depicted on a map entitled 'Dayton Aviation Heritage National Historical Park', numbered 362–80,010 and dated September 1, 2000:

"(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company building, Hoover Block, and lands between.

"(2) The Setzer building property (also known as the Aviation Trail building property), Dayton, Ohio.

"(3) The residential properties at 26 South Williams Street and at 30 South Williams Street, Dayton, Ohio.

"(4) Huffman Prairie Flying Field, located at Wright-Patterson Air Force Base, Ohio.

"(5) The Wright 1905 Flyer III and Wright Hall, including constructed additions and attached structures, known collectively as the John W. Berry, Sr. Wright Brothers Aviation Center, Dayton, Ohio.

"(6) The Paul Laurence Dunbar State Memorial, Dayton, Ohio.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 109 of such Act (16 U.S.C. 410ww–8) is amended by striking the colon after "title" and all that follows through the end of the sentence and inserting a period.

(c) TECHNICAL CORRECTION.—Section 107 of such Act (16 U.S.C. 410ww–6) is amended by striking "Secretary of Interior" and inserting "Secretary of the Interior".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5036 was introduced by the gentleman from Ohio (Mr. HALL) and amends the 1992 Dayton Aviation Heritage Preservation Act by adding three properties to the Dayton Aviation Heritage National Historical Park.

The Historical Park was originally created and authorized in 1992, which preserves sites associated with Wilbur and Orville Wright and the early development of aviation.

Yesterday I went to that site and looked at this spot.

The bill also removes a provision in the current law which contains a limit of $200,000 on appropriated funds for use on non-federally owned properties within the boundaries of the historical park. The cap on this appropriation has caused concern for interpretive functions, funding from other sources, and for a construction project which has a small amount of non-Federal land within it.

Mr. Speaker, we request that this bill pass with an amendment which is purely technical in nature. In the introduced bill, the map for the land parcels to be included in this legislation was not numbered or dated. Since that time, we have the information and this is reflected in the amendment. This is a bipartisan measure, has support from the National Park Service, and I urge my colleagues for their support on H.R. 5036, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 5036, introduced by our friend the gentleman from Ohio (Mr. HALL), amends the Dayton Aviation Heritage Preservation Act of 1992 to authorize the inclusion of several structures within the boundaries of the Dayton Aviation Heritage National Historical Park and to remove a limitation on appropriations.

The park was established by Public Law 102–419 and preserves and interprets resources associated with the Wright Brothers and the early days of aviation. The park is managed under a public-private partnership between the National Park Service, the Ohio Historical Society, and local aviation history organizations.

The National Park Service has identified four structures that they believe would enhance the preservation, development, and operation of the park.

In addition, the National Park Service has expressed concern that the current cap on appropriations to non-federally owned properties within the boundaries of the park is overly restrictive and severely limits the ability of the National Park Service to achieve the management objectives of the park.

At the hearing before the Committee on Resources on H.R. 5036, the National Park Service testified in favor of this legislation. We also support the bill, as well, and we urge our colleagues to vote for its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, this bill was introduced by the gentlemen from Ohio (Mr. HALL) and (Mr. HOBSON), and I am pleased to yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON).

(Mr. HOBSON asked and was given permission to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, I rise in support of this piece of legislation. The gentleman from Ohio (Mr. HALL) and myself introduced this back in 1992, the original legislation. As stated, it is a bipartisan piece of legislation.

We think the park has progressed very well working together today. The

park is fairly unusual as national parks go because it has a number of different locations, as has been explained. The major part of it is in the district of the gentleman from Ohio (Mr. HALL). That is where they built the first flying machine.

Where they learned how to fly was in my district on Huffman Prairie. The story goes that people used to ride the Inner Urban out to watch the Wright Brothers learning to fly.

We hope that lots of people will come to our districts and to go in and see the Wright Brothers museum and also go out to the Huffman Prairie. And some day we hope that there is not only an interpretive center out there, but an actual flying machine on the prairie.

I would also like to remark, it is something that is not in here today but it is in the original park bill and it is still there, is the Paul Laurence Dunbar Museum.

Paul Laurence Dunbar and the Wrights had a very unique relationship back many years ago, which is something I think all of our public should learn about and emulate in the relations between two people who look differently. The Wrights and Paul Laurence Dunbar established a good business and friendship back in those days, which is something I hope we can foster with this park.

We had this technical problem with the park which we think has been worked out and everybody seems to be in support of it today.

Again, I would like to commend the gentleman from Ohio (Mr. HALL) for his work in the establishment of this park.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank my friend the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for yielding me the time. I want to thank the chairman of the committee for bringing this bill up at this time, and certainly my colleague and my friend next door to me, who has the adjacent district, the gentleman from Ohio (Mr. HOBSON). He made an important part, and his continued support of this park is very important.

The purpose of the park is to preserve, as the gentleman from Ohio (Mr. HOBSON) said, the legacy of the Wright Brothers, who invented the airplane in Dayton, Ohio. It also honors their friend, African American poet Paul Laurence Dunbar.

This bill includes three small boundary changes to the park. It also eliminates a cap on the appropriated funds that can be spent on the units within the park that are not owned by the Federal Government.

The Dayton Park was an early experiment in a partnership between the National Park Service and the non-Federal property owners, and that experiment has worked well and we have gained experience in operating this kind of park. However, we have also discovered that some changes are necessary to ensure the continued success of the park.

The 100th anniversary of the Wright Brothers' first flight will be celebrated in the year 2003. This park is expected to be the focal point of the Dayton festivities. Therefore, the Dayton community is anxious to get the park completed as soon as possible. This legislation will help get the park up and running.

The year 2003 is just around the corner, and we do not have much time left. I urge the Members to adopt this bill. I thank the chairman for bringing it up at this time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5036, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1324) to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

The Clerk read as follows:

S. 1324

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

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes'' approved August 17, 1990 (16 U.S.C. 430g–4) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

''(b) ADDITIONAL LAND.—In addition to the land identified in subsection (a), the park shall also include the property commonly known as the Wills House located in the Borough of Gettysburg and identified as Tract P02–1 on the map entitled 'Gettysburg National Military Park' numbered MARO 305/80,011 Segment 2, and dated April 1981, revised May 14, 1999.''; and

(3) in subsection (c) (as redesignated by paragraph (1)), by striking ''map referred to in subsection (a)'' and inserting ''maps referred to in subsections (a) and (b)''.

SEC. 2. ACQUISITION AND DISPOSAL OF LAND.

Section 2 of the Act entitled ''An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes'' approved August 17, 1990 (16 U.S.C. 430g–4) is amended by striking ''1(b)'' each place it appears and inserting ''1(c)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1324, introduced by Senator RICK SANTORUM of Pennsylvania. This legislation has a House companion, H.R. 2435, sponsored by the gentleman from Pennsylvania (Mr. GOODLING). Both the senator and congressman are to be commended for crafting legislation which helps modify the boundaries of the Gettysburg National Military Park to include an historic resource known as the Wills House located within the Borough of Gettysburg.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, S. 1324, which passed the Senate on November 1999, expands the boundaries of Gettysburg National Military Park to include the Wills House. The Wills House was a place where President Lincoln stayed when he went to Gettysburg to deliver his famous Gettysburg Address.

A similar bill, H.R. 2435, by the gentleman from Pennsylvania (Mr. GOODLING), was ordered reported by the Committee on Resources on August 4, 1999, but the majority took no further action on that measure.

□ 1830

The substance of S. 1324 is noncontroversial. The National Park Service wishes to acquire the property, and the acquisition is supported by the local community and historic preservation groups. We support the bill as well, and we recommend our colleagues to vote for its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), who has a companion bill to this legislation.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. I thank the gentleman for yielding me this time.

Mr. Speaker, I would imagine if the gentleman from Utah (Mr. HANSEN) and his staff said what was really on their mind about Christine O'Connor on my staff and myself, it may be something different; but I have bad news for him,

because the Battle of Gettysburg will continue even after I am gone because four or five different groups will still agree to totally disagree on what is best. But here is one that they can all agree on.

On November 19, 1863, Mr. Speaker, President Abraham Lincoln delivered America's most famous speech during a brief visit to Gettysburg, Pennsylvania, for the dedication of a military cemetery for the war dead. But what few people really know is that President Lincoln edited his final draft of the Gettysburg Address just a few blocks away in the Wills House located in Lincoln Square in the heart of Gettysburg.

Shortly after the Battle of Gettysburg, Pennsylvania, Governor Andrew Curtin appointed David Wills, a Gettysburg resident, to acquire 17 acres for a cemetery to bury the thousands of Union soldiers who died during one of the bloodiest battles of the Civil War. With the dedication ceremony set for November 19, Mr. Wills sent a letter to President Lincoln inviting him to stay at his house along with Governor Curtin and the Honorable Edward Everett. Little did Mr. Everett, a well-known orator who had been asked to be the main speaker, know he would be upstaged by the President, who had been asked by Mr. Wills to make a few appropriate remarks.

The day before the dedication, President Lincoln arrived at the Gettysburg railroad station, was escorted to the Wills House where he retired to the second floor to finish his remarks. The next day, President Lincoln would deliver a 2-minute speech that would so move the American people that it would later be inscribed on the south wall of the Lincoln Memorial, dedicated in his memory and to the Union. 137 years later, the Gettysburg Address continues to be recited by students in classrooms across America and still reminds Americans how close we came to destroying the world's greatest and most enduring republic.

In light of this historical context, I believe it is fitting that the House pass S. 1324, which expands the boundaries of Gettysburg National Military Park to include the Wills House. But I want to make sure that I clarify that only Congress has the authority to expand the boundaries of the park which I worked so hard to get finalized in stone in the 1990 Gettysburg Park boundary legislation. This legislation is a win-win situation for both preservationists and the Borough of Gettysburg. It not only will help to protect the building but also benefit the community by providing an opportunity for nearly 2 million park tourists to visit downtown Gettysburg.

I am pleased that Governor Tom Ridge and the Commonwealth of Pennsylvania have committed resources toward the building's acquisition and preservation costs. I am also pleased the Borough of Gettysburg, which has committed itself to acquiring the Wills House, will work with the National Park Service in making the Wills House a keystone in the borough's historic pathway plan.

In closing, I urge my colleagues to support this bill. It was introduced and shepherded through the other body by Senator SANTORUM. I again would like to thank the gentleman from Utah (Mr. HANSEN) and his staff for their tenacity in doing what is best for the Gettysburg community.

Mr. SOUDER. Mr. Speaker, I want to express my strong support of this legislation expanding the Gettysburg National Military Park.

The Wills House is an important historical property in the borough of Gettysburg. It is important in a number of ways.

The Battle at Gettysburg was critical to preserving the Union, and was the high water mark of the Southern invasion of the North while the victory was hardly decisive, or even much more than a draw, it nevertheless was a pivotal point in the Civil War.

But it is a legitimate question as to whether Gettysburg would be remembered as much today were it not for the Gettysburg Address by President Abraham Lincoln.

Arguably, the Gettysburg Address along with the Declaration of Independence, are the most known documents to Americans. Many of the phrases in the Gettysburg Address are among the only famous passages recognized by most Americans. Some simple—''four score and seven years ago'' and ''government of the people, by the people, for the people''—and some more complex—''our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.''

Garry Wills, a brilliant author who is sometimes very wrong-headed, has written one of the best books I've ever read. It is titled ''Lincoln at Gettysburg, The Words That Remade America.'' He lays out the background of the speech, of the times, and, most importantly, the significance of the words themselves and their impact.

This remarkable short address shaped how we think about ourselves as a nation. Building on his book on the Declaration, Wills demonstrates that the Gettysburg Address redefined much of how we view government and our Nation. Lincoln did this without mentioning Gettysburg, slavery, the North, the South, or even the Emancipation Proclamation. In other words, he didn't speak to the immediate issues before him but in a timeless way about the principles of our Nation.

Gettysburg today is not just about the battle.

But it is also about the Address, in how it helped turn the bitterness of the Civil War into nationally uniting themes.

The Wills House is a key site to Gettysburg. Not only did President Lincoln spend the night before his speech at the Wills House, and probably did his final editing at the home, but without David Wills efforts there would have been no ''Gettysburg Address.''

David Wills had studied law under Thaddeus Stevens, the Radical Republican from Pennsylvania who was key leader in the House for many years. He owned the largest house on the Gettsyburg Town Square. As a leading citizen, he put an end to land speculation for the burial of soldiers killed at Gettysburg, and formed an interstate commission to collect funds for the cleansing of the battlefield.

But in Garry Wills book on Gettysburg, he points out that David Wills had another goal. ''He wanted to dedicate the ground that would hold them even before the corpses were moved. He felt the need for artful words to sweeten the poisoned air of Gettysburg.''

First, David Wills asked the poets to appear—Longfellow, Whittier and Bryant—but they declined. But he was able to attract Edward Everett, perhaps the foremost orator of the time. President Lincoln was kind of an afterthought, included among many officials. No one really understood the potential impact he would have, or even understood it at the time.

But key facts remain—it was David Wills who led the effort to create the cemetery and he specifically hoped to accomplish what Lincoln actually did accomplish, an act of healing aimed at the ages.

In a historical sense, it is a bonus that Lincoln actually stayed at the Wills House, finished the polishing of the speech at that house, and delivered a brief speech that evening to those gathered to greet him at the house. It is indeed a site worth inclusion in this national battlefield so vital to our national memory.

Furthermore, this can be an important part of resolving some of the conflict at the most recent battle of Gettysburg.

Clearly Gettysburg needs to move its visitor center from the critical area of the battlefield.

It is also essential that additional storage space for priceless artifacts, with proper climate control, be created as rapidly as possible.

Because the new location is farther from the town, in which many local businesses have developed concessions dependent upon visitors to the park, there is concern that the new visitor center could result in financial damages to the borough of Gettysburg. While I disagree with this concern because I believe a new visitor center will draw more visitors for longer periods, regardless of one's views on that subject, it is clear that development of the Wills House site in town, along with creative changes around the cemetery to better highlight the exalted place in American history of the Gettysburg Address, would draw visitors to the village itself. It would probably also add to the length of stay of the visitors, which would also benefit those in the borough.

And, from a national perspective, this Wills House site and further highlighting the memorable address that stands as a seminal document in understanding who we are as Americans, will make every American-including the thousands of schoolchildren who visit Gettysburg each year—much richer.

Address delivered at the dedication of the cemetery at Gettysburg.

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and

dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

November 19, 1863.

ABRAHAM LINCOLN.

Mr. ROMERO-BARCELO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1324.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING POLICY OF UNITED STATES REGARDING ITS RELATIONSHIP WITH NATIVE HAWAIIANS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4904) to express the policy of the United States regarding the United States relationship with Native Hawaiians, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4904

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United

States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.

(2) ADULT MEMBERS.—The term ''adult members'' means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the final roll, as provided in section 7(a)(3) of this Act.

(3) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) CEDED LANDS.—The term ''ceded lands'' means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3; 73 Stat. 4).

(5) COMMISSION.—The term ''Commission'' means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term ''Native Hawaiian'' means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term ''Native Hawaiian'' shall have the meaning given to such term in the organic governing documents of the Native Hawaiian government.

(8) NATIVE HAWAIIAN GOVERNMENT.—The term ''Native Hawaiian government'' means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term ''Native Hawaiian Interim Governing Council'' means the interim governing council that is organized under section 7(c) of this Act.

(10) ROLL.—The term ''roll'' means the roll that is developed under the authority of section 7(a) of this Act.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(12) TASK FORCE.—The term ''Task Force'' means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian government and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may affect traditional or current Native Hawaiian practices and matters that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(c) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) AUTHORITY.—The United States Office for Native Hawaiian Affairs is authorized to enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of enactment of this Act.

SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the rights of the Native Hawaiian government and its political, legal, and trust relationship with the United States.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the ''Native Hawaiian Interagency Task Force''.

(b) COMPOSITION.—The Task Force shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.

(a) ROLL.—

(1) PREPARATION OF ROLL.—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to participate in the reorganization of a Native Hawaiian government in preparing a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of the—

(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—

(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago; or

(ii) Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—

(i) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act.

(ii) MEMBERSHIP.—

(I) APPOINTMENT.—The Secretary shall appoint the members of the Commission in accordance with subclause (II). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(II) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(III) CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.—In appointing members of the Commission, the Secretary may choose such members from among—

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided to such leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking member of the Committee on Resources of the House of Representatives.

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

(B) CERTIFICATION.—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.

(3) SECRETARY.—

(A) CERTIFICATION.—The Secretary shall review the Commission's certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.

(B) PUBLICATION.—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.

(C) APPEAL.—

(i) ESTABLISHMENT OF MECHANISM.—The Secretary is authorized to establish a mechanism for an appeal of the Commission's determination as it concerns—

(I) the exclusion of the name of a person who meets the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act, from the roll; or

(II) a challenge to the inclusion of the name of a person on the roll on the grounds that the person does not meet the definition of Native Hawaiian, as so defined.

(ii) PUBLICATION; UPDATE.—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.

(D) FAILURE TO ACT.—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.

(4) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.

(b) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(c) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(1) ORGANIZATION.—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—

(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(B) determine the structure of the Native Hawaiian Interim Governing Council; and

(C) elect members to the Native Hawaiian Interim Governing Council.

(2) ELECTION.—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Affairs may assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

(3) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) FUNDING.—The Native Hawaiian Interim Governing Council is authorized to enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).

(C) ACTIVITIES.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:

(I) The proposed elements of the organic governing documents of a Native Hawaiian government.

(II) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(III) The proposed civil rights and protection of such rights of the citizens of a Native Hawaiian government and all persons subject to the authority of a Native Hawaiian government.

(ii) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(iii) DISTRIBUTION.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(iv) CONSULTATION.—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

(D) ELECTIONS.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of the organic governing documents, to hold elections for the officers of the Native Hawaiian government.

(ii) ASSISTANCE.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.—

(1) PROCESS FOR RECOGNITION.—

(A) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—The duly elected officers of the Native Hawaiian government shall submit the organic governing documents of the Native Hawaiian government to the Secretary.

(B) CERTIFICATIONS.—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members listed on the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government, and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide authority for the Native Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) FAILURE TO ACT.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submitted the organic governing documents of the Native Hawaiian government to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) FEDERAL RECOGNITION.—

(A) RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (1), Federal recognition is hereby extended to the Native Hawaiian government as the representative governing body of the Native Hawaiian people.

(B) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian government pursuant to section 7(d)(2) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian government regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian government.

SEC. 10. DISCLAIMER.

Nothing in this Act is intended to serve as a settlement of any claims against the United States, or to affect the rights of the Native Hawaiian people under international law.

SEC. 11. REGULATIONS.

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

SEC. 12. SEVERABILITY.

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4904, the gentleman from Hawaii's bill regarding the United States' relationship with Native Hawaiians. The bill has been the subject of 5 days of hearings in Hawaii, jointly held by the House Committee on Resources and the Senate Committee on Indian Affairs this summer. In addition to Native Hawaiians testifying, the president of the National Congress of American Indians, the president of the Alaska Federation of Natives and the president of the Central Council of Tlingit and Haida presented testimony in support of this legislation. The Committee on Resources ordered H.R. 4904 favorably reported on September 20, 2000.

The bill acknowledges a Federal trust responsibility for Native Hawaiians and protects existing Native Hawaiian programs which are legitimate and necessary due to unique historic circumstances. The bill recognizes Native Hawaiians' right of self-governance as a native people and lays out a process for Native Hawaiians to establish a structure for self-governance.

Some have asked how funding for Native Hawaiian programs under this bill would affect funds for Native American programs. Native Hawaiian programs have always been separately funded, and enactment of H.R. 4904 would have no impact on program funding for American Indians or Alaskan natives.

Lastly, some have questioned whether the reorganization of a Native Hawaiian government might have implications for gaming conducted under the Indian Gaming Regulatory Act. There are no Indian tribes in the State of Hawaii, nor are there any Indian reservations or Indian lands. Hawaii is one of only two States in the Union, the other one is Utah, that criminally prohibits all forms of gaming. Accordingly, a reorganized Native Hawaiian government could not conduct any form of gaming in the State of Hawaii.

With these concerns answered, I urge an aye vote on this important bill for Hawaii.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield time to my colleague from Hawaii, may I thank the gentleman from Utah (Mr. HANSEN), in particular, and the rest of the members of the committee, both Republican and Democrat, for their support of the bill; and may I express yet once again publicly to my chairman, the gentleman from Alaska (Mr. YOUNG), my profound gratitude for his understanding, his concern and his perseverance, dedication and focus on this bill.

Mr. Speaker, I am here today to urge the House of Representatives' approval of H.R. 4904, a bill to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government.

On January 17, 1893, the government of the Kingdom of Hawaii was overthrown with the assistance of the United States Minister and U.S. Marines. One hundred years later, a resolution extending an apology on behalf of the United States to Native Hawaiians for the illegal overthrow of the Native Hawaiian government and calling for a reconciliation of the relationship between the United States and Native Hawaiians was enacted to law.

The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents

and citizens of the United States. Further, it acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over the their national lands to the United States, either through their government or through a plebiscite or referendum.

Since the loss of their government, Native Hawaiians have sought to maintain political authority within their community. In 1978, Hawaii citizens of all races recognized the longstanding efforts of the indigenous people to give expression to their rights to self-determination and self-governance by amending the state constitution to provide for the establishment of a quasi-sovereign state agency, the Office of Hawaiian Affairs. The state constitution provides that the Office is to be governed by nine Native Hawaiian trustees who are elected by Native Hawaiians. The Office of Hawaiian Affairs administers programs and services with revenues derived from lands which were ceded back to the State of Hawaii upon its admission into the United States. The dedication of these revenues reflects the provisions of the 1959 Hawaii Admissions Act, which provides that the ceded lands and the revenues derived therefrom should be held by the State of Hawaii as a public trust for five purposes—one of which is the betterment of the conditions of Native Hawaiians. The Admissions Act also provides that the state would assume a trust responsibility for approximately 203,500 acres of land that had previously been set aside for Native Hawaiians under a 1921 federal law, the Hawaiian Homes Commission Act.

Four weeks ago, the House Resources Committee and the Senate Indian Affairs Committee held five days of joint hearings in Hawaii on H.R. 4904 and its companion in the Senate, S. 2899. More than 150 people presented oral testimony to the committees and several hundred others presented written testimony. The testimony received by the committees was overwhelmingly in support of the bills. In addition to witnesses from the Native Hawaiian community, representatives of the Departments of Justice and Interior, the President of the National Congress of American Indians, the President of the Alaska Federation of Natives, and the President of the Central Council of Tlingit and Haida Indians presented oral testimony in support of the bills.

With the passage of H.R. 4904, the Congress will provide a process for the reorganization of a Native Hawaiian government, and the recognition by the United States of that government for purposes of carrying on a government-to-government relationship. This bill provides that the indigenous, native people of Hawaii—Native Hawaiians—might have the same opportunities that are afforded under federal law and policy to the other indigenous, native people of the United States—American Indians and Alaska Natives—to give expression to their rights to self-determination and self-governance.

It is also important to note that the United States Congress has enacted over 160 laws designed to address the conditions of Native Hawaiians. These federal laws provide for the provision of health care, education, job training, the preservation of native languages, the protection of Native American graves and the repatriation of Native American human remains. Thus, the reorganization of a Native Hawaiian government would not necessitate a host of new federal programs to serve Native Hawaiians. Nor would the reorganization of a Native Hawaiian government have any impact on programs or the funding for programs that are authorized to address the conditions of American Indians and Alaska Natives. For the last 90 years, Native Hawaiian programs have always been funded under separate authorizations with separate appropriations.

Some have asked whether the reorganization of a Native Hawaiian government might also authorize that government to conduct gaming. The answer to that question is a simple ''no.'' The Indian Gaming Regulatory Act authorizes Indian tribal governments to conduct gaming on Indian reservations or Indian lands held in trust by the United States, and the scope of gaming under the act is a function of state law. But there are no Indian tribal governments in Hawaii, nor are there Indian reservations or Indian lands. And the State of Hawaii is one of two states in the union that criminally prohibit all forms of gaming.

In developing and refining this measure, we have worked not only with the a community, but with representatives of the federal and state governments, with leaders of the Alaska Native and Native American communities, and with the congressional caucuses. The bill that is before the House today has been revised as a result of the testimony received at the hearings in Hawaii and in Washington, D.C.

Our objectives are simple and straightforward. As a matter of federal policy and federal law, we want to assure that the United States government deals with all of the indigenous, native people of the United States in a consistent manner—recognizing and supporting their rights to self-determination and self-governance. This is the right thing to do and I am honored to play a part in the passage of this measure. I ask my colleagues for their support.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 4904. This bill is viewed as necessary following the Rice vs. Cayetano decision, which struck down the State's effort to provide for self-determination by the Native Hawaiian people. The U.S. Supreme Court decision has immobilized our State in the performance of its mandated trust responsibility to the Native Hawaiian people as elaborated in the public law that created the State of Hawaii.

Without the power to conduct Native Hawaiian-only elections to manage programs for the benefit of the Native Hawaiians, the Office of Hawaiian Affairs is now left without the basic protections of self-governance.

I want to compliment the gentleman from Hawaii (Mr. ABERCROMBIE) for his leadership in crafting and getting this bill through the House Committee on Resources in record time. After 5 days of extensive hearings in Hawaii, the bill was perfected and comes to the floor with a series of perfecting amendments.

So why do we have to enact H.R. 4904? Because we need to replace the Office of Hawaiian Affairs with a self-governing entity that can sustain an election process that is restricted to only the Native Hawaiian people.

H.R. 4904, as amended in committee, is stripped down to create a concept and leaves the procedural detail to the Native Hawaiians themselves. I agree with these changes wholeheartedly. The goal of self-determination should be left to the execution and implementation of the Native Hawaiians.

H.R. 4904 is an appropriate way to cure this difficulty caused by Rice vs. Cayetano. The State of Hawaii had taken the first step to create a self-governing body. H.R. 4904 now sets the Federal mechanism to correct the decision of Rice vs. Cayetano. H.R. 4904 must pass.

Mr. Speaker, I rise today to support H.R. 4904, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians. This bill is viewed as a necessary follow-up to the Rice vs. Cayetano decision that struck down the State's effort to provide for self-determination by the Native Hawaiian population. The U.S. Supreme Court ruled that the State could not conduct an election of only Native Hawaiians. Hawaii had so provided in a State Constitutional amendment in 1978 by creating an Office of Hawaiian Affairs with trustees elected by Native Hawaiians.

This U.S. Supreme Court decision has immobilized our State in the performance of its mandated trust responsibility to the Native Hawaiian people as elaborated in the Public Law that created the State of Hawaii.

Without the power to conduct Native Hawaiian-only elections to manage programs for the benefit of the Native Hawaiians, the Office of Hawaiian Affairs is now left without the basic protections of self-governance.

In its decision, the U.S. Supreme Court left open a path that has led to the development of this bill, which we have on the floor today.

I want to compliment my colleague, NEIL ABERCROMBIE, for his leadership in crafting and getting this bill through the House Resources Committee in record time. After five days of hearings in Hawaii, the bill was perfected and comes to the floor with a series of amendments.

H.R. 4904 replaces what the Supreme Court struck down. It sets up a process for the establishment of a sovereign entity, which like an Indian tribe, may establish relations directly with the federal government and where the governing council is to be elected by descendants of aboriginal Native Hawaiians.

The historic justification for this is, of course, the illegal overthrow of the Hawaiian monarchy in 1893 and the annexation of Hawaii in 1898 against the will of the native population.

Over the years, Congress has voted to provide many special programs for Native Hawaiians based on need and because of our special trust responsibility. It is argued that these federally enacted programs in education, housing, veterans programs, health care, etc., are in jeopardy because of Rice vs. Cayetano. I disagree because these federal programs are grounded on the special needs of the Native Hawaiians in each of these areas. A legal challenge as in Rice vs. Cayetano, I believe would fail.

So why enact H.R. 4904? Because we need to replace the Office of Hawaiian Affairs with a self-governing entity that can sustain an election process that is restricted to only the Native Hawaiian population.

H.R. 4904 as amended in Committee is stripped down to create a concept and leaves the procedural detail to the Native Hawaiians themselves. I advocated and agree with this change wholeheartedly. The goal is self-determination, and we should leave its execution and implementation to the Native Hawaiians themselves.

I have only one remaining concern and that is the absence of an explicit executing referendum to indicate that what we have provided is agreed to by the Native Hawaiian people. In making this observation, I am assured that the voluntariness of signing up on the rolls constitutes the referendum of approval. I am also answered that the organic act or constitution to be drafted must be ratified by those who have signed up on the rolls.

I am also told that in the process of implementing this new governing body, it may by itself call for a referendum; that this bill does not preclude this, satisfies me.

H.R. 4904 is an appropriate way to cure the heartache caused by Rice vs. Cayetano.

The State of Hawaii had taken the first step to create a self-governing body, the Office of Hawaiian Affairs, whose trustees were elected by Native Hawaiians. This electoral process was struck down by the U.S. Supreme Court.

H.R. 4904 establishes a federal mechanism that overcomes the Rice vs. Cayetano decision. H.R. 4904 must pass!

Mr. KILDEE. Mr. Speaker, I support H.R. 4904, a bill that clarifies the relationship between Native Hawaiians and the United States.

This legislation provides for Federal recognition of the Native Hawaiian government for purposes of establishing a government-to-government relationship similar to that of the Native Americans and the Alaska Natives.

Congress has passed over 150 statutes addressing the needs of Native Hawaiians.

In 1993, we passed an apology bill acknowledging the role of the United States Government in the overthrow of the Hawaiian nation in 1893. The apology bill recognizes that the Native Hawaiians never relinquished their inherent sovereignty.

This legislation has received wide support. It is supported by the Hawaii delegation, the Native Hawaiians, the administration, the National Congress of American Indians, and the Alaska Federation of Natives.

I want to thank my colleague, Representative NEIL ABERCROMBIE from Hawaii, for this tireless effort to bring justice to the Native Hawaiians.

I urge my colleagues to support this bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 4904, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians.

There are well over 200,000 Native Hawaiians living in Hawaii. I suspect there are approximately another 100,000 living throughout the continental United States. In number, Native Hawaiians are the largest indigenous group of people living in the United States today.

As one of Polynesian ancestry, I thank God that the Kanaka Maoli, or the Hawaiian people, have not become an extinct race. Given the unfortunate turn of historical events that have now made Native Hawaiians strangers in their own lands, it is only by the grace of God that Native Hawaiians now number over 300,000.

Mr. Chairman, the Kanaka Maoli are my kin. For purposes of giving you a sense of who we are, I would like to share with you something Captain James Cook once noted about the Kanaka Maoli, or Polynesian, nation. Captain Cook observed that the Kanaka Maoli nation established settlements from as far north as Hawaii and as far south as Actearoa (or what is now known today as New Zealand). In between, the Kanaka Maoli settled in Samoa, in Tokelau, in Tuvalu, parts of Fiji and Tonga. The Kanaka Maoli nation also stretched as far east as Rapanui (now known as Easter Island) and constituted what Cook considered the largest nation on the earth.

Since Cook's time, we have had our fair share of romantic writers coming to the South Seas depicting our women coming out of the Garden of Eden on moonlit, tropical shores with the scent of romance forever in the air. We've also had our share of anthropologists who think they know more about us than they know about themselves. We do not need anymore Margaret Meads or Derek Freemans to describe to the world who we are as a people. We know how we first came into being. We know our past and are committed to our present. We are here today to define our future.

Mr. Speaker, as we proceed today, I would like to add this thought for the record. When we discuss the rights of Native Hawaiians, we in effect discuss the inalienable rights of any people. As such, what happened historically to Native Hawaiians in effect happened to all of us. In this context, I would like to present the following for consideration.

More than 100 years ago, ambitious descendants of U.S. missionaries and sugar planters, aided by the unauthorized and illegal use of U.S. military forces, overthrew the sovereign nation of Hawaii then ruled by Queen Lili'uokalani. More than one hundred years later, the United States Congress issued a formal apology acknowledging that the Native Hawaiian people never relinquished their right to their sovereignty or their sovereign lands.

Earlier this year, Senator DANIEL AKAKA, the first Polynesian and Native Hawaiian to sit as a United States Senator, introduced S. 2899 to express and define a firm policy of the United States Congress and the U.S. government regarding its relationship with the Native Hawaiian people. Our distinguished colleague, Congressman NEIL ABERCROMBIE, did the same in this body. I am honored that both bills have been approved by their respective committees of jurisdiction and that H.R. 4904 is being considered by the House today.

The purpose of this measure is to clarify the political relationship that exists between Native Hawaiians and the federal government. Specifically, the measure provides the Native Hawaiian community with an opportunity to form a government-to-government relationship with the United States within the context of the U.S. Constitution and federal law. The bill provides a process for Native Hawaiians to organize a Native Hawaiian governing body, or essentially a Native Hawaiian government. The bill also authorizes the Native Hawaiian governing body to negotiate with the state of Hawaii and other appropriate officials and agencies of the federal government regarding such long-standing issues as ceded lands currently controlled by both the state and federal governments. The bill also protects education, health, and housing programs that have been established by federal law to benefit Native Hawaiians.

The bill does not relinquish the claims of Native Hawaiians to their Native lands. The bill does not address the issue of lands. For the Native Hawaiians who oppose this bill because they feel it predetermines a political status, I say to them—the bill is a beginning. It is a measure for organization. It is an act of empowerment. It gives voice to those whose voices have historically been made mute. As Senator AKAKA has noted, this measure provides Native Hawaiians with a seat at the table of government. It provides authority for Native Hawaiians to define their future and participate in the process of choice. It provides Native Hawaiians with the opportunity to choose their own leaders to represent them before state and federal agencies. It assures that the United States Congress, as part of its constitutionally mandated authority, duly recognizes, accepts and acknowledges Native Hawaiians as a sovereign people in the same way that Native Americans and Native Alaskans are recognized under the U.S. Constitution.

More than 150 people presented oral testimony at the Joint Congressional Hearings in Hawaii. Many more have presented written testimony. Though some are opposed, those representing major Hawaiian organizations and associations lend their full support for the bill. The bill has been revised to reflect the input of the Native Hawaiian community.

I fully support the bill and urge my colleagues to give it their full support also.

Mr. GEORGE MILLER of California. Mr. Speaker, H.R. 4904 is a natural evolution of the relationship the United States has with Native Hawaiians. The need for this legislation began with the illegal overthrow of the Kingdom of Hawaii in 1893 which disrupted a peaceful citizenry and developing island monarchy. It was highlighted by the passage of the Hawaiian Homes Commission Act in 1921 which put lands into public trust for the benefit of Native Hawaiians. The next step was taken when Congress, a hundred years after the overthrow of the Kingdom, adopted a Joint Resolution making a formal apology on behalf of the U.S. to Native Hawaiians. Today we unfold yet another chapter in our relationship with Native Hawaiians as we consider this legislation which provides a process for the reorganization of a Native Hawaiian government and recognition of the Native Hawaiian government by the United States for purposes of carrying on a government-to-government relationship.

This legislation was thoughtfully crafted. Our colleague, Mr. ABERCROMBIE and the entire Hawaii delegation here in the House and the Senate have invested a lot of effort into this legislation. In putting this together, they solicited input from all interested parties. The Resources Committee held five hearings on this legislation and reported the bill out with a unanimous vote.

This is just legislation, it has been a long time coming and I urge my colleagues to support it.

I want to raise two matters which are fundamental to an understanding of why the pending legislation has been proposed. The first has to do with the authority of the United States to delegate Federal responsibilities to the several States. The second is important to an understanding of why the Federal policy which recognized the rights of the native people of America to self-determination and self-governance was not extended to the native people of Hawaii when Hawaii joined our Union of States in 1959.

For the past two hundred and ten years, the United States Congress, the Executive, and the U.S. Supreme Court have recognized certain legal rights and protections for America's indigenous peoples. Since the founding of the United States, Congress has exercised a constitutional authority over indigenous affairs and has undertaken an enhanced duty of care for America's indigenous peoples. This has been done in recognition of the sovereignty possessed by the native people—a sovereignty which pre-existed the formation of the United States. The Congress' constitutional authority is also premised upon the status of the indigenous people as the original inhabitants of this nation who occupied and exercised dominion and control over the lands to which the United States subsequently acquired legal title.

The United States has recognized a special political relationship with the indigenous people of the United States. As Native Americans—American Indians, Alaska Natives, and Native Hawaiians—the United States has recognized that they are entitled to special rights and considerations. The Congress has enacted laws to give expression to the respective legal rights and responsibilities of the Federal government and the native people.

However, we must also recognize that over the last two hundred years, Federal policy toward America's native people has vacillated significantly. While the United States Constitution vests the Congress with the authority to address the conditions of the indigenous, native people of the United States, from time to time, with the consent of the affected States, the Congress has sought to more effectively address the conditions of the indigenous people by delegating Federal responsibilities to various States.

Beginning in the 1950's, pursuant to House Concurrent Resolution 108, Federal policy sought the termination of Indian reservations and a general transfer of some Federal responsibilities to the states. In the 1960's, California was one of the states that was made the subject of Federal law in this respect, when criminal jurisdiction and certain elements of civil jurisdiction formerly exercised by the United States was transferred to states with the enactment of Public Law 83–280.

So it is that the two significant actions of the United States as they relate to the native people of Hawaii must be understood in the context of the Federal policy towards America's other indigenous, native people at the time of those actions.

In 1921, when the Hawaiian Homes Commission Act was enacted into law, the prevailing Federal policy was premised upon the objective of breaking up Indian reservations and allotting lands to individual Indians. Those reservation lands remaining after the allotment of lands to individual Indians were opened up to settlement by non-Indians, and significant incentives were authorized to make the settlement of former reservation lands attractive to non-Indian settlers. Indians were not to be declared citizens of the United States until 1924, and it was typical that a twenty-year restraint on the alienation of allotted lands was imposed. This restraint prevented the lands from being subject to taxation by the states, but the restraint on alienation could be lifted if an individual Indian was deemed to have become ''civilized.'' However, once the restraint on alienation was lifted and individual Indian lands became subject to taxation, Indians who did not have the wherewithall to pay the taxes on the land, found their lands seized and put up for sale. This allotment era of Federal policy was responsible for the alienation of nearly half of all Indian lands nationwide—hundreds of millions of acres of lands were no longer in native ownership, and hundreds of thousands of Indian people were rendered not only landless but homeless.

The primary objective of the allotment of lands to individual Indians was to ''civilize'' the native people. The fact that the United States thought to impose a similar scheme on the native people of Hawaii in an effort to ''rehabilitate a dying race'' is thus readily understandable in the context of the prevailing Federal Indian policy in 1921.

In 1959, when the State of Hawaii was admitted into the Union, the Federal policy toward the native people of America was designed to divest the Federal government of its responsibilities for the indigenous people and to delegate those responsibilities to the several states. A prime example of this Federal policy was the enactment of Public Law 83–280, an Act which, as I have indicated, vested criminal jurisdiction and certain aspects of civil jurisdiction over Indian lands to certain states. In similar fashion, in 1959, the United States transferred most of its responsibilities related to the administration of the 1921 Hawaiian Homes Commission Act to the new State of Hawaii, and in addition, imposed a public trust upon the lands that were ceded back to the State for five purposes, one of which was the betterment of conditions of Native Hawaiians. The Federal authorization for this public trust clearly anticipated that the State's constitution and laws would provide for the manner in which the trust would be carried out.

In 1978, the citizens of the State of Hawaii exercised this Federally-delegated authority by amending the State constitution in furtherance of the special relationship with Native Hawaiians. The delegates to the 1978 constitutional convention recognized that Native Hawaiians had no other homeland, and thus that the protection of Native Hawaiian subsistence rights to harvest the ocean's resources, to fish the fresh streams, to hunt and gather, to exercise their rights to self-determination and self-governance, and the preservation of Native Hawaiian culture and the Native Hawaiian language could only be accomplished in the State of Hawaii.

Hawaii's adoption of amendments to the State constitution to fulfill the special relationship with Native Hawaiians is consistent with the practice of other States that have established special relationships with the native inhabitants of their areas. Fourteen States have extended recognition to Indian tribes that are not recognized by the Federal government, and thirty-two States have established commissions and offices to address matters of policy affecting the indigenous citizenry.

We all know that on January 17, 1893, the government of the Kingdom of Hawaii was overthrown with the assistance of the United States minister and U.S. marines. One hundred years later, a resolution extending an apology on behalf of the United States to Native Hawaiians for the illegal overthrow of the Native Hawaiian government and calling for a reconciliation of the relationship between the United States and Native Hawaiians was enacted into law (Public Law 103–150).

The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their government or through a plebiscite or referendum.

With the loss of their government in 1893, Native Hawaiians have sought to maintain political authority within their community.

In 1978, the citizens of the State of Hawaii recognized the long-standing efforts of the native people to give expression to their rights to self-determination and self-governance by amending the State constitution to provide for the establishment of a quasisovereign State agency, the Office of Hawaiian Affairs. The State constitution, as amended, provides that the Office is to be governed by nine trustees who are Native Hawaiian and who are to be elected by Native Hawaiians. The Office administers programs and services with revenues derived from lands which were ceded back to the State of Hawaii upon its admissions into the Union of States.

On February 23, 2000, the United States Supreme Court issued a ruling in the case of Rice v. Cayetano. The Supreme Court held that because the Office of Hawaiian Affairs is an agency of the State of Hawaii that is funded in part by appropriations made by the State legislature, the election for the trustees of the Office of Hawaiian Affairs must be open to all citizens of the State of Hawaii who are otherwise eligible to vote in statewide elections.

Contrary to a mostly erroneous article published today, the Court expressly declined to address the powers and authorities of the Federal government as they relate to Native Hawaiians. This bill thus does not in any way circumvent the decision of the Supreme Court in Rice. However, with the Court's ruling, the native people of Hawaii have been divested of the mechanism that was established under the Hawaii State Constitution that, since 1978, has enabled them to give expression to their rights as indigenous, native people of the United States to self-determination and self-governance.

H.R. 4904 is designed to address these developments by providing a means under Federal law, consistent with the Federal policy of self-determination and self-governance for America's indigenous, native people, for Native Hawaiians to have a status similar to that of the other indigenous, native people of the United States, the First Americans.

Mr. HANSEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4904, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes.''.

A motion to reconsider was laid on the table.

GEORGE WASHINGTON MEMORIAL PARKWAY, MCLEAN, VIRGINIA, LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4835) to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

The Clerk read as follows:

H.R. 4835

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

SECTION 1. AUTHORIZATION OF LAND EXCHANGE.

The Secretary of the Interior and the Director of Central Intelligence are authorized to exchange approximately 1.74 acres of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway for approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency adjacent to the boundary of the George Washington Memorial Parkway. The land to be conveyed by the Secretary of the Interior to the Central Intelligence Agency is depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998. The land to be conveyed by the Central Intelligence Agency to the Secretary of the Interior is depicted on National Park Service Drawing No. 850/81991, Sheet 1, dated August 6, 1998. These maps shall be available for public inspection in the appropriate offices of the National Park Service.

SEC. 2. CONDITIONS OF LAND EXCHANGE.

The land exchange authorized under section 1 shall be subject to the following conditions:

(1) NO REIMBURSEMENT OF CONSIDERATION.—The exchange shall occur without reimbursement or consideration.

(2) PUBLIC ACCESS.—The Director of Central Intelligence shall allow public access to the property transferred from the National Park Service and depicted on National Park Service Drawing No. 850/81992. Such access shall be for a motor vehicle turn-around on the George Washington Memorial Parkway.

(3) OTHER ACCESS.—The Director of Central Intelligence shall allow access to—

(A) personnel of the Federal Highway Administration Turner-Fairbank Highway Research Center as is provided for in the Federal Highway Administration's (FHWA) report of excess, dated May 20, 1971, which states, ''Right-of-access by FHWA to and from the tract retained to the George Washington Parkway and to State Route 193 is to be held in perpetuity, or until released by FHWA''; and

(B) other Federal Government employees and visitors whose admission to the Research Center is authorized by the Turner-Fairbank Highway Research Center.

(4) CLOSURE.—The Central Intelligence Agency shall have the right to close off, by whatever means necessary, the transferred property depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998, to all persons except United States Park Police, other necessary National Park Service personnel, and personnel of the Federal Highway Administration Turner-Fairbank Highway Research Center when the Central Intelligence Agency has determined that the physical security conditions dictate in order to protect Central Intelligence Agency personnel, facilities, or property. Any such closure shall not exceed 12 hours in duration within a 24-hour period without consultation with the National Park Service, Federal Highway Administration Turner-Fairbank Highway Research Center facility and the United States Park Police. No action shall be taken to diminish use of the area for access to the Federal Highway Administration Turner-Fairbank facility except when the area is closed for security reasons.

(5) COMPLIANCE WITH DEED RESTRICTIONS.—The Director shall ensure compliance by the Central Intelligence Agency with the deed restrictions for the transferred property as depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998.

(6) COMPLIANCE WITH AGREEMENT.—The National Park Service and the Central Intelligence Agency shall comply with the terms and conditions of the Interagency Agreement between the National Park Service and the Central Intelligence Agency signed in 1998 regarding the exchange and management of the lands discussed in that agreement.

(7) DEADLINE.—The Secretary of the Interior and the Director of Central Intelligence shall complete the transfers authorized by this section not later than 120 days after the date of enactment of this Act.

SEC. 3. MANAGEMENT OF EXCHANGED LANDS.

(a) INTERIOR LANDS.—The land conveyed to the Secretary of the Interior under section 1 shall be included within the boundary of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to the laws and regulations applicable thereto.

(b) CIA LANDS.—The land conveyed to the Central Intelligence Agency under section 1 shall be administered as part of the headquarters building compound of the Central Intelligence Agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4835 authorizes the exchange of 1.7 acres of National Park Service land located within the boundaries of the George Washington Memorial Parkway for 2.9 acres of Central Intelligence Agency land located adjacent to the George Washington Memorial Parkway. The proposed exchange, which is designed to improve security at the CIA, is supported by both the CIA and the National Park Service. Once the exchange is complete, the CIA will allow public access to the property transferred from the National Park Service for a motor vehicle turnaround on the George Washington Memorial Parkway. This land shall be administered as part of the headquarters building compound of the CIA. The 2.92 acres transferred to the Secretary of the Interior from the CIA shall be included within the boundary of the George Washington Memorial Parkway and shall be administered by the National Park Service.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 4835 introduced by the gentleman from Virginia (Mr. MORAN) would authorize the exchange of 1.74 acres of National Park Service land located within the boundaries of the George Washington Memorial Parkway for 2.92 acres of Central Intelligence Agency land located adjacent to the George Washington Memorial Parkway. The purpose of the land exchange is to address security issues at the entrance to the Central Intelligence Agency headquarters in McLean, Virginia, that is accessed via the George Washington Memorial Parkway.

Mr. Speaker, this proposal will enhance security at CIA headquarters without damage to any park resources. We join with the administration in supporting the legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and very distinguished colleague from Puerto Rico for yielding me this time, and I thank the gentleman from Utah (Mr. HANSEN), the distinguished chairman.

This was necessitated when a deranged terrorist killed two CIA officers in 1993. The reason that we are making this land exchange is for security purposes. It does not do much for the parkway, but it certainly has no damaging effect; and it is the right thing to do, so the Park Service is making an equal swap of land. They are picking up almost 3 acres of land on the far compound, and they are giving up this land to enhance security for CIA employees. It is the right thing to do. There is no controversy. I very much appreciate my colleagues letting it go through.

I trust that we can find more ways that we can reach win-win bipartisan solutions on these things.

□ 1845

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4835.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4613, H.R. 3745, H.R. 2752, H.R. 2267, S. 1324, H.R. 4835, H.R. 5036, and H.R. 4904.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SMALL BUSINESS LIABILITY RELIEF ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5175, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 5175, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 161, not voting 19, as follows:

[Roll No. 494]

YEAS—253

Aderholt
Archer
Armey
Baca
Bachus
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
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Shuster
Simpson
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Skeen
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Borski
Boswell
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Brady (PA)
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Clyburn
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Scott
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Sherman
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Smith (WA)
Snyder
Stabenow
Strickland
Stupak
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Thompson (CA)
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Tierney
Towns
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McIntosh
Paul
Rogan
Sandlin
Saxton
Smith (MI)
Stark
Vento
Woolsey

□ 1912

Ms. BERKLEY and Mr. CLYBURN changed their vote from ''yea'' to ''nay.''

Mr. SHADEGG and Mr. GREEN of Texas changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4503

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4503.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

BORN-ALIVE INFANTS PROTECTION ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4292) to protect infants who are born alive.

The Clerk read as follows:

H.R. 4292

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 ''Born-Alive Infants Protection Act of 2000''.

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

''§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

''(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

''(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from its mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

''8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

□ 1915

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4292, the Born-Alive Infants Protection Act is a simple but critical piece of legislation that is designed to ensure that, for purposes of Federal law, all infants who have been born alive are treated as persons who are entitled to the protections of the law.

We may ask why such a legislation is necessary. Has it not been long accepted as a legal principle that infants who are born alive are persons who are entitled to the protections of the law? Indeed it has. But the corrupting influence of a seemingly illimitable right to abortion has brought this well-settled principle into question.

Mr. Speaker, in Stenberg v. Carhart, five Justices of the United States Supreme Court struck down a Nebreska law banning partial-birth abortion, a gruesome procedure in which an abortionist delivers an unborn child's body until only the head remains inside the mother, then punctures the back of the child's skull with scissors and sucks the child's brains out before completing the delivery. Every time I describe that horrible procedure, I wince because it is truly a horror. But that is what the Supreme Court of the United States, speaking through five Justices has found is protected by our Constitution.

What was described in Roe v. Wade as a right to abort unborn children has now in Carhart been extended by five Justices to include the violent destruction of partially-born children just inches from birth.

Even more striking than the simple holding of the case is the fact that the Carhart Court considered the location of the infant's body at the moment of death during a partial-birth abortion delivered partly outside the body of the mother to be of no legal significance in ruling on the constitutionality of the Nebraska law under challenge.

Implicit in the Carhart decision was the notion that a partial-born infant's entitlement to the protections of the law is dependent not upon whether the child is born or unborn, but upon whether or not the partially born child's mother wants the child.

On July 26, 2000, the United States Court of Appeals for the Third Circuit made that point explicit in Planned Parenthood of Central New Jersey v. Farmer, in the course of striking down New Jersey partial-birth abortion ban. According to the Third Circuit Court of Appeals under Row and Carhart, it is, and I quote them, nonsensical, and ''based on semantic machinations'' and ''irrational line-drawing'' for a legislature to conclude that an infant's location in relation to the mother's body has any relevance in determining whether that infant may be killed.

Instead, the Farmer Court concluded that a child's status under the law, regardless of the child's location, is dependent upon whether the mother intends to abort the child or to give birth. The Farmer Court stated that, in contrast to an infant whose mother intends to give birth, an infant who is killed during a partial-birth abortion is not entitled to the protections of the law because, and I quote, ''a woman seeking an abortion is plainly not seeking to give birth.''

Now, if we examine the logical implications of these decisions, I think we will be forced to the conclusion that they are indeed shocking.

Under the logic of these decisions, once a child is marked for abortion, it is wholly irrelevant whether that child emerges from the womb as a live baby. That child may still be treated as a nonentity and would not have the slightest rights under the law, no right to receive medical care, to be sustained in life, or to receive any care at all. And if a child who survives an abortion and is born alive would have no claim to the protections of the law, there would appear to be no basis upon which the government may prohibit an abortionist from completely delivering an infant before killing it or allowing it to die.

The right to abortion under this logic means nothing less than the right to a dead baby, no matter where the killing takes place.

We are familiar with the logic of the Supreme Court case. There they said in order to protect the mother's health, the child could be killed in the process of being delivered. It is not a far stretch for the argument to also be made that it will help protect the mother's health to deliver the baby completely before the child is delivered in carrying out the decision for an abortion to be performed.

As horrifying as it may seem, credible public testimony received by the Subcommittee on the Constitution indicates that this, in fact, already is occurring. According to our eyewitness accounts, some abortion doctors are performing live-birth abortions using a procedure in which the abortionist used drugs to induce premature labor and deliver unborn children, many of whom are still alive, and then simply allow those who are born alive to die, sometimes without the provision of even basic comfort care such as warmth and nutrition.

On one occasion, a nurse found a living infant lying naked on a scale in a soiled utility closet, and on another occasion a living infant was found lying naked on the edge of a sink; one baby was wrapped in a disposable towel and thrown into the trash.

Mr. Speaker, Jill Stanek, a labor and delivery nurse at Christ Hospital in Oak Lawn, Illinois, testified regarding numerous live-birth abortions that she has witnessed at Christ Hospital in Illinois. Ms. Stanek described what happened after one of those abortions as follows, and I quote her testimony at length, because it is so chilling and so pertinent to the question that is before the House today. According to Ms. Stanek's testimony: ''One night, a nursing coworker was taking an aborted Down's Syndrome baby who was born alive to our soiled utility room because his parents did not want to hold him, and she did not have time to hold him. I could not bear the thoughts of this suffering child dying alone in a soiled utility room, so I cradled and rocked him for the 45 minutes that he lived.

He was 21 to 22 weeks old, weighed about one-half pound and was about 10 inches long. He was too weak to move very much, expending any energy he had trying to breathe. Toward the end, he was so quiet that I could not tell if he was still alive unless I held him up to the light to see if his heart was still beating through his chest wall. After he was pronounced dead, we folded his little arms across his chest, wrapped him in a tiny shroud, and carried him to the hospital morgue where all of our dead patients are taken.''

The Subcommittee on the Constitution also heard testimony from Allison Baker, who formerly worked as a labor and delivery nurse at Christ Hospital. Mrs. Baker testified regarding three live-birth abortions at Christ Hospital, the first of which she described as follows, this is what she told the Subcommittee on the Constitution: ''The first of these live-birth abortions occurred on a day shift. I happened to walk into a soiled utility room and saw lying on the metal counter a fetus, naked, exposed and breathing, moving its arms and legs. The fetus was visibly alive and was gasping for breath.

I left to find the nurse who was caring for the patient and this fetus. When I asked her about the fetus, she said that she was so busy with the mother that she didn't have time to wrap and place the fetus in a warmer, and she asked if I could do that for her.

Later I found out that the fetus was 22 weeks old and had undergone a therapeutic abortion because it had been diagnosed with Down's Syndrome. I did wrap the fetus and placed him in a warmer and for 2½ hours he maintained a heartbeat and then finally expired.''

Mr. Speaker, statements made by abortion supporters indicate that they believe that Roe v. Wade denies the protection of the law to live-born infants who have been marked for destruction through abortion. On July 20 of this year, the National Abortion and Reproductive Rights Action League, or NARAL, issued a press release criticizing H.R. 4292, the bill that we are considering tonight, because in

NARAL's view extending legal personhood to premature infants who are born alive after surviving abortions constitutes an assault on Roe v. Wade.

The gentlewoman from Ohio (Mrs. JONES) took a similar position in her testimony on H.R. 4292 before the Subcommittee on the Constitution.

The principle that born-alive infants are entitled to the protection of the law is also being questioned at one of America's most prestigious universities. Princeton University Bioethicist Peter Singer argues that parents should have the option to kill disabled or unhealthy newborn babies for a certain period after birth. According to Professor Singer, and I quote him: ''A period of 28 days after birth might be allowed before an infant is accepted as having the same right to live as others.''

Mr. Speaker, now this is based on Professor Singer's view that the life of a newborn baby is, and again I quote him, ''of no greater value than the life of a nonhuman animal at a similar level of rationality, self-consciousness, awareness, capacity to feel, et cetera.''

According to Professor Singer, and I again quote, ''killing a disabled infant is not morally equivalent to killing a person. Very often, it is not wrong at all.'' Mr. Speaker, now, these are the comments that are being made by a renowned philosopher holding one of the most prestigious chairs at one of this Nation's most prestigious universities.

The purpose of this legislation is to repudiate the pernicious ideas that result in tragedies such as live-birth abortion and to firmly establish that, for purposes of Federal law, an infant who is completely expelled or extracted from his or her mother and who is alive is indeed a person under the law regardless of whether or not the child's development is believed to be or is, in fact, sufficient to permit long-term survival and regardless of whether the baby survived an abortion.

H.R. 4292 accomplishes this by providing that, for purposes of Federal law, the word ''person,'' the words ''person, human being, child and individual'' shall include every infant member of the species homosapiens who is born alive at any stage of development. The bill defines the term ''born alive'' as the complete expulsion or extraction from its mother of that member of this species homosapiens at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles, regardless of whether the umbilical cord has been cut and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section or induced abortion.

Now, I will point out to the Members of the House, and this is very important to put this bill in context, that this definition of born alive was derived from a model definition of live birth that has been adopted with minor variations in 35 States and the District of Columbia.

So the principle that is embodied in this bill is a principle that has been codified by the majority of the States, and it is indeed the law in the vast majority of the jurisdictions in this land. It is also important to understand that this simply deals with the principle that the child is a person who is born alive. It does nothing to alter the applicable standard of care that is owed to a child in particular circumstances.

Now, I urge my colleagues to look at this legislation, consider the recent decision of the Supreme Court, the recent decision of the Third Circuit Court of Appeals and support this important legislation and to reject, to unequivocally reject the movement towards the legalization of infanticide, which I submit to my colleagues is implicit in the recent rulings that I have referred to. As Members of this House, we should do everything we can to protect the most innocent and helpless members of the human family.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us a measure which is one of the most puzzling bits of legislation to ever come out of the Committee on the Judiciary. To make it more interesting, the entire committee has supported this measure on a recorded vote except one person, one member of the committee.

□ 1930

As of a very recent date, we have taken out the manager's amendment, which had been creating a considerable amount of confusion. Now, the question at a threshold level is why do we have this bill before us. I cannot answer that question clearly because we are not doing anything new that is not already stated very clearly in statute and in the Supreme Court cases.

Roe v. Wade is not affected by this bill. As a matter of fact, Stenburg v. Carhart, notwithstanding many interpretations of this more recent Supreme Court case, does not affect this measure either. So I leave to more fertile imaginations why it is we are here in the first place. But we are here.

And trying to ignore the gentleman from Florida (Mr. CANADY), the manager on the other side's sometimes hyperbolic rhetoric, this is still the same measure that this Member voted for in committee. I stand by my position, and I will continue to support it.

It is my belief that people who introduce legislation in the Congress do it to get people to support it, they do not try to introduce legislation to get people not to support it. We hope that that common rule of long standing still applies this evening in this measure.

The bill makes a useful clarification of existing law. The bill clarifies existing law to ensure that every protection for a child or person in the United States Code applies to a born-alive infant. I support that. Most of us believe that this bill is probably unnecessary for the simple reason that born-alive infants are already protected by existing law.

However, we have accepted the representations of the bill's sponsor that this change is needed, that this legislation has a purpose in fact. The sponsor has indicated that the bill would only protect an infant who is completely separated from its mother. This is a most unusual and, I think, significant concession by the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

I must wholeheartedly applaud the majority for realizing at last that there are different stages of life and that, at each stage, a mother's right to privacy must be balanced against a State's interest and fetal life.

Now, this measure bipartisanly has overwhelmingly passed the committee, which is unusual given the strong feelings on each side of the issue and on each side of the aisle regarding issues of reproductive rights. But it seems to me that this measure is now back to the precise original condition that was voted out by the committee. This leaves the manager on this side with no other recourse but to support the same measure that we passed in the Committee on the Judiciary.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I rise in strong support of this legislation. I am very pleased to be able to support it, but I must say that it grieves me that I live in a Nation where it is even necessary for us to promulgate such legislation. Nonetheless, I believe this legislation is badly needed.

We have a situation evolving in our courts where legal doctrines are being promoted that would countenance the practice of infanticide. The gentleman from Florida (Mr. CANADY) I think very clearly in his opening statement cited many of those cases. I do not need to reiterate them here.

Not only do we have a problem with legal doctrine, though, but we have a problem with medical practice. I as a practicing physician for years would unfortunately be asked to pronounce people dead. What we were typically asked to do is to make a determination of brain waves or a heart beat are present. These are clearly infants that meet those criteria. They are human. They are alive. There are numerous cases where they are being allowed to die. They are not being provided basic subsist steps, not even kept warm.

I believe this is a tragedy that this should be evolving. Probably more concerning to me, and it should be a concern to people in the disabilities community, because if one hears all these cases, one hears that many of these

children have disabilities. I think any Member, any person in this country with a disability should support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend his remarks.)

Mrs. LOWEY. Mr. Speaker, the proponents of this bill say it is about protecting newborns. We can all agree that newborns deserve appropriate medical support and the fullest protection of the law no matter the circumstances of delivery. In fact, newborn infants already receive full legal protection in State and Federal law. Any attempt to harm a newborn can and should be subject to criminal prosecution. Everyone agrees on this.

Yet, the gentleman from Florida (Mr. CANADY), my friend, has also said that this bill would not change existing law and would have no impact on medical standards of care. Then what is the rationale for this bill?

Dr. Sessions Cole, who trained at Harvard Medical School, who is board certified in pediatrics and has cared for more than 10,000 newborns directly, believes it would change the standard of care.

In testimony before the Committee on the Judiciary, Dr. Cole stated that the bill would ''impose on doctors and parents a universal definition of 'life' or 'alive' which is,'' he said, ''in my experience as a neonatologist, inconsistent with the harsh reality presented by a number of circumstances.''

Dr. Cole went on to discuss the obligation of parents and doctors to minimize the suffering an infant might endure once the decision is made that life support or other measures would be futile for that infant.

I share his concern about the impact this law may have on parents who desperately hope to bring home the healthy newborn and, instead, are confronted with a tragic situation.

It is enough for these parents to listen carefully to the physician, seek second or third opinions, hear counsel from their rabbi, priest, or minister and discuss it with their families. Congress has no business adding to their anguish or extending their grief by forcing neonatologists to follow what Dr. Cole called an ''unnecessary and unrealistic definition of life.''

The gentleman from Florida (Mr. CANADY) and other antichoice lawmakers could genuinely demonstrate concern about maternal and child health by promoting legislation that improves access to prenatal care, fosters research that reduces premature birth rates, and broadens the availability and affordability of health insurance.

Instead, we have a bill on the floor, Mr. Speaker which has had one subcommittee hearing and a quick markup.

I think Dr. Sessions Cole and others have raised important concerns about changing the definition of ''life'' or ''alive'' or ''person.'' In the end, it is families and newborns that will suffer.

Because I strongly believe that we should not be playing politics with appropriate and compassionate care for all newborns, I will oppose the bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, first of all, let me adamantly disagree with the gentlewoman from New York (Mrs. LOWEY), the previous speaker. Everyone does not agree on protecting newborns. We all know of cases where newborns have been killed or left to die.

There was a piece done by the Philadelphia Inquirer, the Pulitzer Prize winning newspaper, called ''The Dreaded Complication.'' It talked about live births that resulted from failed or botched abortion attempts. Dr. Willard Cates is quoted extensively in that report. He was at the time the Chief of Abortion Surveillance for the CDC. He made the point that reporting that failed abortions resulted in live births is like turning yourself into the IRS for an audit. What is there to gain?

The article talks about repeatedly, case after case, where abortionists tried to kill an unborn child, failed to do so, only to have someone else step into the gap, scoop up that child, and bring that child to some kind of life saving situation. The report notes that the common thread in all of the incidents, and they go through one instance after another, is that it was not the doctor but someone else who intervened to administer care to the child.

Mr. Speaker, notwithstanding three decades of distraction, distortion, and deceit by the abortion lobby, I am happy to say a majority of Americans believe, and according to a recent nationwide L.A. Times poll, 61 percent of all American women regard abortion as murder. The violence of abortion should be self-evident: Chemical poisoning, dismemberment, brain sucking procedures.

But the bill of the gentleman from Florida (Mr. CANADY) seeks to protect newborns, kids that are already born. They, too, are now at risk under this slippery slope.

If one looks and reads the Supreme Court decision on partial birth abortion, it should be a wake-up call. Partially born kids are not protected. Kids who survive late-term abortions are not protected. This legislation is absolutely vital to protect kids who survive and are born after a failed abortion.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, during the meeting of the committee which approved the bill 22 to 1, when I asked minority members in the committee, pro-choice members of the committee, to support the bill, I did so partially in reliance on the words of the gentleman from Florida (Mr. CANADY).

I read from the transcript of the committee meeting, ''And let me say that I think that the gentleman from New York and I have substantial common ground on issues related to this bill. And the gentleman has properly stated the purpose of this bill as being to reaffirm existing legal principle.''

This bill, as I read it, as I read it now does not change the law in any way. It is unnecessary. So why support it? Why vote for it? Because of its dishonest sponsorship, because of the dishonest purpose behind it. The purpose of this bill is only to get the pro-choice members to vote against it so that they can then slander us and say that we are in favor of infanticide. If I had any doubts about that, the manager's amendment and the Dear Colleague letter with it —

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I will not yield at this point.

Mr. SMITH of New Jersey. You are imputing the dignity of the chairman by suggesting his motive is dishonest. We have better comity in this place than that.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from New York (Mr. NADLER) controls the time.

Mr. NADLER. Mr. Speaker, I believe the only real purpose of this bill is to trap the pro-choice Members into voting against it so that they can slander us and slander the pro-choice movement as being in favor of infanticide.

Mr. SMITH of New Jersey. Mr. Speaker, parliamentary inquiry.

Mr. NADLER. That is why I voted for the bill in the committee.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) controls the time, and he is not yielding for that purpose.

Mr. NADLER. Mr. Speaker, that is why I voted in the committee in favor of the bill. That is why I will vote again and urge my colleagues to vote in favor of the bill so we do not step into this trap.

Now, the manager's amendment, which was withdrawn, but certainly the rhetoric of the sponsors, which we heard again today, are full of untruths. They say that newborns do not receive full legal protection. But there exists a common law born-alive rule imposing liability to anyone who harms a person who was born and was alive at the time of the harmful act.

The Federal statute known as the Baby Doe law already requires that appropriate care be administered to a newborn.

They say that the Carhart decision, they grossly distort the Carhart decision, striking down Nebraska's ban on abortion procedures, Stenburg v. Carhart. The Supreme Court found the Nebraska ban unconstitutional because it imposed an undue burden on a woman's right to choose by banning safe and common abortion procedures and it lacked an exception to protect women's health.

To suggest that Carhart is about the legal rights of newborns is deceptive and irresponsible; and it is untrue, outrageous, and insulting to suggest that pro-choice Members of the Congress wish to deprive newborns of legal rights.

□ 1945

Carhart did not expand Roe, and recent court rulings have not put newborns in jeopardy. They deal only with pregnancy. They do not have any bearing on newborns.

In summary, Mr. Speaker, this bill is unnecessary. I am not sure it is harmful in any way; but the real harm it does, the real purpose of it, is to get us to vote against it so they can go out and campaign and produce newspaper articles, such as the column by Mr. Will and Mr. Leo that say that pro-choice supporters are in favor of infanticide. We are not in favor of infanticide. The right to life begins, if not earlier, certainly at birth. No one disputes that. And we are, not many of us, are not going to fall into the trap by voting against this dishonest bill.

Mr. CANADY of Florida. Mr. Speaker, I submit for the RECORD a copy of the statement dated July 20, 2000, from the National Abortion and Reproductive Rights Action League in opposition to the bill.

[NARAL Statement, July 20, 2000]

ROE V. WADE FACES RENEWED ASSAULT IN HOUSE—ANTI-CHOICE LAWMAKERS HOLD HEARING ON SO-CALLED ''BORN-ALIVE INFANTS PROTECTION ACT''

WASHINGTON, DC—The basic of tenets of Roe v. Wade were the subject of yet another anti-choice assault today, as the House Judiciary Subcommittee on the Constitution held a hearing on H.R. 4292, the so-called ''Born-Alive Infants Protection Act.'' The Act would effectively grant legal personhood to a pre-viable fetus—in direct conflict with Roe—and would inappropriately inject prosecutors and lawmakers into the medical decision-making process. The bill was introduced by well-known abortion opponent Rep. Charles Canady (R–FL) and has been endorsed by the National Right to Life Committee.

Roe v. Wade clearly states that women have the right to choose prior to fetal viability. After viability, Roe allows states to prohibit or restrict abortion as long as exceptions are made to protect the life and health of the woman. In proposing this bill, anti-choice lawmakers are seeking to ascribe rights to fetuses ''at any stage of development,'' thereby directly contradicting one of Roe's basic tenets.

This bill also attempts to inject Congress into what should be personal and private decisions about medical treatment in difficult and painful situations where a fetus has no chance of survival. It could also interfere with the sound practice of medicine by spurring physicians to take extraordinary steps in situations where their efforts may be futile and when their medical judgment may indicate otherwise.

This is not the first time we have seen Rep. Canady and his anti-choice colleagues attempt to chip away at the foundation of Roe v. Wade in just this manner. Last year, this same subcommittee held a hearing on the so-called ''Unborn Victims of Violence Act,'' which also sought to ascribe certain rights to a fetus at any stage of pregnancy. Rep. Canady is also one of the chief architects of the federal ban on safe abortion procedures used prior to fetal viability, which directly undermines the fundamental principles of Roe. With all these bills, anti-choice lawmakers purposefully set America on a path they believe will ultimately lead to the overturn of Roe v. Wade. In keeping with this goal, the subcommittee has put the ''Born-Alive Infants Protection Act'' on the fast track and has scheduled a markup for Friday, July 21, 2000.

Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, a woman's right to privacy and parental rights, which we will hear about, does not include the right to kill one's live baby.

We heard some of the chilling words during the testimony of Jill Staneck, who presented testimony before the subcommittee. We only heard part of it, so let me read a little bit more. She said,

Other coworkers have told me many upsetting stories about live aborted babies whom they had cared for. I was told about an aborted baby who was supposed to have spina bifida but was delivered with an intact spine.

A support associate told me about a live aborted baby who was left to die on the counter of the soiled utility room wrapped in a disposable towel. The baby was accidentally thrown into the garbage, and when they later were going through the trash to find the baby, the baby fell out of the towel and onto the floor.

I was recently told about a situation by a nurse who said, ''I can't stop thinking about it.'' she had a patient who was 23-plus weeks pregnant, and it did not look as if her baby would be able to continue to live inside of her. The baby was healthy and had up to a 39 percent chance of survival, according to national statistics. But the patient chose to abort. The baby was born alive.

If the mother had wanted everything done for her baby, there would have been a neonatologist, pediatric resident, neonatal nurse, and respiratory therapist present for the delivery, and the baby would have been taken to our neonatal intensive care unit for specialized care. Instead, the only personnel present for this delivery was an obstetrical resident and my co-worker. After delivery, the baby, who showed early signs of thriving, was merely wrapped in a blanket and kept in the labor and delivery department until she died 2½ hours later.

It is a sad day in America that we have to vote for a bill to protect infants born alive, but this bill is necessary. We should vote to support the bill.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT), a member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague from Michigan for yielding me this time.

I had really intended not to participate in this debate, but it sounds like I got injected into it whether I was in it or not because I am the one vote who voted against the bill coming out of committee 22 to one. My name is one, I guess.

This bill reminds me of a neighbor of mine who, when I was growing up, had a dog who used to chase his tail. He would run around and around in circles chasing his tail. It seems to me that that is what we are doing with this bill. Because if, as my colleague from Florida has indicated, the bill does nothing to change the law, then why are we doing it? There is no compelling reason to pass a piece of legislation that does not do anything, and the sponsors of this bill submit that the bill does not do anything.

So at the end of the day, what we have done is add to the litany of terms in our statute; that litany being person, human being, child, individual, and another term which has no definition either, that term being born alive.

The concern that I have about it is the concern that has been expressed by the Congressional Research Service in its letter to the House Committee on the Judiciary. In that letter it says, ''A computer search indicates that there are 15,000 sections in the United States Code and 57,000 sections of the Code of Federal Regulations that make reference to these various terms that are used; human being, child, individual, and now, born alive I guess is the new term, and nobody has made an assessment of what impact this bill has in those 15,000 sections of the United States Code or those 57,000 sections of the Code of Federal Regulations because nobody cares.

All this is about is politics, and so we should be like my friend's dog, chasing his tail around in a circle.

I am going to vote against this bill again, not because I am not sympathetic to children who are ''born alive,'' but because I have no idea what implications this bill has in the other 15,000 sections of the United States Code and the 57,000 sections of the Code of Federal Regulations. And if, as my friend submits, the bill does nothing anyway, we will be no better or worse off as a result of my negative vote.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Florida (Mr. CANADY) has 2½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, this has been called many things, but I call this a rollback of Roe v. Wade, since the real goal here is to roll back a woman's constitutional right.

Earlier this year, the Supreme Court rejected an abortion law in Nebraska. But I do not ask my colleagues to take my word for it. I will place in the RECORD quotes from anti-choice organizations. One called this ''A viable legislative option for pro-lifers that will not be struck down by the Supreme Court.'' Another called it, ''A starting point from which we can roll the point of legal protection back.''

But it is truly the statements of neonatologists and doctors, who have submitted letters to my office and others, that I would like to submit into the RECORD. One states, ''It would impose on doctors and parents a universal definition of life or alive which is inconsistent with the harsh reality presented by a number of circumstances.''

As my colleague, the gentleman from North Carolina (Mr. WATT) pointed out, we do know that it changes the definition of a person in 72,000 places in the law; 15,000 in the U.S. Code and 57,000 places in the Code of Federal Regulations. Quite frankly, I do not know what the long-term impact of this bill will be, but I do know the intent, because I have the internal documents from the pro-lifers, which I will put in the RECORD, and I do know that doctors who deal with the painful decisions of trying to help save the life of a child, many of them have said that this does not help; it merely complicates and makes the hard process of dying even harder on doctors and nurses and parents when they have children who, for whatever reason, modern technology cannot save that child's life.

I submit for the RECORD, Mr. Speaker, a number of letters from doctors and other documents I referred to earlier.

TESTIMONY OF F. SESSIONS COLE, M.D. TO COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON THE CONSTITUTION, UNITED STATES HOUSE OF REPRESENTATIVES, JULY 20, 2000

Mr. Chairman, Honorable Representatives, Staff, and spectators. My name is Francis Sessions Cole, and my family, including our two daughters, ages 16 and 14, and my wife of 28 years resides in St. Louis, Missouri. I appear before you to offer testimony concerning Representative Canady's Born Alive Infants Protection Act of 2000 (H.R. 4292) as a physician whose specialty is care of newborn infants. My testimony is not sponsored by any organization. I completed my pediatric residency training at Boston Children's Hospital and my specialty training in caring for newborn infants in the Joint Program in Neonatology at Harvard Medical School. Since my Board certification in Pediatrics in 1981, I have cared for more than 10,000 newborn infants directly, and I currently have administrative responsibility for approximately one half of all the babies born in St. Louis annually (approximately 13,000 babies). I also have an active clinical practice that focuses on caring for babies whose transition from womb to world is complicated by one or more problems like prematurity, birth defects, infections, or problems with the afterbirth or placenta. I routinely encounter babies whose problems place them on the edge of viability.

The language of H.R. 4292 would impose on doctors and parents a universal definition of ''life'' or ''alive'' which is, in my experience as a neonatologist, inconsistent with the harsh reality presented by a number of circumstances. The fact is that the indicia identified in the bill—breathing, or a beating heart, or pulsation of the umbilical cord, or definite movement of voluntary muscles—are not themselves necessarily indicative of life or continued viability. Frequently, the heartbeats of infants will be maintained by medicines, not nature; their breathing may be present but ineffective as they die; they may move voluntary muscles during the dying process.

As a physician who cares for ill newborn infants, I feel that I have the greatest practice in medicine, because my practice permits me to participate in miracles everyday. Thanks to significant advances in technology over the last 20 years, babies whose parents could have been offered no hope can now see their babies survive and, for the most part, exceed both their parents' and their doctors' expectations as they develop. Unfortunately, even today's most advanced medical science is still a long way from being able to offer every sick infant a reasonable chance for survival. In fact, in our neonatal intensive care unit, approximately 10% of the infants do not respond to advanced technology and pass away. These deaths result from accidents of nature that are no one's fault, and they are excruciatingly difficult for parents, doctors, and nurses. Frequently, the emotional pain of the decision to terminate treatment in such cases is compounded by the fact that the technology that we provide babies requires painful, invasive procedures. When parents and physicians together decide that life support technology is futile for an infant and is only prolonging the pain of the dying process, parents have a moral and legal obligation to minimize the suffering of their baby, regardless of the pain such a turn of events brings to them in their loss.

The language of H.R. 4292 will, in my view, significantly interfere with the agonizing, painful and personal decisions that must be left to parents in consultation with their physicians. Imposing the proposed definition of ''alive'' or ''life'' for statutory purpose may cause parents to prolong the medically inevitable dying process of their infants out of fear that terminating that process might be deemed to be, for legal purposes, the termination of a life, when in fact all that would be terminated would be the painful process of death. Prolonging treatment in such cases would be not the saving of a ''life'', but the prolonging of the pain and suffering of inevitable death. As a physician whose career has been dedicated to the welfare of newborns, and especially critically-ill newborns, I urge the Subcommittee not to inject an unnecessary and unrealistic definition of ''life'', with all its legal implications, into the already agonizing and heart-breaking situation faced by parents of infants in the dying process.

JULY 19, 2000.

Ranking Democrat, Judiciary Committee
The House of Representatives.

As a physician and neonatologist with 40 years of practice experience, I write to express my concern with HR 4292 IH, the ''Born-Alive Infants Act of 2000.'' My credentials include authorship of a major textbook, *Neonatology: Pathophysiology and Management of the Newborn*, the fifth edition of which was published in 1999 by J B Lippincott, Co. I have also been Professor of Pediatrics for 30 years at the George Washington University School of Medicine and Health Sciences.

The powerful tools of neonatology (respirators, total intravenous feedings, life support systems, etc) have reduced neonatal mortality and saved countless infants. But they are also subject to overuse in futile situations which inflict pain and suffering on the infant, agony on the families, prolongation of dying, extreme cost and resource utilization, all without changing the fatal outcome. The humane and successful management of these situations requires a delicate balance in decision making, which has been recognized by the Congress in the amendments to the Child Abuse Act, the judiciary, including the Supreme Court, and various Administrations. I enclose an article I recently published, entitled Futility Considerations in the Neonatal Intensive Care Unit, to illustrate some of these issues.

The current proposed legislation defines as ''born alive'' any product of conception with a single muscle twitch or any indication of heart beat, regardless of stage of development. The term ''born alive'' is then declared equivalent to ''person,'' ''human being,'' ''child,'' and ''individual.'' Presumably every miscarriage, even in the first trimester, would be considered a child and would require a birth and death certificate. The definitions make no distinction as to whether there is any possibility of survival or not. Needless to say, rather than clarifying things, this set of definitions will immensely cloud the work of medical personnel and families in determining what measures are indicated and what would be futile and actually dehumanizing.

For centuries, different terms have been used to denote an embryo, a fetus, a neonate, an infant and a child. An embryo is pre-viable outside the uterus, and is in such a rudimentary stage of development that a human embryo more closely resembles the embryo of a pig than it does a term newborn of either species. Yet embryos have beating hearts and muscles which can twitch.

A fetus has reached third trimester and still has much growth and development to achieve before normal birth. However, many such fetuses can be stabilized and supported after premature birth and even discharged home as infants who can take their place in families. To blur these distinctions seems to work against tradition, sound medical practice, and the struggle of parents to understand what is facing them and what the practical alternatives are.

I strongly urge you to oppose this measure, which I consider regressive and ill considered.

Thank you for your consideration.

GORDON B. AVERY, M.D., PH.D.,
Emeritus Professor of Pediatrics.

AUGUST 9, 2000.

Representative JERROLD NADLER,
2334 Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN NADLER: As a neonatologist and author of the textbook, Neonatology, I am very concerned that the bill under consideration, referred to as the ''born alive'' bill, will significantly interfere with clinical practice. In setting definitions for being born alive, the issue of viability is completely bypassed. For the clinician, viability is crucial as it determines whether or not drastic, invasive and burdensome care is indicated. Neither grieving parents nor dying immature fetuses are served by futile chest pounding and attempts at ventilation. Thus ''alive'' is not relevant if it is not accompanied by plausible ability to survive outside the mother. Up to the moment of birth, even very immature birth, the baby's vital systems are supported by the mother. Thus one might better seek to define ''independently alive.''

The definitions in the bill—a single gasp, a muscle twitch, any pulsation of the umbilical cord—may identify living tissue, but not independent life, even with strong medical assistance. Any farmer will testify that you can cut the head off a chicken and the heart will still beat, for a time, the muscles twitch, and gasps may go on for several minutes. Yet there is no sustained viability.

One might better use terms like ''sustained heartbeat and respirations'' and ''maturity within the gestational ages regarded as viable.'' Parents, health care givers, and the general public will much better understand the meaningfulness of such definitions.

I hope that these thoughts are helpful in your deliberations, and would be glad to answer questions or make further comments should they be needed.

Sincerely yours,

GORDON B. AVERY, M.D., PH.D.

[From the Associated Press, Cybercast News Service, July 14, 2000]

The question remains: Are their any viable legislative options for pro-lifers that will not be struck down by a Supreme Court that in a series of decisions—Planned Parenthood v. Casey, Danforth v. Reproductive Health Services and now Carhart—has shown no inclination to curtail abortion on demand articulated in Roe v. Wade?

In terms of legislation, Senate pro-life leaders are planning to introduce new legislation in place of the bill on partial birth abortion, which had passed the Senate last year but was vetoed by President Clinton, that would make it illegal to kill a child that survives an abortion.

The virtue of the bill, said Hadley Arkes, a professor of jurisprudence at Amherst University in Massachusetts and a prominent pro-life writer, is that it stops what he sees as a ''terrible drift toward making the right to abortion the right to a dead child.''

According to Arkes, by the logic of the decisions on partial birth abortion, there is no way to distinguish legally between partial-birth abortion and actual infanticide, which he feels opens the way to allowing the destruction of infants who survive abortions. ''This establishes a bright line of legal protection,'' Arkes said.

The proposed law also would provide a starting point ''from which we can roll the point of legal protection back,'' according to one Senate staffer for a pro-life floor leader who may introduce the bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise today as a cosponsor and a strong supporter of the Born Alive Infant Protection Act. There is a lot of confusion about who qualifies as a person today, so this is an important bill.

This bill says if a child, a little human being, is born and is showing signs of life, this child is entitled to the full protection of law. We are talking about babies who are breathing or have a beating heart or whose muscles are moving.

Now, I must admit that I believe that life begins at conception, and a child exhibiting these signs in the womb deserves the same protection out of the womb, but that is not what this bill is about. This bill is about a born, living, breathing little boy or girl being treated as a precious human being and receiving the full protection of law, rather than being thrown away to die in a linen closet, a plastic bag, or the bottom of a trash can.

Mr. Speaker, what has happened in America when we even must have this discussion on the floor? I believe this bill is something that we can all agree on. Please support this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in firm opposition to this bill. It is not innocuous, but it is unnecessary.

Protecting newborns is the law. Every single example the gentleman has given should have been reported and prosecuted, because every newborn in America is entitled under Federal law to all medically indicated treatment, and the gentleman knows that.

This is not about protecting newborns. Listen to the words of a neonatologist. ''When parents and physicians together decide that life support technology is futile for an infant, and is only prolonging the pain of the dying process, parents have a moral and legal obligation to minimize the suffering of their baby, regardless of the pain such a turn of events brings to them in their loss.''

What the gentleman is doing in this bill is to deny parents and deny doctors the right to make decisions about premature infants. An infant born at 3½, 4½, 5½ months is a tragedy, and parents in a free society in America deserve the right to determine what medical care they will have, recognizing that the law requires newborns receive all medically indicated treatment.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

My colleagues, the one thing that I really want to make clear, and I think there has been a little misstatement here, no one has found in the committee during the hearings, or in the course of this discussion, any example of where this measure would change existing law.

□ 2000

This bill has nothing to do whatsoever with ''Roe v. Wade.'' ''Roe'' deals only with pregnancy. This bill deals with newborns.

And so, as we examine all of the Federal Code and the controlling Supreme Court cases, there is nowhere that we have found any changes that I could report to my colleagues. If there were, I would report them. If there were, other Members in this body would bring that to our attention.

And so, I urge, even though there may not be changes, that this measure be supported.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of the time to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, babies born alive, babies no longer in the mother's womb, babies that show obvious signs of life should be recognized as living babies.

The testimony from Allison Baker, a registered nurse who worked in a high-risk labor and delivery unit, tells the fate of a baby whose parents requested an abortion at 20 weeks because the baby had spina bifida.

''My shift started at 11 o'clock,'' she said, ''and the patient delivered her fetus about 10 minutes before I took her as a patient. During the time the fetus was alive, the patient kept asking me when the fetus would die. For an hour and 45 minutes, the fetus maintained a heartbeat. The parents were frustrated and obviously not prepared for this long period of time. Since I was the nurse of both the mother and fetus, I held the fetus in my arms until it finally expired.''

Can my colleagues imagine being that nurse or those parents and the pain they felt just waiting for that baby to die?

How often does an abortion fail and a living baby struggle to stay alive? No one knows. No one has that information.

Mr. Speaker, it does seem that abortions fail much more frequently than anyone cares to know.

If an abortion is successful, a dead baby is delivered. But when an abortion fails, that means that there is a live baby, a baby is delivered alive.

Mr. Speaker, does a woman still have a right to a dead baby even if the abortion fails? These innocent babies have the same God-given rights as my colleagues and I do.

I urge my colleagues to please vote yes in support of this important bill.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4292.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to speak on the merits of H.R. 4292, which is erroneously titled ''To Protect Infants Who are Born Alive.'' I would challenge my colleagues for what they suggest in the title of this legislation, because our country and its people are not corrupt and morally bankrupted. Our commitment as leaders, parents, grandparents, humanitarians and public servants is the support of human life. However there are considerable concerns with this bill; I hope it is not done for political purposes.

What this legislation does is not protect any child that is born alive, because there is no law in this nation that would do otherwise. What this bill would do if it becomes law is open states and local municipalities to the burden of documenting all births of infants regardless of their stage of development or opportunity for survival. The ultimate result would be a ballooning of the mortality rates of infants born in the United States.

The most important predictor for infant survival is birthweight; survival increases exponentially as birthweight increases to its optimal level. The nearly twofold higher risk of infant mortality among blacks than among whites was related to a higher prevalence of low birthweights, to higher mortality risks in the neonatal period for infants with birthweights of greater than or equal to 3,000 g, and to higher mortality during the postneonatal period for all infants, regardless of birthweight. Moreover, the black-white gap persisted for infants with birthweight of greater than or equal to 2,500 g, regardless of other infant or maternal risk factors.

Each year, approximately 40,000 U.S. infants die before reaching their first birthday. The 1990 Objectives for the Nation call for an infant mortality rate of no more than 12 deaths/1,000 live-born infants of any racial group for an overall national infant mortality rate of no more than 9 deaths/1,000 live-born infants. In 1986, the infant mortality rate was 18.0/1,000 live-born black infants and 8.9/1,000 live-born white infants. It is thus unlikely that the United States will achieve the 1990 objective for black infants, especially since black infant mortality rates decreased only 15.9 percent from 1980 to 1986; to meet the 1990 objective, the rate for these infants would have to be reduced by 33.3 percent within the 4 years that remain in the period.

These numbers are already poor when considering the material death rate of African-American and Hispanic women and the mortality rate of their children when compared to the majority populations. A slowdown in the decline of infant mortality in the United States and a continuing high risk of death among black infants, twice that of white infants, prompted a consortium of Public Health Service agencies, in collaboration with all states, to develop a national data base of linked birth and infant death certificates for the 1980 birth cohort. This project, referred to as National Infant Mortality Surveillance [NIMS], provides neonatal, postneonatal, and infant mortality risks for blacks, whites, and all races in 12 categories of birthweights. Neonatal mortality risk = number of deaths of infants less than 28 days of age/1,000 live births; postneonatal mortality risk = number of deaths of infants ages 28 days up to 1 year/1,000 neonatal survivors; and infant mortality risk—number of deaths of infants less than 1 year of age/1,000 live births.

The language in this legislation is very similar to the 1974 regulations which was promulgated by the Department of Health and Human Services, which outlined the viability of a newborn. It was outlined in the regulations that two conditions have to exist are 20 weeks of gestation and 500 grams of birth weight to survive. There has not been any child born in recorded history that did not have at least these two minimums to support the life of a child. One or both can be greater, such as a child older than 20 weeks or over 500 grams of birthweight, but no child is known to have survived with either of these being lest than stated.

I commend the members of the House Judiciary Committee who have spent many hours in debate and discussion on this issue. For this reason, I invite them to join me in support of continued increases in funding to the National Institute of Health's Child Health and Human Development division, which is charged with federal research in the area of infant viability. My greatest concern with this legislation is not that it will not save the life of a child, but that it would have serious implications for the mortality statistics of infants born in our Nation. Should this bill become law it may require that states based on the language of their own statutes regarding births and deaths may be required to collect information on the birth and death of nonviable infants born in the conditions that would be defined as ''born alive'' under the language of this bill. Finally, I believe that physicians will do the appropriate thing for a new born infant with or without this law.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise today in support of the Born-Alive Infant's Protection Act of 2000. H.R. 4292 is a critical step in protecting human life. In the past, I have spoken of the criticality of reversing Roe v. Wade. That horrendous decision has given us early abortion of demand, late abortion on demand, partial-birth abortion, and now its precedent has given us outright infanticide.

Why do we need this legislation? It is needed for the simple reasons that live birth abortions are already occurring. It has now become the practice in some cases to induce labor, fully deliver a child, and then provide no medical treatment, thus resulting in its death. This is live birth abortion. This is infanticide. This is sick.

For our nation to heal, we need to recognize that life is a continuum. We won't be able to do this until Roe v. Wade is overturned. However, until then, we should at least make absolutely clear that children are protected by the law once they are born. This now seems to be an unfortunate necessity.

Mr. Speaker, our forefathers saw fit to found our government in the form of a constitutional republic. In doing so, our Founders declared in the Declaration of Independence that government existed to secure ''life, liberty, and the pursuit of happiness.'' Furthermore, our Constitution enshrined the principle of equal protection of the laws.

If there is just simply one thing that this Congress should recognize, it is our responsibility to protect the innocent. And, make no mistake about it. These children are innocent. To allow for the cruel execution, by non-treatment of those children who were delivered early by induced labor is to be complicit in infanticide.

Mr. Speaker, when Roe v. Wade was made the law of the land eminent theologians, philosophers, and public servants predicted this was the first step on a slippery slope that would affect our concept of the value of human life. We have come to see this prediction realized. Mr. Speaker, we are no longer on a slippery slope. We have stepped off the cliff. Reverse this sickening trend and vote yes on H.R. 4292.

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of H.R. 4292, the Born-Alive Infants Protection Act. This legislation codifies in federal law that babies born alive are human beings who are legally alive with constitutional protections.

It is important that babies are ensured of this common sense protection. In two different instances in my district last year, two babies were born after surviving preparatory procedures for a partial-birth abortion. In one case, the baby received no medical care and died. In the other case, the baby received medical care and lived.

In both cases, the women were planning on having a partial-birth abortion at the Women's Med Center of Dayton. This medical clinic is one of the few places in the country which preforms this procedure. In order to have a partial-birth abortion, a woman must go to the clinic about 2 days before the abortion is performed and have her cervix dilated as an outpatient. Pregnant women react differently to these drugs and in these two instances, the women went into labor and delivered their babies prematurely at their local hospitals.

Mr. Speaker, I would ask unanimous consent that the article titled, ''Ohio Baby Survives Abortion Procedure'' which appeared in The Washington Times on August 21, 1999, be printed in the CONGRESSIONAL RECORD. This story highlights the details of these two cases in which one baby survived and the other died.

Finally Mr. Speaker, I would urge my colleagues to support the Born-Alive Infants Protection Act to ensure that babies receive legal protection and medical care once they are born.

OHIO BABY SURVIVES ABORTION PROCEDURE

(By Joyce Howard Price)

A premature baby girl is listed in serious but stable condition at an Ohio hospital after surviving preparatory procedures her mother underwent for a late-term abortion—reportedly a partial-birth abortion.

Maureen Britell, government relations director for the National Abortion Federation, yesterday confirmed that a woman gave birth at a Dayton hospital earlier this month after ''experiencing premature labor at home following an earlier cervical dilation'' she underwent at the Women's Med Center, a Dayton abortion clinic.

The baby in question, born Aug. 4 at Good Samaritan Hospital, was born 25 or 26 weeks into the 40 weeks of a full-term pregnancy, said Mary K. McCelland, spokeswoman for the Montgomery County [Ohio] Children Services Board. The board has temporary custody of the infant.

''Her condition is still very tenuous because of her size. She was born several months early . . . and this can lead to a lot of complications,'' Miss McClelland said in a telephone interview yesterday. She was unable to provide the baby's weight but said the child is in an incubator and on a respirator.

The county has filed for permanent custody of the baby and will make her available for adoption if no one in the mother's family wants her. Miss McClelland said.

''The recent birth of this very premature baby . . . appears to be the result of a partial-birth abortion gone awry,'' said Peggy Lehner, executive director of Dayton Right to Life.

''The baby . . . escaped the final, fatal stage of the three-day late-term procedure because the mother started into labor before the third day.'' the pro-life leader added.

Mrs. Lehner said her organization received an anonymous call about the baby's birth when the mother showed up at Good Samaritan Hospital in labor. Mrs. Lehner said she consequently talked with some hospital officials who privately confirmed that the baby survived what was to have been a partial-birth abortion.

In the two days before such a procedure, a pregnant woman undergoes dilation of her cervix as an outpatient. ''The abortionist inserts a drug into the woman's cervix, which causes it to dilate [and expand]. The woman goes home, or in many cases to a local hotel, during this phase of the procedure. Some women apparently react to this drug much more rapidly than others, and premature labor begins,'' said Mrs. Lehner.

On the third day, a doctor, using forceps, delivers the baby feet-first, except for the head. The physician then punctures the baby in the back of the neck, suctions out the brains and collapses the skull, killing it.

This is, at least, the second time in four months a woman about to undergo a late-term abortion at the Women's Med Center of Dayton has experienced premature labor and delivered a live child. But, in the previous case, which involved a 22-week-old female fetus known as ''Baby Hope,'' born in a Cincinnati hospital, the infant lived for only three hours.

''Baby Hope's'' mother had been slated to have a partial-birth abortion. And doctors at the hospital elected not to provide her baby with medical care because of her prematurity.

The Women's Med Center of Dayton is actually the home of partial-birth abortion. Its owner, Dr. Martin Haskell, developed the procedure, which he initially called ''dilation and extraction.''

Dr. Haskell first described it at a National Abortion Federation convention in 1992. The National Right to Life Committee and other pro-life groups learned of his remarks and quickly spread the word to the media.

Public outrage over this procedure—which pro-lifers dubbed ''partial-birth abortion'' since it involves killing an already partially delivered child—led Congress and at least 28 states to pass legislation banning most such procedures. But the laws have been blocked in 20 of those states as a result of court challenges.

The ban enacted in Ohio in 1995 was the nation's first. But it was later struck down by a federal judge as being too vague. A rewritten version of the legislation is being considered by the Ohio House Criminal Justice Committee.

And while Congress has twice approved a national ban, President Clinton has twice vetoed it. The federal ban measure was reintroduced in Congress in late April and is expected to be considered in the Senate in October.

Dr. Haskell testified as an expert witness in a trial resulting from a legal challenge of a partial-birth abortion ban passed in Wisconsin. He said he has performed approximately 2,000 D&X procedures, which he now calls ''intact D&E (dilation and evacuation) abortions.''

Traditional D&E abortions, the most common type of pregnancy termination during the second trimester, involve dismembering the fetus. Dr. Haskell said he prefers doing the ''intact D&E'' or ''D&X'' procedure after 20 weeks gestation because bones and ligaments become tougher and stronger at that age and are more difficult to pull apart.

Ohio pro-lifers were shocked to learn that the mother of the premature baby girl now recovering at Children's Medical Center in Dayton was into her 25th or 26th week of pregnancy when the child was born. Dr. Haskell has previously testified he does not do abortions after 24 weeks. And he told the court in the Wisconsin trial he does not perform abortions on viable fetuses.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4292.

The question was taken.

Mr. CANADY of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 15, answered ''present'' 3, not voting 35, as follows:

[Roll No. 495]

YEAS—380

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—15

Carson
Dingell
Fattah
Gilman
Gonzalez
Hastings (FL)
Jackson (IL)
Johnson (CT)
Lee
Lowey
Maloney (NY)
McKinney
Velazquez
Waters
Watt (NC)

ANSWERED ''PRESENT''—3

Hinchey
Schakowsky
Slaughter

NOT VOTING—35

Bereuter
Boehner
Brown (OH)
Campbell
Clay
Ewing
Frank (MA)
Franks (NJ)
Gillmor
Hall (OH)
Houghton
Jones (OH)
Kilpatrick
Klink
Lazio
Lewis (GA)
Martinez
McCollum
McIntosh
Moran (VA)
Morella
Murtha
Packard
Paul
Pickett
Porter
Quinn
Rogan
Rush
Sandlin
Shuster
Sisisky
Smith (MI)
Stark
Vento

□ 2024

Ms. VELAZQUEZ changed her vote from ''yea'' to ''nay.''

Mr. OWENS changed his vote from ''present'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

EXPRESSING SENSE OF HOUSE ON PEACE PROCESS IN NORTHERN IRELAND

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 547) expressing the sense of the House of Representatives with respect to the peace process in Northern Ireland, as amended.

The Clerk read as follows:

H. RES. 547

Whereas the April 10, 1998, Good Friday Agreement established a framework for the peaceful settlement of the conflict in Northern Ireland;

Whereas the Good Friday Agreement stated that it provided ''the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole'';

Whereas the Good Friday Agreement provided for the establishment of an Independent Commission on Policing to make ''recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements'';

Whereas the Independent Commission on Policing, led by Sir Christopher Patten, concluded its work on September 9, 1999, and proposed 175 recommendations in its final report to ensure a new beginning to policing, consistent with the requirements in the Good Friday Agreement;

Whereas the Patten report explicitly ''warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others'';

Whereas section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as contained in H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113, and as contained in appendix G to such Public Law) requires President Clinton to certify, among other things, that the Governments of the United Kingdom and Ireland are committed to assisting in the full implementation of the recommendations contained in the Patten Commission report issued on September 9, 1999 before the Federal Bureau of Investigation or any other Federal law enforcement agency can provide training for the Royal Ulster Constabulary;

Whereas a May 5, 2000, joint letter by the British Prime Minister and the Irish Prime Minister stated that ''legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000'';

Whereas on May 16, 2000, the British Government published the proposed Police (Northern Ireland) bill, which purports to implement in law the Patten report;

Whereas many of the signatories to the Good Friday Agreement have stated that the proposed Police (Northern Ireland) bill does not live up to the letter or spirit of the Patten report and dilutes or fails to implement many of the Patten Commission's key recommendations regarding accountability, such as, by limiting the Policing Board and Police Ombudsman's powers of inquiry, by failing to appoint a commissioner to oversee implementation of the Patten Commission's 175 recommendations and instead limiting the commissioner to overseeing those changes in policing which are decided upon by the British Government, and by rejecting the Patten Commission's recommendation that all police officers in Northern Ireland take an oath expressing an explicit commitment to uphold human rights;

Whereas Northern Ireland's main nationalist parties have indicated that they will not participate or encourage participation in the new policing structures unless the Patten report is fully implemented; and

Whereas on June 15, 2000, British Secretary of State for Northern Ireland Peter Mandelson said, ''I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service, accepted in every part of Northern Ireland, that his report aimed to secure'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the parties for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation;

(2) believes that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the promise of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that ''policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable . . . to the community it serves, representative of the society that it polices . . . [and] complies with human rights norms'', as mandated by the Good Friday Agreement; and

(3) calls upon the British Government to fully and faithfully implement the recommendations contained in the September 9, 1999, Patten Commission report on policing.

The SPEAKER pro tempore (Mr. PITTS). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to support H. Res. 547. I joined as an original cosponsor of this bill, along with many on our committee and others from both sides of the aisle familiar with the problems in Northern Ireland.

In Northern Ireland last spring, the IRA's efforts at putting arms beyond use and having that verified by outside observers demonstrated their good faith. It made it possible for the power-sharing executive to run again and for real, peaceful democratic change.

As part of that arrangement to restore the executive, in May 2000 the British and Irish governments made a firm commitment to the nationalist community to fully implement the Patten Commission policing reforms that form a core portion of the Good Friday Accord for a new beginning in policing.

The British Government and the unionists have, so far, failed to show similar good faith. They firmly need to live up to their agreements in the Good Friday Accord, especially concerning real police reform as envisioned by the Patten Report of September 1999, a report consistent with the terms of the Good Friday Accord.

A 93 percent Protestant police force will not do in a nearly equally divided society. The British Government cannot put aside promised change and the Good Friday Accord for temporary tactical or political gain, for whatever reason. The Irish National Caucus and other Irish American groups here fully support this bill, as well as the SDLP, the largest nationalist Catholic party in the north of Ireland whose leader, John Hume, won the Nobel Peace Prize.

Seamus Mallon, the SDLP's deputy minister in charge of the executive, stated to our committee and said that failure to implement Patten policing proposals will have a damaging effect on the whole psyche of the fledgling political process.

□ 2030

We do not want this, nor can we afford this. The Washington Post noted in July that the onus remains on the British Government to respond to Catholic objections on its failure to fully implement all of Patten's police reforms, since these reforms were part of the agreement in the Good Friday Accord. To date, regrettably, they have not responded.

At hearings held last week by the gentleman from New Jersey (Chairman SMITH) of the Helsinki Commission, a Member of the Patten Commission, Dr. Gerald Lynch, the president of the John J. College of Criminal Justice in New York, told us that any significant modification of its recommendations ''will deprive the people of Northern Ireland of this long-awaited police service capable of sustaining support from the community as a whole.''

We also learned that the current Police Authority in the North has said it is ''vital'' that the police bill now before the British parliament to carry out Patten be amended.

Finally, a former adviser to the Northern Ireland secretary of state has also told us that the first draft of the bill ''eviscerated Patten. The latest version presents a mostly bloodless ghost.''

There must be policing reform as the Roman Catholic Church and as Nationalist Party leaders want, and are entitled to, as well as was agreed upon in the Good Friday Accord. The old Unionist ''veto politics'' must end.

I was proud to join as an original cosponsor of this resolution that was passed out of our Committee on International Relations without one objection. All Members of Congress want to see lasting peace and justice to take permanent hold in Northern Ireland, and we should act favorably on this proposal.

The resolution before us, Mr. Speaker, merely calls on the British Government to fully and faithfully implement the Patten Commission report, to which they agreed, both as part of the Good Friday Accord and the recent restoration of power sharing executive in the North.

If the British Government truly intends to do this, there is nothing for them to fear from this bill. If they are not serious about policing reform, then they are not in compliance with the Good Friday Accord, and the judgment of history will be rightfully harsh.

Now is the time for us to get it right and to fully support the Good Friday Accord.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to voice my support for House Resolution 547. I regret that such a resolution is necessary. However, the British Government's failure to fully implement the Good Friday Agreement and the Patten Commission report is an issue of great concern among many Members of this body and must be addressed.

I want to thank the gentleman from New York (Chairman GILMAN) for moving this measure along in an expeditious manner, and I want to thank my colleague and friend and cochair of the Ad Hoc Committee on Irish Affairs here in the House as well, the gentleman from Massachusetts (Mr. NEAL), for introducing this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, let me if I can at the outset thank the gentleman from New York (Mr. GILMAN) and thank the gentleman from Connecticut (Mr. GEJDENSON) and members of the Committee on International Relations for the expeditious manner in which they brought this piece of legislation that I authored to the floor.

Also I think to fully acknowledge that time and again on the issue of Ireland, there has been bipartisan support in this House of Representatives for the work that has occurred on this side of the ocean, as well as on that side of the ocean.

House Resolution 547, Mr. Speaker, simply urges the British Government to fully implement the Patten recommendations on police reform in the North of Ireland. The people on the island of Ireland support the Patten recommendations, not the Mandelson recommendations.

Let me give you a little bit of background, if I can, on this issue. Probably one of the most difficult problems that has confronted the people in the North of Ireland for the better part of the previous century was the issue of policing in a small state the size essentially of what we would know as Connecticut. But on May 21, 1998, the vast majority of the people of the island of Ireland voted for what we know as the Good Friday Agreement. In unprecedented numbers, they said yes to the future, a future that would include justice, and a future that would include reconciliation between the two traditions that have resided on that island.

But as part of that Good Friday Agreement, there was a very special provision that cuts to the heart of the discussion that we are having this evening. It established an independent commission on policing that would make recommendations to the British Government and to the Irish Government. The notion was to create a new policing service capable of attracting and sustaining support from the community as a whole.

The Nationalist population currently comprises about 7 percent of the Royal Ultra Constabulary. That means that the Unionist community, which, by the way, represents about 54 percent of the people in the North, nonetheless constitutes 93 percent of the police force. The Nationalist community sees them as a force to keep them in line. Fundamentally, the issue of policing can change the whole complexion of the process in the North of Ireland that we know as the Good Friday Agreement.

Now, let me delve into this a bit more. On September 24, 1999, Chris Patten, a conservative member of the British parliament, was chosen to review the state of policing in the North of Ireland. He came back, and, listen to this number, Mr. Speaker, offered to not only take the politics out of policing in the North, but, just as importantly, offered 175 recommendations that included changing the name, changing the flag and emblems of the RUC, a new oath for all the officers, human rights training and a new policing board to be comprised of both communities. This evening this Chamber should be grateful for what Chris Patten did and the efforts that he extended on behalf of this fundamental issue.

Now, when he came to Washington at the request of the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), he presented to us a very cogent plan for fundamentally restructuring the Royal Ulster Constabulary. What he said at that time essentially was this: do not allow my report to be cherry-picked. Precisely what is happening at this moment in the North of Ireland is the cherry-picking of Chris Patten's recommendations.

Now, I would remind all present, as well as those viewing across the country, that there was a democratic election which people in both traditions on both sides of the border voted for in overwhelming numbers.

So what we are saying essentially here is this, that we have had an agreement, we have had an election, and now we are going to move the goalposts back by another 10 yards, because that is what the Nationalist community will deem this intransigence to be.

Everybody in the British Isles has concluded that there has to be a fundamental reform of policing in the North of Ireland. Secretary Mandelson's position, however, has been to come back and say, we know better, we know more. We have decided that, despite what Chris Patten said, despite the Patten recommendations, despite an election, that we are now going to compromise the very notion of fully integrating the police service or police force in the North of Ireland.

What is difficult for most of us to digest in this process is essentially this: if we are to go back to the recommendations that Patten made and essentially say we cannot sell them politically now, it invites both sides to say, let us reopen the Good Friday Agreement.

Now, George Mitchell deserves enormous credit for his good and patient work. Bill Clinton deserves great credit for his work. Republicans like the gentleman from New York (Mr. GILMAN) and others deserve credit for their work. This has always been bipartisan in nature.

Let me, if I can for a second, read a statement that Vice President Gore has asked me to offer on his behalf: ''I also want to make clear my position on the Patten Commission's recommendations for police reform in Northern Ireland. I urge the British government to fully and expeditiously implement these recommendations. The goal of the Patten Commission's recommendations is to take politics out of policing and to create a police service in Northern Ireland that meets the highest possible standards and that enjoys the support of both communities.''

Now, I would submit tonight, Mr. Speaker, that if we are to head back to a reopening of the Good Friday Agreement, canceling the provisions of the Good Friday Accord, we are going to invite the rejectionists to step forward. I would ask the rejectionists of the Good Friday Agreement a very simple question: tell us your alternative. You have always had great moments of outlining what you are against; we would like you to tell what your competing proposal is on behalf of what you are for.

It becomes very obvious to all of us who have been in this process, myself included, for more than two decades, that they really have no alternative to the Good Friday Agreement. They are going to continue to chip away at the edges, they are going to continue to be naysayers, they are going to continue to criticize all of the parties that have brought us to this moment. But the point tonight to remember is this, they provide no viable alternative.

There is no option, that I am aware of, other than the Good Friday Agreement. It has met the test of time, it enjoys support across the island; and if we are to say tonight that the Patten Commission recommendations are to be, as Chris Patten said, cherry-picked or taken apart, then what is to prevent the next party from standing and saying, we do not like this part of the Good Friday Agreement?

The term ''royal'' should be taken out of police service. Members of the Nationalist community do not want to swear allegiance to the Queen upon taking the oath for joining its police service. Chris Patten understood that; Tony Blair understood that. That was part of this far-reaching agreement, that they would not have to swear allegiance to the Queen to join the police service. Instead, they would take an oath of office similar to the one that patrolmen and patrolwomen across this Nation take upon entering that service, simply acknowledging your duties.

I would submit tonight, Mr. Speaker, to Members that are going to have a chance to go at this later on, that my words do not ring hollow on this occasion. If we allow any part of the Patten Commission recommendations to be undone, we invite the naysayers and the rejectionists to step to the floor to fill the vacuum. We have to push them aside and make them in free elections tell the people what they are for or what they are against, as opposed to sitting in the inexpensive seats and telling all of us how wrong we have been all along the way.

Mr. Speaker, I want to thank the Members assembled here this evening again for their steadfastness.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts (Mr. NEAL) for his kind supporting words for this resolution. The gentleman has been a longtime leader in the Irish cause in the Congress.

Mr. Speaker, I am pleased to yield 6½ minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN) for his leadership on this very important issue, as well as the gentleman from Massachusetts (Mr. NEAL), the gentleman from New York (Mr. CROWLEY), and my good friend, the gentleman from New York (Mr. KING), who has been indefatigable for many years on this important issue.

Mr. Speaker, I think the gentleman from Massachusetts (Mr. NEAL) is right in pointing out that this is a bipartisan effort, and we are trying to send a clear non-ambiguous message to the British Government that we are looking at their policing bill, that we looked at it very carefully, and it falls far, far short.

Last Friday, as chairman of the Subcommittee on International Operations and Human Rights and as chairman of the Helsinki Commission, I held my sixth hearing in a series of hearings which have delved into the status of human rights in the North of Ireland and the deplorable human rights record of the Royal Ulster Constabulary, the RUC, Northern Ireland's police force.

□ 2045

Our panel of experts were emphatic about the gap that exists between the recommendations of the Patten Commission on policing reform and the bill that the British Government has now put forth in their attempt to comply with the Good Friday Agreement's instructions to ''craft a new beginning to policing.''

Professor Brendan O'Leary, one of our witnesses from the London School of Economics and Political Science, testified that the pending police bill is, quote, ''a poorly disguised facade'' that does not implement the Patten report. He said it was, and I quote again, ''mendaciously misleading'' for Northern Ireland's Secretary of State, Peter Mandelson, to suggest that his government's bill implements the Patten report.

Professor O'Leary reported that the bill improved at the Commons stage, yet he testified that the British government's bill is still very ''insufficient.'' He called it a ''bloodless ghost'' of Patten and referred to it as ''Patten light.''

Similarly, Martin O'Brien, the great human rights activist and the Director of the Committee on Administration of Justice, an independent human rights organization in Belfast, expressed his organization's, quote, ''profound disappointment at the developments since the publication of the Patten report.'' He said that ''only a third or less of Patten's recommendations resulted in proposals for legislative change.''

Mr. O'Brien reported that ''a study of the draft seems to confirm the view that the British government is unwilling,'' his words, ''to put Patten's agenda into practical effect.'' He called it ''a very far cry from the Patten report'' and said ''despite much lobbying and extensive changes in the course of the parliamentary process to date, there is still a very long way to go.''

Elisa Massimino, from the Lawyer's Committee for Human Rights, testified that the bill ''falls far short of the Patten recommendations'' and she pointed to many discrepancies to illustrate this. And Dr. Gerald Lynch, the President of John Jay College of Criminal Justice in New York and an American appointee to the Patten Commission, restated the Commission's unanimous support for full implementation and warned, in his words, ''that the recommendations should not be cherry picked but must be implemented in a cohesive and constructive manner.''

Mr. Speaker, the witnesses at last week's hearings, as well as witnesses at previous hearings, as well as in correspondences that we have all received and in the meetings that we have had throughout this Capitol and in Belfast and elsewhere, policing has been the issue. In fact last year we had Chris Patten himself and the U.N. Special Rapporteur to Northern Ireland, Param Cumaraswamy, speak to our subcommittee. They too pointed to police reform as the essence of real reform in Northern Ireland.

It is critical to note, then, that despite the progress to date, the British government is at a critical crossroads on the path to peace in Northern Ireland. The British government has the sole opportunity and responsibility for making police reform either the linchpin or the Achilles heel of the Good Friday Agreement.

Accordingly, our legislation today calls upon the British government to fully and faithfully implement the recommendations contained in the Patten Commission report. The bill is the culmination of years of work in terms of trying to get everyone to the point where they have a transparent police force that is not wedded to secrecy and cover-up of human rights abuses.

Mr. Speaker, H. Res. 547 does get specific. It points out that the police bill in parliament limits the powers of inquiry and investigation envisioned by the Patten report for the Policing Board and the police ombudsman. Remarkably, the police bill gives the Secretary of the State of Ireland a veto authority to prevent a Policing Board inquiry if the inquiry ''would serve no useful purpose.'' That just turns the bill into a farce, Mr. Speaker.

The British government also prohibits the Policing Board from looking into any acts that occurred before the bill was enacted. The British government's bill also denies the ombudsman the authority to investigate police policies and practices and restricts her ability to look at past complaints against police officers. And the bill restricts the new oversight commissioner to assessing only those changes the British government agrees to, rather than overseeing the implementation of the full range of the Patten recommendations.

Mr. Speaker, when Mr. Patten met with our committee, I and many others expressed our disappointment that his report contained no procedure whatsoever for vetting RUC officers who committed human rights abuses in the past. That said, we took some comfort that the Commission at least recommended that existing police officers should affirmingly state a willingness to uphold human rights. Now we learn that the British government's bill guts even this minimalist recommendation.

Mr. Speaker, let me just conclude, and I ask that my full statement be made a part of the RECORD. Two years ago this week, human rights defense attorney Rosemary Nelson testified before my subcommittee expressing her deepest-held fear that the RUC, which had made numerous death threats against her and her family through her clients, would one day succeed and assassinate her. The U.N. Special Rapporteur testified at the hearing that he was satisfied that there was truth to those allegations that defense attorneys were harassed and intimidated by members of the RUC.

As we sadly all know today, Rosemary Nelson was killed, the victim of an assassin's car bomb just 6 months

after she asked us to take action to protect defense attorneys in Northern Ireland. Her murder is now being investigated in part by the RUC, the police force that she so feared. If the British government's police bill continues to reject mechanisms for real accountability, we may never know who killed Rosemary Nelson or defense attorney Patrick Finucane. And sadly the police force may never be rid of those who may have condoned, perhaps helped cover up, or even took part in some of the most egregious human rights abuses in Northern Ireland.

Mr. Speaker, let us have a unanimous vote for this resolution and send a clear message to our friends on the other side of the pond that we want real reform and that real police reform is the linchpin to the Good Friday Agreement.

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Our panel of experts was emphatic about the gap that exists between the recommendations of the Patten Commission on policing reform and the bill that the British government has now put forth in their attempt to comply with the Good Friday Agreement's instruction to craft ''a new beginning to policing.''

Professor Brendan O'Leary from the London School of Economics and Political Science testified that the pending Policing Bill is ''a poorly disguised facade'' that does not implement the Patten report. He said it was ''mendaciously misleading'' for Northern Ireland's Secretary of State, Peter Mandelson, to suggest that this government's bill implements the Pattern report.

Professor O'Leary reported that the bill was improved at the Commons stage, yet he testified that the British government's bill is still ''insufficient''. He called it a ''bloodless ghost'' of Patten and referred to it as ''Patten light.''

Similarly, Martin O'Brien, Director of the Committee on the Administration of Justice, an independent human rights organization in Belfast, expressed his organization's ''profound disappointment at the developments since the publication of the Patten report.'' He said that ''only a third or less of Patten's recommendations resulted in proposal for legislative change.''

Mr. O'Brien reported that ''a study of the draft to confirm the view that government is unwilling to put Patten's agenda into practical effect.'' He called the bill ''a very far cry from the Patten report'' and said ''despite much lobbying and extensive changes in the course of the parliamentary process to date, there is still a long way to go.''

Elisa Massimino, from the Lawyer's Committee for Human Rights, testified that the bill ''falls far short'' of the Patten recommendations. And Dr. Gerald Lynch, the President of John Jay College of Criminal Justice in New York and an American appointee to the Patten Commission, restated the Commissions unanimous support for full implementation and warned that ''the recommendations not be cherry picked but be implemented in a cohesive and constructive manner.''

Mr. Speaker, the witnesses at last week's hearing, as well as witnesses at previous hearings—including Patten himself and U.N. Special Rapporteur to Northern Ireland, Param Cumaraswamy—have all pointed to police reform as the essence of real reform in Northern Ireland. It is critical to note, then, that despite the progress to date, the British government is at a critical crossroads on the path to peace in Northern Ireland. The British government has the sole opportunity—and responsibility—for making police reform either the lynchpin—or the Achilles' heel—of the Good Friday Agreement.

Accordingly, our legislation today calls upon the British Government to fully and faithfully implement the recommendations contained in the Patten Commission report on policing. Our bill is the culmination of our years of work and it is our urging of an ally to do what is right for peace in Northern Ireland.

H. Res. 547 does get specific. It now contains language which I offered at the Committee stage to highlight a few of the most egregious examples where the proposed Police Bill does not live up to either the letter or the spirit of the Patten report. For instance, the Police Bill, as currently drafted, limits the powers of inquiry and investigation envisioned by the Patten report for the Policing Board and the Police Ombudsman. Remarkably, the Police Bill gives the Secretary of State for Northern Ireland a veto authority to prevent a Policing Board inquiry if the inquiry would ''serve no useful purpose.'' The bill completely prohibits the Policing Board from looking into any acts that occurred before the bill is enacted.

The British Government's Police Bill also denies the Ombudsman authority to investigate police policies and practices and restricts her ability to look at past complaints against police officers. And the bill restricts the new oversight commissioner to assessing only those changes the British Government agrees to rather than overseeing the implementation of the full range of Patten's recommendations.

When Mr. Patten himself met without subcommittee, I and many others expressed our disappointment that his report contained no procedure for vetting RUC officers who committed human rights abuses in the past. That said, we took some comfort that the Commission at least recommended that the existing police officers should affirmatively state a willingness to uphold human rights. Now we learn that the British Government's bill guts even this minimalist recommendation.

Many of the reforms that the Patten Commission recommended, such as those addressing police accountability or the incorporation of international human rights standards into police practices and training, are not issues that divide the nationalist and unionist communities in Northern Ireland. One must ask then, who it is that the Northern Ireland Secretary of State is trying to protect or pacify by failing to implement these recommendations.

Our witnesses concluded that the British Government is hiding behind the division between unionist and nationalists on other issues—such as what the police service's name and symbols will be—to avoid making changes in accountability structures and human rights standards for the police. According to Mr. O'Brien, ''these constraints are there apparently to satisfy the concerns of people already in the policing establishment who don't want change and don't want the spotlight shown on their past activities or future activities.''

In other words, the future of Northern Ireland is being held captive to the interests of the very police service and other British Government security services that the Good Friday Agreement sought to reform with the creation of the Patten Commission.

Mr. Speaker, there should be no doubt about the importance of policing reform in Northern Ireland as it relates to the broader peace process. Mr. O'Brien testified that ''the issue of resolution of policing and the transformation of the criminal justice system are at the heart of establishing a lasting peace.'' Dr. Gerald Lynch restated Chris Patten's oft-repeated statement that ''the Good Friday Agreement would come down to the policing issue.''

Professor O'Leary's comments were even more somber. He said:

> In the absence of progress on Patten . . . we are likely to see a stalling on possible progress in decommissioning, minimally, and maximally, if one wanted to think of a provocation to send hard line republicans back into full scale conflict, one could think of no better choice of policy than to fail to implement the Patten report . . . I think disaster can follow . . . and may well follow from the failure to implement Patten fully.

Both the nationalist and unionist communities supported the Good Friday Agreement and all that it entailed—including police reform. The people of Northern Ireland deserve no less than a police service that they can trust, that is representative of the community it serves, and that is accountable for its actions.

In conclusion Mr. Speaker, let me point out to my colleagues that it was two years ago this week that human rights defense attorney Rosemary Nelson testified before my subcommittee expressing her deepest held fear that the RUC, which had made death threats to her and her family through her clients, would one day succeed and kill her. The U.N. Special Rapporteur, Para Cumaraswamy testified at the same hearing that after his investigation in Northern Ireland, he was ''satisfied that there was truth in the allegations that defense attorneys were harassed and intimidated'' by members of the RUC.

As many people know, Rosemary Nelson was killed—the victim of an assassin's car bomb just six months after she asked us to take action to protect defense attorneys in Northern Ireland. Her murder is now being investigated, in part, by the RUC—the police force she so feared. If the British government's Police Bill continues to reject mechanisms for real accountability, we may never know who killed Rosemary Nelson, and defense attorney Patrick Finucane. And sadly the police force may never be rid of those who may have condoned, helped cover-up, or even took part in some of the most egregious human rights abuses in Northern Ireland.

I strongly urge my colleagues to support this measure before us today in order to express in the strongest terms possible to the British government our support for implementation of the full Patten report and its very modest recommendations for a ''new beginning in policing.''

STATEMENT OF GERALD W. LYNCH, PRESIDENT, JOHN JAY COLLEGE OF CRIMINAL JUSTICE, THE CITY UNIVERSITY OF NEW YORK, BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE (THE HELSINKI COMMISSION), SEPTEMBER 22, 2000

Mr. Chairman and distinguished members of the Commission on Security and Cooperation in Europe. I want to thank you for the opportunity to present testimony regarding the work of the Independent Commission on Policing for Northern Ireland, commonly known as the Patten Commission. I would like to discuss the Policing Bill which is before the British Parliament.

When I was introduced to the then Secretary of State for Northern Ireland, Mo Mowlam, she said to me: ''How did you get Ted Kennedy and Ronnie Flanagan to agree on you? (Sir Ronnie Flanagan is the Chief Constable of the Royal Ulster Constabulary.) I told the Secretary that I believed they agree on me because John Jay College has provided training around the world emphasizing human rights and human dignity. Moreover, John Jay has had an exchange of police and faculty for 30 years with the British police, and for more than 20 years with the Garda—as well as an exchange with the R.U.C. for over 20 years. Over that time there had been hundreds of meetings and interactions among British, Irish and American police and criminal-justice experts. The continuing dialogue had generated an exchange of ideas and technology that was totally professional—and totally non-partisan.

Many of John Jay's exchange scholars have risen to high ranks in Britain, Ireland and America. The current Commissioner of the police of New Scotland Yard, Sir John Stevens, was the exchange scholar at John Jay for the Fall of 1984.

I am honored to have been selected to be a member of the Patten Commission.

The Patten Report states that: ''the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole . . . cannot be achieved unless the reality that part of the community feels unable to identify with the present name and symbols associated with the police is addressed. . . . our proposals seek to achieve a situation in which people can be British, Irish or Northern Irish, as they wish, and all regard the police service as their own.

We therefore recommend:

The Royal Ulster Constabulary should henceforth be named the Northern Ireland Police Service.

That the Northern Ireland Police Service adopt a new badge and symbols which are entirely free from any association with either the British or Irish states (We not that the Assembly adopted a crest acceptable to all parties, namely, the symbol of the flax)

That the union flag should not longer be flown from police buildings

That, on those occasions on which it is appropriate to fly a flag on police buildings, the flag should be that of Northern Ireland Police Service, and it, too, should be free from association with the British or Irish states''.

The Patten Commission worked for 15 months. We sought the best professional models and practices for policing a divided society in a democracy. We held meetings not only in Belfast, Dublin, and London but in New York. Washington, California, Canada, Belgium, Spain and South Africa. From the beginning, we met with the police, clergy, politicians, civil-libertarians and community groups. We went to police headquarters. We visited every police sub-station in Northern Ireland. We literally talked to thousands of police officers.

We held 40 hearings throughout Northern Ireland—the first and only time such a commission went directly to the public. These hearings were extremely tense. More than 10,000 people attended. More than 1,000 spoke. Emotions ran high as they described past cruelties and allegations of murder, torture and brutality on both sides.

We listened. We heard the pain. We felt the suffering. We understood the need to move on to a solution to help forge a future in Northern Ireland that involved more than endless re-creations of the terrible past.

We realized early in our deliberations that whatever we recommended would need to pass muster not just in Britain and Ireland but with police organizations worldwide.

Chris Patten said of his work on the Commission: ''It was the most difficult, painful, and emotionally draining thing I have ever done or would ever wish to do.'' I concur completely.

The Patten report provides a framework on which a police service built on a foundation of human rights can be achieved. Again I quote, ''We recommended a comprehensive program of action to focus policing in Northern Ireland on a human rights-based approach.

Training will be one of the keys to instilling a human rights-based approach into both new recruits and experienced police personnel. We recommend that all police officers, and police civilians, should be trained . . . in the fundamental principles and standards of human rights and the practical implications for policing. . . . We recommend the human rights dimension should be integrated into every module of police training''.

Another core issue which has not received the attention of the media is the Patten Commission's recommendation that a new police college be established in Northern Ireland. Central to any organizations ability to imbue its members with a focus on human rights is a facility at which to conduct the necessary work and an appropriate curriculum. An educated police officer is a better police officer.

The Patten Report stated: ''as a matter of priority, . . . all members of the police service should be instructed in the implications for policing of the Human Rights Act 1998, and the wider context of the European Convention on Human Rights and the Universal Declaration of Human Rights. Human dignity training, along the lines of that offered by John Jay College in New York to the New York Police Department and police services from some fifty countries, should also be provided. Like community awareness training, human rights and human dignity should not be seen as an add-on to training, but as a consideration affecting all aspects of training.'' (Chapter 16.21)

The recommendations of the Patten Commission were unanimous. It is crucial that the recommendations not be cherry picked but be implemented in a cohesive and constructive manner. The people of Northern Ireland deserve no less than this new beginning for policing. Any significant modifications will deprive them of this long awaited police service capable of sustaining support from the community as a whole.

STATEMENT BY MARTIN O'BRIEN, COMMITTEE ON THE ADMINISTRATION OF JUSTICE, BELFAST, BEFORE THE U.S. CONGRESS REGARDING POLICING IN NORTHERN IRELAND, FRIDAY, 22 SEPTEMBER 2000

Thank you for your invitation to testify today. The Committee on the Administration of Justice (CAJ) is an independent human rights organisation which draws its membership from across the different communities in Northern Ireland. CAJ works for a just and peaceful society where the human rights of all are fully protected. In recognition of its efforts to place human rights at the heart of the peace process, CAJ was awarded the 1998 Human Rights Prize by the then 40 Member States of the Council of Europe. We have a broad remit which covers many conflict-related issues such as prisoners, emergency law, miscarriages of justice, and also issues such as fair employment, the rights of women and children, people with disabilities, and the need for effective government action to prevent racial discrimination.

Since our foundation in 1981, we have worked consistently on issues of policing and, as early as 1995, CAJ argued for an independent international commission to look into future policing in Northern Ireland. Accordingly we worked hard to ensure that the establishment of such a body would be provided for in the Good Friday Agreement. We welcomed the broad terms of reference given to the Commission by the Agreement, and sought to work constructively with the Commission as soon as it came into being, under the chairmanship of the Chris Patten. We were fortunate in that we had earlier secured funding from the Ford Foundation and others to undertake a major comparative research project into good policing around the world. The findings arising from that study underpinned all our work with the Commission and were, we believe—from a reading of the recommendations—useful to the Commission in its work.

In testimony in September 1999 to Congress on the findings of the Patten Commission, we concluded that: ''CAJ believes that, in general terms, the Commission has made a very genuine and constructive effort to meet the difficult task imposed on it by the Agreement. They have put forward many thoughtful and positive recommendations about the way forward. Most importantly of all, they have recognized (as did the Agreement itself) that just as human rights must be at the heart of a just and peaceful society in Northern Ireland, it must be at the heart of future policing arrangements.''

CAJ went on, however, to outline for Congress, some of the serious reservations we, and other human rights groups, had regarding the omissions from the Patten report. Amongst other things, we expressed concern as to the feasibility of bringing about real changes to policing if emergency powers are still retained, if plastic bullets are still deployed, and if officers, known to have committed human rights abuses in the past, remain as serving officers.

Despite these important shortcomings, however, the main thrust of our submission at that time was to urge Congress to use its best offices to push for speedy implementation of the positive recommendations arising from Patten. Though Patten's recommendations did not address everything that was needed for genuine change, they gave a clear framework within which change could occur, and they pointed all those interested in fundamental reform in the right direction.

Unfortunately, as we said in our earlier testimony ''implementation is everything'', and in that context, CAJ must report to Congress our profound disappointment at developments since the publication of the Patten report. Our concerns about implementation are twofold. First, many of the changes Patten called for are long over-due, and speed is of the essence. Second, and as important, a hesitant or unwilling approach to major change—which is what we are experiencing—feeds fears that change will be short-lived, and indeed will be under-mined over the longer term.

One of the key findings of our earlier international research was that political will is

always a determining factor in preventing or facilitating successful change. Initially, it seemed to observers that the necessary political will did in fact exist within government for change. Yet, since the publication of the Patten report, the signs have been ominous.

Patten called for the speedy appointment of an Oversight Commissioner to oversee the pace and nature of change. The Commission said ''we believe that a mechanism is needed to oversee the changes required of all those involved in the development of the new policing arrangements, and to assure the community that all aspects of our report are being implemented and being seen to be implemented''. This recommendation was accepted by government, but Tom Constantine was only appointed on 31 May 2000—almost nine months after the Patten report was published. This tardy appointment meant that the Commissioner was excluded from scrutinising the draft legislation, played no part in the detailed Implementation Plan prepared by the Northern Ireland Office and the policing establishment, and has still to appoint staff, take on a public profile, and produce his first report.

Given this delay, any change that has taken place to date has been dictated by those who have been responsible for policing over the last 30 years and who have resisted change in the past. Only a third or less of Patten's recommendations resulted in proposals for legislative change, so that the vast majority of the programme of change has been left to the discretion of senior civil servants, and the Chief Constable. Indeed, much of the change—whether in terms of police training, police re-organisation, or in terms of crucial decisions relating to Special Branch, detention centres, the use of plastic bullets, or the extent of stop-and-search activities—lies largely at the discretion of the Chief Constable alone. Only with the appointment of a new Policing Board (the political composition of which is as yet uncertain), and/or an active and high profile Oversight Commissioner, will people outside the policing establishment be able to influence or assess the extent of real change underway.

The slowness in appointing an external Oversight Commissioner has left government open to the charge that the nature and pace of change has been deliberately left in the hands of those who have so mis-managed policing in the past. This charge is not easily refuted. A study of the draft legislation, for example, merely seems to confirm the view that government is unwilling to put Patten's agenda into practical effect. The draft legislation first presented to the House of Commons in May was a very far cry from the Patten report, and despite much lobbying, and extensive changes in the course of the parliamentary process to date, there is still a long way to go. (I would like, with the Chair's permission, to have read into the record two commentaries on the legislation. One is a short CAJ briefing on the major outstanding concerns in the policing legislation, and the other is a detailed series of amendments which CAJ believes must be introduced if the legislation is to faithfully reflect Patten).

Of course, to judge by official government statements, one would have thought that government was fulfilling Patten in its first draft legislative text in May. The same claim—to be fulfilling Patten—was still being asserted in July (when, by its own admission, it had already made 52 substantive changes to bring the initial draft in line with Patten). Further amendments have again been promised in the next few weeks, prior to the House of Lords debate. However, on the basis of CAJ's understanding to date, the changes that are to be offered will still not deliver the Patten agenda.

If government does want to implement Patten, as it says it does, why is it still resistant to a whole range of important safeguards which Patten called for? Why is it impossible to get government agreement to include explicit reference in the legislation to a broad range of international human rights norms and standards? What reason can there be for the government denying any role to the NI Human Rights Commission in advising on the police use of plastic bullets? Why are effective inquiry powers for the Policing Board consistently opposed? Why is the Secretary of State so adamant that the Police Ombudsperson cannot have the powers to investigate police policies and practices that Patten called for? Why was the appointment of the Oversight Commissioner so long delayed, and why is his term of office so curtailed in the legislation?

There will be some that claim that government cannot move fast on certain issues, precisely because Northern Ireland is divided, and policing is a very divisive issue. While there are, of course, many contentious issues (the name and symbols, for example), none of the important issues listed above divide nationalist and unionist. They do, however, clearly divide those who want to defend the status quo, from those who want a police service that is impartial, representative, and accountable—able and willing to ensure that the rule of law is upheld.

Some of the obstacles to real change can be detected by a study of the parliamentary record. A government minister, in the course of the Commons debate, resisted any amendments that sought to make policing subject to international human rights and standards. He said: ''Some appalling human rights abuses . . . take place around the world. Those low standards should not be compared with the past activities of the RUC . . . The RUC carried out a difficult job, often in impossible circumstances. Such comparisons as might be made in the light of the amendment could cause unnecessary offense. We might reasonably say that, against the norms in question, the RUC has a good record on human rights''. Government appears to reject out-of-hand the many past reports of the United Nations, and respected international non-governmental organizations, which criticised the RUC. This stance presumably explains the legislation's failure to address the legacy of the past. Yet, if government is unwilling to admit past problems, can the necessary change occur?

CAJ's fears about the pace and nature of policing change are further heightened by the government's approach to the separate but complementary Chemical Justice Review (also established as part of the Good Friday Agreement). The interrelationship between policing and the criminal justice system is self-evident. Accordingly, it is extremely disturbing to have to report to Congress that CAJ has serious concerns about the nature and pace of change proposed in the criminal justice sphere also. A new appointment system for judges, changes to the prosecution service, and a re-vamping of the criminal justice system generally, are long-overdue changes. The government timetable clearly does not recognise any urgency; CAJ, however, feels that Northern Ireland cannot afford any further delay.

Of course, change is inevitably difficult; and change of the scale and nature required in Northern Ireland is particularly difficult. We urge the US Congress to use its best endeavours to lend its support to the UK and Irish governments as they work, with local politicians, to develop a more just and peaceful society in Northern Ireland. In particular, we hope that Congress would work, both directly, and—as appropriate—in conjunction with the US Administration, to:

1. Urge the Prime Minister, Tony Blair, to amend the draft legislation to ensure that it reflects both the letter and spirit of Patten. Urge that the legislation conform in particular, to Patten's exhortation that ''the fundamental purpose of policing should be, in the words of the Agreement, the protection and vindication of the human rights of all''. Congress should make it clear that future US–UK policing cooperation is dependent to a large extent on Patten's recommendations being fully implemented.

2. Congress should urge the UK and Irish governments to recognise the importance of greater external oversight of the transition process, and ask that the Oversight Commissioner be accorded the resources and remit necessary to this vital work.

3. Congress should commit itself to monitoring developments closely in the coming months, and urge the US Administration to do the same. Congress may, for example, want to consider holding further Hearings in due course to receive a progress report on developments.

To conclude, I hardly need to remind the Chairperson that, defence lawyer and CAJ executive member, Rosemary Nelson, testified before him and other members of Congress on issues of policing almost two years ago—on the 29 September 1998.

The concerns she raised in her testimony, her terrible murder a short while later, and the subsequent police investigation, remind us—if we need reminding—that policing change in Northern Ireland is not an abstract or intellectual debate. It is about the lives of real people. We must bring about policing change in Northern Ireland; and we must ensure that that change is right.

Everything that the US Congress can do to help those of us on the ground secure such change will, as always, be greatly appreciated.

Thank you.

TESTIMONY OF ELISA MASSIMINO, DIRECTOR, WASHINGTON OFFICE, LAWYERS COMMITTEE FOR HUMAN RIGHTS, ON PROTECTING HUMAN RIGHTS AND SECURING PEACE IN NORTHERN IRELAND: THE VITAL ROLE OF POLICE REFORM, SEPTEMBER 22, 2000

I. INTRODUCTION

Chairman Smith and members of the Commission, thankyou for inviting me to testify today. You have been a true champion of human rights in the Congress, and you and your dedicated staff have done so much to shine a spotlight on human rights problems in Northern Ireland and around the world. Your leadership on these issues has made a real difference. We want to take this opportunity to commend you for this important work, and to thank you.

The Lawyers Committee for Human Rights has been working to advance human rights in Northern Ireland since 1990. We have published a number of reports about the intimidation and murder of defense lawyers in Northern Ireland, with particular focus on the cases of solicitors Patrick Finucane and Rosemary Nelson. As you know well, the precarious situation of defense lawyers in Northern Ireland is closely linked to the emergency law system and to the conduct of the police. For the last year and a half, we have paid special attention to the peace process in Northern Ireland and, in particular, the central issue of police reform. We appreciate the opportunity to be here today to share with you our views on the status of efforts by the British Government to implement the recommendations made by the Patten Commission.

II. THE PATTEN COMMISSION RECOMMENDATIONS AND THE PENDING POLICE BILL

The Patten Commission's mandate was as ambitious as it was critically important to

Northern's Ireland's future. The Good Friday Agreement called on the Commission to propose a new structure for policing in Northern Ireland that would make the police service accountable, representative of the society in policies and reflective of principles of human rights. (The Agreement, Policing and Justice, para. 2)

Although we were disappointed that the Patten Commission did not directly address some key issues, such as the continued use of emergency powers, which provides the breeding ground for many of the human rights abuses that persist in Northern Ireland, we believe that, on the whole, the Patten Commission successfully integrated human rights principles into its program for reform. The Patten Commission Report provides a clear roadmap for building an effective and publicly-supported police force. If the British Government were to fully implement the Patten Commission's recommendations, it could make Northern Ireland a model for other civil societies transitioning from conflict to peace.

But unfortunately, the British Government has taken a different path. Despite more than 50 substantive amendments, the bill now pending in Parliament that is meant to implement the Patten Commission recommendations falls far short of doing so. There are serious deficiencies in the legislation now under consideration, many of which have been discussed in detail by my colleagues on this panel. But I would like to highlight three issues regarding the Police Bill that are of particular concern to the Lawyers Committee for Human Rights because they directly undermine the central principles of accountability and human rights around which the Patten Commission recommendations revolve. Last month in a letter to Peter Mandelson, the Secretary of State for Northern Ireland, we raised these and other concerns in detail. I would like to submit a copy of that letter, dated August 16th, for your review and for the record.

A. Limitations on the policing board and police ombudsman

The Policing Board and the Police Ombudsman are entities intended to be responsible for monitoring police conduct. The current Police Bill, however, places crippling limitations on these bodies that would significantly reduce their effectiveness. For example, the Bill would undermine the Policing Board's ability to conduct reviews of ongoing police operations. Likewise, the Bill fails to clearly provide the authority for the Police Ombudsman to investigate police practices and policies, in addition to allegations of past abuse. A credible system of investigation and inquiry into alleged abuses and abusive practices is one of the best guardians against such practices. But if the Police Bill is approved in its current form, with significant limitations on the powers of the Policing Board and Ombudsman, the capacity for creating such a system will be severely limited.

B. The oversight commissioner

Implementation of the Patten Commission reforms was thought by no one to be a simple task, which is why the position of Oversight Commissioner was viewed as so important. But the long delay in appointing an individual to serve in that post, and the limitations that have been placed on his mandate, create formidable barriers to his effectiveness. In part due to the delay in his appointment, the Oversight Commissioner has played no role in the process of drafting the Police Bill. The British Government published its Implementation Plan before the Oversight Commissioner was even appointed; the RUC likewise came up with its own ''Programme for Change'' with no input from the Oversight Commissioner. These two documents, which purport to guide the implementation of the Patten Commission recommendations, appear now to be the measuring stick by which the Oversight Commissioner intends to judge implementation. And yet these plans—the Government's and the RUC's—do not themselves fully implement the Patten Commission recommendations. This seems to us to relegate the role of the Oversight Commissioner to that of making sure that the police follow through on the changes they decide they want to undertake—a far cry from ensuring that the Patten Commission reforms are truly implemented.

C. Reference to international human rights standards

Although the British Government has repeatedly asserted that it ''recognizes the importance of human rights,'' its ongoing resistance to inserting reference to international human rights standards into the language of the Police Bill raises serious questions. The conduct of police in Northern Ireland has been the subject of numerous reports by non-governmental human rights organizations and UN bodies, including by Dato' Param Cumaraswamy, the UN Special Rapporteur on the Independence of Judges and Lawyers. Many of these reports have concluded that police conduct in Northern Ireland violates internationally recognized human rights standards. Chairman Patten, in his statement accompanying the release of the Commission's report, highlighted the central importance of human rights standards to the Commission's approach to police reform: ''We recommend a comprehensive programme of action to focus on policing in Northern Ireland on a human rights-based approach. We see the upholding of fundamental human rights as the very purpose of policing, and we propose that it should be instilled in all officers from the start—in the oath they take, in their training, and in their codes of practice and in their performance appraisal system.'' In light of this clear statement of the human rights foundations of the Patten Commission's recommendations, the failure to incorporate reference to international human rights standards into the Police Bill is striking.

The failure of the British Government to adequately address these concerns with the Police Bill, combined with the slow pace of other reform measures, has already led to an erosion of confidence in the ongoing process and doubts about the Government's intentions. Many who support reform have begun to wonder whether the Government is abandoning its stated intention to fully implement the Patten Commission recommendations. This perception will have serious consequences for the long-term prospects for peace. For example, under the Patten Commission proposals, 600 police officers were supported to volunteer to retire by the end of next month. This proposal was based on the assumption that adequate compensation would be offered as an incentive to retire. But so far, only 91 officers have come forward to volunteer. According to a Police Federation spokesman quoted in a recent article in the Daily Telegraph, the Government has stated that no officer should benefit beyond the sum they would earn if they remained on the force. When the Police Federation asked the Government what incentive this would give officers to retire, they were not given a credible answer. I would ask that a copy of this September 10th article be included in the record of this hearing.

III. BREAKING THE CYCLE OF IMPUNITY

As so many societies transitioning from conflict to peace have learned, building a culture of human rights and accountability will require having a process for addressing past violations. Because we believe that future progress in developing a rights-sensitive police force in Northern Ireland depends on breaking the existing cycle of impunity, we urged the Patten Commission to make recommendations to the British Government in two specific cases: the 1989 murder of Patrick Finucane and the murder of Rosemary Nelson last year. We regret that the Commission's report was silent with respect to these cases. While we understand Mr. Patten's conclusion that the Commission's work was ''forward-looking,'' our own experience in situations such as these has been that societies cannot reconcile until the legacy of past abuses is squarely confronted. Although it is clear that not all of these abuses can be addressed or rectified, there are certain cases that embody the most profoundly entrenched practices and problems that the peace process seeks to overcome. If a solid foundation for the future is to be laid, these cases must be resolved.

For this reason, we urge the Helsinki Commission to continue its vigilant attention to the Finucane and Nelson case, at the same time as it examines broader reforms proposed by the Patten Commission. Because I know you share our keen interest in these two cases, Chairman Smith, I will devote the remainder of my testimony to summarizing the current status of those cases.

A. Patrick Finucane

Now is a critical moment in the struggle for justice in the Finucane case. As you know, the Lawyers Committee has done extensive research into the circumstances surrounding the murder and has concluded that there is compelling evidence to suggest that British Army intelligence and the RUC were complicit in the murder. Three weeks ago, Prime Minister Tony Blair met with the family of Mr. Finucane. The meeting was brokered by Taoiseach Bertie Ahern, who himself endorsed an independent inquiry after meeting with the Finucane family in February. During that meeting, Mr. Ahern was provided with a new report by British Irish Rights Watch (BIRW) that details further credible evidence of collusion. Although the same report was provided to the British Government, there has yet to be a reply to the substance of the allegations in the report.

Nonetheless, during the meeting this month with Prime Minister Blair, members of the Finucane family, along with Paul Mageean from CAJ and Jane Winter from BIRW, presented the BIRW report and other information supporting the allegation of official collusion in the murder of Mr. Finucane. Mr. Blair appeared to be deeply concerned by the allegations and pledged that he would read and consider all the evidence. He conveyed to the Finucane family that he ''personally'' wants to know if the allegations are true and would put anyone guilty of collusion ''out of a job.''

On September 8th, we wrote a letter to Prime Minister Blair to urge him to authorize an independent inquiry. As we stated in the letter, ''We firmly believe that such an independent public inquiry will serve both to help learn the truth about the circumstances surrounding the murder and to publicly confirm [the British] government's commitment to establishing official accountability for human rights abuses.'' I have included a copy of our letter to Prime Minister Blair with my testimony and ask that it be included in the record.

Establishment of an independent inquiry would be a significant breakthrough, and we urge you, Chairman Smith, and your colleagues in the Congress to do all you can to encourage Mr. Blair to make this decision.

A look at the current status of the Stevens investigation reveals how desperately necessary such an independent inquiry is in this case. The current 18 month-long inquiry is the third such investigation by Mr. Stevens, who began the first of these investigations in 1990.

As we have testified previously, we believe the Steven's investigation is inadequate and lacks the capacity to uncover the truth about allegations of official collusion in the murder. As you may recall, we reported to you last March that Mr. Steven had arrested and brought murder charges against William Stobie, a former UDA quartermaster who worked or RUC Special Branch, in June 1999. At Mr. Stobie's bail hearing, lawyer for the Crown told the high court that recent statements made by journalist Neil Mulholland led to Stobie's arrest. However, Mr. Stobie's lawyer revealed at the bail hearing that Stobie had been interviewed in 1990 for more than 40 hours by members of the RUC Special Branch. These interviews, which included Stobie's confession to supplying the weapons used in the murder, were transcribed and have been available to the authorities since 1990. Among other things, these notes identify the names of the members of the RUC Special Branch who had been warned about the murder. At that time, the authorities never charged Stobie with murder, and the Director of Public Prosecutions dropped unrelated firearms charges against him in 1991.

Since the last congressional hearing into these matters, the charges against Mr. Stobie have been lessened to aiding and abetting murder. We have also learned that a key witness in the prosecution of Mr. Stobie may no longer be available and the charges against Mr. Stobie may be dropped entirely. If brought to trial, Mr. Stobie reportedly intends to reveal the full extent of the RUC's involvement in the murder of Mr. Finucane.

This past August, Mr. Steven's team, now directed by Commander Hugh Orde, seized thousands of intelligence documents from British army headquarters revealing new evidence of Loyalist and military collusion in the murder of Mr. Finucane that reportedly will be used to arrest new suspects. This new development contrasts with the 1995 decision of the Director of Public Prosecutions not to prosecute anyone from the military. This decision was reached despite evidence of collusion arising out of information relating to Brian Nelson, a double agent recruited by British Army Intelligence while he served as chief intelligence officer for the Ulster Defense Association. The recent discovery of these intelligence documents also suggests the involvement of Brigadier John Gordon Kerr. Mr. Kerr, now a British military attache in Beijing, oversaw Brian Nelson at the time of the Finucane murder and allegedly gave testimony during the inquest of Mr. Finucane under the pseudonym Colonel J.

Despite compelling evidence that appears to suggest the identities of the intellectual authors of the murder, the Stevens inquiry continues to drag on. Establishment of an independent inquiry would finally ensure that the allegations of official collusion in the murder are squarely addressed.

B. Rosemary Nelson

In addition to the Finucane case, the Lawyers Committee also believes that the British Government should authorize an independent inquiry into the murder of defense lawyer Rosemary Nelson. We view resolution of her case as essential to the success of new accountability mechanisms in Northern Ireland.

As you are aware, Mr. Chairman, Loyalist paramilitaries claimed responsibility for the murder of Rosemary Nelson, who was killed by a car bomb on March 15, 1999. Prior to her death, Ms. Nelson received numerous death threats, including those made by RUC officers relayed through her clients. Ms. Nelson never received government protection despite many appeals made to the Northern Ireland Office and the RUC to protect her life, including those made by Dato' Param Cumaraswamy, United Nations Special Rapporteur on the Independence of Judges and Lawyers. During the time that Ms. Nelson became a target of official harassment, she herself became an outspoken critic of the RUC, and, thanks to you Chairman Smith, was able to bring her case all the way to the U.S. Congress. At that time, she expressed deep fear regarding her safety and that of her family.

The current criminal investigation of Ms. Nelson's murder is lead by London detective Colin Port and has been underway for almost a year and a half. To date, the investigation team has taken 1,700 statements, spoken to more than 7,000 potential witnesses and unearthed 7,000 lines of inquiry, but has yet to charge anyone in connection with the murder. Because Mr. Port's investigation is limited to the specific circumstances of the murder, we do not believe that his team can effectively address the larger issue of who authored the crime and whether official collusion was involved. Furthermore, Mr. Port does not address the threats made against Ms. Nelson by RUC officers, and this practice continues today.

In the past we have expressed concern regarding the British Government's inadequate response to Ms. Nelson's situation, not only regarding the failure to provide her protection but also to discipline those officers alleged to have harassed her. We believe that both of these issues must be addressed if the new accountability structures established by the Police Bill are to be effective.

In particular, the new Police Ombudsmen office must be able to have full power and independence to investigate complaints against the new police force. As we have shared with you in previous testimonies, the RUC's investigation into Ms. Nelson's complaints were found to be inadequate and unsatisfactory by the Independent Commission for Police Complaints (ICPC). The file sent to the Director of Public Prosecution failed to provide sufficient evidence to support prosecution or discipline and these officers still serve as police officers. Colleagues of Ms. Nelson viewed hers as the ''test case,'' and Ms. Nelson allegedly filed her complaint to test the adequacy of the system. To be effective, the new Ombudsman will have the added challenge of proving to those subject to police harassment that they can place their confidence in the investigation mechanism.

Our deep concern regarding accountability mechanisms in Northern Ireland has intensified since we recently learned that another lawyer was under threat and has been the target of harassment and threats by the RUC. Solicitor Padraigan Drinan was Rosemary Nelson's colleague and took on some of Ms. Nelson's cases after her death. To those who want to focus on the future, I would like to emphasize that today that the British government still has the opportunity to avert another tragedy. But it must make sure that it learns the lesson from past errors and uses them to correct a system that has completely failed to protect its citizens against police abuse.

IV. CONCLUSION

Lasting peace cannot take hold in Northern Ireland until the British Government demonstrates the willingness and ability to secure justice for the families of Rosemary Nelson and Patrick Finucane and a commitment to creating a representative and accountable police force for Northern Ireland's future. Thank you.

WHY FAILING TO IMPLEMENT THE PATTEN REPORT MATTERS

(By Professor Brendan O'Leary)

The present political position in Northern Ireland

The Belfast Agreement of April 10, 1998 was a major achievement (O'Leary 1999a). Novel institution-building was flanked by peace and confidence-building processes involving cease-fires by paramilitary organisations, the release of their incarcerated prisoners, and commitments to protect human rights, entrench equality, demilitarise the region, assist in decommissioning by the proxies of paramilitaries, and the reform of the administration of justice and policing.

Implementing the Agreement was always going to be difficult. But as I deliver this testimony just four items, all in the domain of confidence-building, await full or effective beginnings in implementation. These are:

1. Decommissioning by republican and loyalist paramilitaries;
2. The reform of the system of criminal justice;
3. Demilitarization; and
4. Policing reform.

These items are inter-linked. Full demilitarization and full decommissioning are mutually interdependent. Decommissioning—the timetable for which has been postponed by the agreement of the parties who made the Agreement—is seen in republican circles as conditional on the UK government fulfilling its public promises to implement the Patten Report. A specific promise is said to have been given to that effect in Spring 2000—amidst negotiations that linked police reform, decommissioning and the lifting of the suspension of the Agreement's institutions unilaterally imposed by the UK Secretary of State in February (a measure that in many eyes breached international law).

The UK government states that it is implementing the Patten Report in full. Indeed its Prime Minister, the Secretary of State for Northern Ireland, and the Explanatory Notes issued by the Northern Ireland Office accompanying the Police Bill currently before the UK Parliament, flatly declare their intention to give effect to the recommendations of the Patten Commission. That has not been true, and is still manifestly not true.

In contrast the UK government often implies, usually in off-the-record briefings, that it cannot implement the Patten Report in full because of the 'security situation'. This more honest position, albeit in dissembling contradiction with its official one, would have credibility if the necessary preparatory legislative and managerial steps to implement Patten in full when the security situation is satisfactory had been taken. They have not.

Why the Patten Report was necessary, and its recommendations

Policing has been so controversial that the parties to the Agreement could not concur on future arrangements (McGarry and O'Leary 1999). The former Irish prime minister, Dr. Garret FitzGerald, has described policing in Northern Ireland as having the status of Jerusalem in the Israeli-Palestinian peace process (FitzGerald 2000). The parties did agree the terms of reference of an Independent Commission on policing, eventually chaired by Christopher Patten, a former Conservative minister in the region and now a European Commissioner.

To have effective police rooted in, and legitimate with, both major communities was vital to the new settlement. It would persuade all citizens that law enforcement

would be applied impartially, help extirpate that species of paramilitarism that is becoming an exclusively criminal enterprise, and foster a law-abiding climate in which to conduct business.

Eight criteria for policing arrangements were mandated in the Belfast Agreement. They were to be:

1. Impartial;
2. Representative;
3. Free from partisan political control;
4. Efficient and effective;
5. Infused with a human rights culture;
6. Decentralised;
7. Democratically accountable 'at all levels'; and
8. Consistent with the letter and the spirit of the Belfast Agreement.

The Patten Commission engaged in extensive research and interaction with the affected parties, interest groups and citizens, and published its report in September 1999. It did not, and could not, meet the hopes, or match the fears, of all; but the Commissioners, a distinguished and representative array of domestic and international personnel, undoubtedly met the terms of reference of the Agreement (O'Leary 1999b).

The Patten Report was a thorough, careful and imaginative compromise between unionists who maintained that the existing RUC already met the terms of reference of the Agreement and those nationalists, especially republicans, who maintained that the RUC's record mandated its disbanding. The Report was not, however, simply designed to address the concerns of policing Northern Ireland. It applied state-of-the-art managerial and democratic thinking in its recommendations (O'Leary 1999b).

The UK Government welcomed the Patten Report and promised to implement it. However the Police Bill presented to Parliament in the Spring of 2000 was an evisceration of Patten, and condemned as such by the SDLP, Sinn Fein, the Womens' Coalition, the Catholic Church, non-governmental and human rights organizations, such as the Committee on the Administration of Justice. It was also criticized by the Irish Government, the U.S. House of Representatives (H. Res. 447, 106th Congress), and a range of Irish Americans, including apparently, President Clinton.

To demonstrate the veracity of the critics' complaints let me briefly compare some of Patten's recommendations with the original Bill.

Impartiality: Patten recommended a neutral name, the Northern Ireland Police Service. The Royal Ulster Constabulary was not a neutral title so it was recommended to go, period. Patten also recommended that the display of the Union flag and the portrait of the Queen at police stations should go—symbols in his view should be 'free from association with the British or Irish states'. These recommendations were a consequence of Patten's terms of reference, and of the Agreement's explicit commitment to establishing 'parity of esteem' between the national traditions, and the UK's solemn commitment to 'rigorous impartiality' in its administration.

The original Bill proposed that the Secretary of State have the power to decide on the issues of names and emblems, and thereby ignored Patten's explicit recommendations.

Representativeness: Patten recommended affirmative action to change rapidly the proportion of cultural Catholics in the police, and envisaged a programme of at least ten-years. Even critics of affirmative action recognized the need to correct the existing imbalance—in which over 90 per cent of the police are local cultural Protestants.

The original Bill reduced the period in which the police would be recruited on a 50:50 ratio of cultural Catholics and cultural Protestants to three years, requiring the Secretary of State to make any extension, and was silent on 'aggregation', Patten's proposed policy for shortfalls in the recruitment of suitably qualified cultural Catholics.

Freedom for partisan control. Patten proposed a Policing Board consisting of 10 representatives from political parties, in proportion to their shares of seats on the Executive, and 9 members nominated by the First and Deputy First Ministers. These recommendations guaranteed a politically representative board in which neither unionists nor nationalists would have partisan control.

The original Bill introduced a requirement that the Board should operate according to a weighted majority when recommending an inquiry. Given known political dispositions this was tantamount to giving unionist and unionist-nominated members a veto over inquiries, i.e. partisan political control, and therefore a direct violation of Patten's terms of reference.

Efficient and effective policing. Patten avoided false economies when recommending a down-sizing of the service, advocated a strong Board empowered to set performance targets, and proposed enabling local District Policing Partnership Boards to engage in the market-testing of police effectiveness.

The original Bill empowered the Secretary of State, not the Board, to set performance targets, made no statutory provision for disbanding the police reserve, and deflated the proposed District Policing Partnership Boards—apparently because of assertions that they would lead to paramilitaries being subsidized by tax-payers.

Human Rights Culture. Patten proposed that new and serving officers should have knowledge of human rights built into their training, and re-training, and their codes of practice. In addition to the European Convention, due to become part of UK domestic law, the Commission held out international norms as benchmarks: ''compliance . . . with international human rights standards . . . are . . . an important safeguard both to the public and to police officers carrying out their duties'' (Patten, 1999, para 5.17). Patten's proposals for normalizing the police—through dissolving the special branch into criminal investigations—and demilitarizing the police met the Agreement's human rights objectives.

The original Bill was a parody of Patten. The new oath was to be confined to new officers. No standards of rights higher than those in the European Convention were to be incorporated into police training and practice. Responsibility for a Code of Ethics was left with the Chief Constable. It explicitly excluded Patten's proposed requirement that the oath of service 'respect the traditions and beliefs of people'. Normalization and demilitarization were left unclear in the Bill and the Implementation Plan.

Decentralization: Patten envisaged enabling local governments to influence the Policing Board through their own District Policing Partnership Boards, and giving the latter powers 'to purchase additional services from the police or statutory agencies, or from the private sector', and matching police internal management units to local government districts.

The original Bill, by contrast, maintained or strengthened centralization in several ways. The Secretary of State obtained powers that Patten had proposed for the First and Deputy First Ministers and the Board, and powers to issue instructions to District Policing Partnership Boards; and neither the Bill nor the Implementation Plan contained clear plans to implement the proposed experiment in community policing.

Democratic Accountability. Patten envisaged a strong, independent and powerful Board to hold the police to account, and to replace the existing and discredited Police Authority (Patten, 1999:para 6.23), and recommended an institutional design to ensure that policing would be the responsibility of a plurality of networked organizations rather than the monopoly of a police force. The police would have 'operational responsibility' but be held to account by a powerful Board, and required to interact with the Human Rights Commission, the Ombudsman and the Equality Commission.

The Bill radically watered down Patten's proposals, empowering the Secretary of State to oversee and veto the Board's powers, empowering the Chief Constable to refuse to respond to reasonable requests from the Board, preventing the Board from making inquiries into past misconduct, and obligating it to have a weighted majority before inquiring into present or future misconduct. Astonishingly this led the existing discredited Policing Authority, correctly, to condemn the Bill, a response that no one could have predicted when the UK Government welcomed Patten.

Matching the Agreement? Patten was consistent with the terms of reference and spirit of the Belfast Agreement. The original Bill was not, being incompatible with the 'parity of esteem' and 'rigorous impartiality' in administration promised by the UK Government. Manifestly it could not encourage 'widespread community support' since it fell far short of the compromise that moderate nationalists had accepted and that Patten had proposed to mark a 'new beginning'.

Waiting for Explanations. What explains the radical discrepancy between Patten and the original Bill?

The short answer is that the Bill was drafted by the Northern Ireland Office's officials under Secretary of State Peter Mandelson's supervision. They appeared to 'forget' that the terms of reference came from the Belfast Agreement, and that Patten's recommendations represented a careful and rigorous compromise between unionists and nationalists. Indeed they appear to have treated the Patten Report as a nationalist report which they should appropriately modify as benign mediators.

Even though Patten explicitly warned against 'cherry-picking' the Secretary of State and his officials believed that they had the right to implement what they found acceptable, and to leave aside what they found unacceptable, premature, or likely to cause difficulties for pro-Agreement unionists or the RUC.

The Bill suggested that the UK government was:

Determined to avoid the police being subject to rigorous democratic accountability,

Deeply distrustful of the capacity of the local parties to manage policing at any level, and

Concerned to minimise the difficulties that the partial implementation of Patten would occasion for First Minister David Trimble and his party, the Ulster Unionists, by mininising radical change and emphasising the extent to which the 'new' service would be a mere reform of the RUC.

Under pressure the UK Government has retreated: whether to a position prepared in advance only others can know, but skilled political management is not something I shall criticise it for.

From Evisceration to 'Patten Light'. Accusing its critics of 'hype', 'rhetoric' and'hyerbole' the UK Government promised to 'listen' and to modify the Bill. Mr. Mandelson declared that he might have been too cautious in the powers granted the Policing Board. Indeed the Government was subsequently to accept over 60 SDLP-driven

amendments to bring the Bill more into line with Patten. This, of course, demonstrated that its original 'spin' had been a lie. Since the Bill was so extensively modified—as the Government now proudly advertises—it confirms that the original Bill was radically defective in relation to its declared objectives, for reasons that remain unexplained.

The Bill was improved in the Commons Committee stage, but insufficiently. The quota for the recruitment of cultural Catholics is now better protected. The Policing Board has been given power over the setting of short-run objectives, and final responsibility for the police's code of ethics. Consultation procedures involving the Ombudsman and the Equality Commission have been strengthened, and the First and Deputy First Ministers will now be consulted over the appointment of non-party members to the Board. The weighted majority provisions for an inquiry by the Board have gone, replaced by the lower hurdle of an absolute majority.

Yet any honest external appraisal of the modified Bill must report that it is still not the whole Patten. If the first draft eviscerated Patten, the latest version of presents a mostly bloodless ghost. The modified Bill rectifies some of the more overt deviations from Patten, but on the crucial issues of police accountability and ensuring a 'new beginning' it remains at odds with Patten's explicit recommendations.

As the Bill is about to recommence its progress through the Lords, the UK Government has started to shift its public relations. The new line is that the 'full Patten' would render the police less effective, e.g., in dealing with criminal paramilitarism. The implication is that anyone who disagrees must be soft on crime (and its paramilitary causes). The new line lacks credibility: Patten combined 'the new public management' and democratic values in a rigorous formula to ensure no trade-off between effectiveness and accountability.

Let me identify just some of the outstanding respects in which the modified Bill fails to implement Patten.

Oversight Commissioner. Patten recommended an Oversight Commissioner to 'supervise the implementation of our recommendations'. The UK Government has—under pressure—put the commissioner's office on a statutory basis, which it did not intend to do originally, but has confined his role to overseeing changes 'decided by the Government'. If Mr. Mandelson and his colleagues were committed to Patten they would charge the Commissioner with recommending, now or in the future, any legislative and management changes necessary for the full and effective implementation of the Patten Report. That he refuses to do so speaks volumes. In addition the Commissioner's role currently remains poorly specified. Since the Commissioner is a former US policeman. American government pressure might appropriately be directed towards explicitly giving his office the remit that Patten envisaged.

Policing Board. Patten recommended a Policing Board to hold the police to account, and to initiate inquiries into police conduct and practices. Mr. Mandelson has prevented the Board from inquiring into any act or omission arising before the eventual Act applies (clause 58 (11) of the Bill). I believe that this is tantamount to an undeclared amnesty for past police misconduct, not proposed by Patten. Personally I would not object to an open amnesty, but this step is dishonest, and makes it much less likely that 'rotten apples' will be rooted out, as promised.

The Secretary of State will now have the extraordinary power to prevent inquiries by the Board because they 'would serve no useful purpose', a power added at the Report stage in the Commons—needless to say not in Patten. The only rational explanation for this power is that the Government has chosen to compensate itself for the concessions it made in the Commons Committee when it expanded the Board's remit to be more in line with Patten. So what it has given with one hand, on the grounds that it had been too cautious, it has taken away with two clumsy feet.

The Secretary of State will additionally have the authority to approve or veto the person appointed to conduct any inquiry (clause 58 (9)). And he intends having power to order the Chief Constable to take steps in the interests of economy, efficiency, and effectiveness, whereas Patten envisaged this role for the Board.

The UK Government suggests its critics are petty. Its line is 'Look how much we have done to implement Patten, and how radical Patten is by comparison with elsewhere'. This 'spin' is utterly unconvincing. The proposed arrangements would effectively seal off past, present and future avenues through which the police might be held to account for misconduct; they are recipes for leaving them outside the effective ambit of the law, and of managerial scrutiny.

And be it noted: Patten is not radical, especially not by the standards of North America. Canada and the USA have long made their police democratically accountable and socially representative. Patten is only radical by the past standards of Northern Ireland.

Ombudsman. Patten recommended that the Ombudsman should have significant powers (Patten, 1999, para 6.42) and should 'exercise the right to investigate and comment on police policies and practices', whereas in the modified Bill the Ombudsman may make reports, but not investigate (so it is not a crime to obstruct her work). The Ombudsman is additionally restricted in her retrospective powers (clause 62), once again circumscribing the police's accountability for past misconduct.

Name and Symbols. Patten wanted a police rooted in both communities, not just one. That is why he recommended that the name of the service be entirely new: The Northern Ireland Police Service.

The Bill, as a result of a Government decision to accept an amendment tabled by the Ulster Unionist Party, currently styles the service 'The Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary)'. The Secretary of State promised an amendment to define 'for operational purposes'—to ensure that the full title would rarely be used, and that the parenthetic past generally be excluded. He broke this commitment at Report Stage.

Secretary of State Mandelson has been mendaciously misleading in declaring that he is merely following Patten's wishes that the new service be connected to the old and avoid suggestions of disbanding. This line is a characteristic half-truth: Patten proposed an entirely new and fresh name, and proposed linkages between the old and new services through police memorials, and not the re-naming proposed by Ken Maginnis, MP, Security Spokesman for the Ulster Unionist Party.

Patten unambiguously recommended that the police's new badge and emblems be free of association with the British or Irish states, and that the Union flag should not fly from police buildings. The Bill postpones these matters.

Why do these symbolic issues matter? Simply because the best way to win widespread acceptance for police reform is to confirm Patten's promised new beginning by following his proposed strategy of symbolic neutrality. Full re-naming and symbolic neutrality would spell a double message: that the new police is to be everyone's police, and the new police is no longer to be primarily the unionists' police. This symbolic shift would mightily assist in obtaining representative cultural Catholic recruitment and in winning consent for the new order amongst nationalists as well as unionists. Not to follow Patten's recommendations in these respects would also spell a double message: that the new police is merely the old RUC re-touched, and remains a police linked more to British than Irish identity, i.e. a recipe for the status quo ante.

Consuequences of Failing to Implement Patten in Full. Unless the UK Government makes provision for Patten to be fully implemented, there will be grave consequences.

Disaster may come in two forms. Its weakest form is taking shape. The SDLP, Sinn Fein and the Catholic Church are most unlikely to recommend that their constituents consider joining the police, and may well boycott the Policing Board and District Policing Partnership Boards. That will leave the police without Patten's promised 'new beginning', lacking full legitimacy with just less than half of the local electorate, an institutional booby-trap.

We must not forget that over three hundred police were killed in the current conflict, but we must also not forget that the outbreak of armed conflict in 1969 was partly caused by an unreformed, half-legitimate police service, responsible for seven of the first eight deaths.

In its strongest form disaster would decouple nationalists and republicans from the Agreement, and bring down its political institutions. Failure to deliver Patten will mean that Sinn Fein will find it extremely difficult to get the IRA to go further in decommissioning. The argument will be: 'The UK Government has reneged on a fundamental commitment under the Agreement so why should republicans disarm and leave people to be policed by an unreformed service?' In turn that will lead to unionist calls for the exclusion of Sinn Fein from ministerial office, and to a repeat of Mr. Trimble's gambit used earlier this year: 'decommission now or I'll resign now'.

The day before I flew to Washington I was in Northern Ireland and watched Mr. Trimble in effect repeat this threat in the Assembly under challenge from his hard-line unionist opponents. If decommissioning does not happen because of Secretary of State Mandelson's failure to deliver fully on Patten, the SDLP will not be able or willing to help prioritize decommissioning, unless it prefers electoral suicide. The IRA will find it difficult to prevent further departures to the Real and Continuity IRAs, except by refusing to budge on arms. In turn that will at some stage prompt a resignation threat from the First Minister. In short, a second collapse of the Agreement's institutions looms.

This vista and worse can and must be avoided.

Final thoughts and answers

It may be thought: ''Is this analysis partisan?''; and ''Is not Mr. Mandelson's conduct designed to help Mr. Trimble who is in a precarious position?''

My answer to the first question is 'no'. I have a long record of advocating bi-national resolutions of the conflict that are fair to both nationalists and unionists.

The answer to the second question must be a very qualified 'yes'. 'Saving David Trimble' may account for Mr. Mandelson's tampering with Patten's proposals on symbolic matters. But it does not account for his evisceration of the efforts to have a more accountable and human-rights infused service—here the Secretary of State has succumbed to lobbying by security officials.

Another answer to the second question is more straightforward: Mr. Mandelson must not unilaterally abandon or re-negotiate the Agreement or the work of Commissions sent up under the Agreement at the behest of any party.

A third answer I would propose is that pro-Agreement unionists can, eventually, accept the full Patten, because they know that a legitimate and effective police is necessary to reconcile nationalists to the continuation of the Union—the reason they signed the Agreement.

Lastly, I believe that the Patten Report is not only what Mr. Mandelson should fully implement under the Agreement as proof of rigorous impartiality in his administration, but also what he should implement even if there were to be no Agreement.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his comments. I recognize the gentleman's work on human rights throughout the world. Not just in Northern Ireland, but throughout the world. But especially in Northern Ireland.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my colleagues here for taking up this battle, and that is what it is. Many have been fighting this for many, many years. But since I have been here the last 4 years, we have seen progress. For the first time in Northern Ireland, people had hope. People thought peace was right there.

Well, peace is there, but we have some things that we have to work out. One of the strongest things we have to work on is making sure that we send a strong message from this great body that we have to keep with the Patten agreement.

Mr. Speaker, we have seen even in our own country when the people lose faith in the police departments, we see the anger that is in those communities. So there are things that we have to make sure that are done and the Patten agreement covers those things. The Patten agreement can work for Northern Ireland.

One of the things that we have seen constantly, every time we bring up the Patten agreement, we see them trying to chip away a little bit. They do not like the agreement. So what are they trying to do? Are they trying to break the whole fragile agreement that we have for Good Friday? This is what we are all fighting for.

Tomorrow many of us here, actually, will have 40 women from Northern Ireland. We are going to have Protestant and Catholic women. They are going to be following us around so that we can show them how legislative work goes, because they are willing to make this work. They will spend 2 weeks here in this country to see how our government works and they want to go home and make this work.

Well, the only way it is going to work is really making sure that we put the pressure on to make sure the Patten agreement is lived up to. That is our job, and it is really a small part. We are here, we are here in Washington, D.C. We do not have to face the fear many Northern Irish people have to fear of the police officers. We can change that. Peace can come to that country. I am proud to be with all of my colleagues to stand here and make a difference.

Mr. GILMAN. Mr. Speaker, I yield 5½ minutes to the gentleman from New York (Mr. KING), a cochairman of our Irish Caucus, and a member of our Committee on International Relations.

Mr. KING. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, for yielding me this time. At the very outset I want to commend him for the outstanding job he has done for so many years, not just in the last 6 that he has been chairman of the Committee on International Relations, but for more than two decades as a real warrior in the cause of peace and justice in Ireland.

We also have to commend the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights for the invaluable work that he has done in holding hearings that go right to the depth of the allegations against the Royal Ulster Constabulary, and right to the heart of the problems which have inflicted law enforcement and the criminal justice system in Northern Ireland for far too many years, for at least the last three decades.

Also, I have to commend the gentleman from Massachusetts (Mr. NEAL) for the tremendous work he has done, not just during the 12 years he has been in Congress, but the years before that when he was the mayor in Springfield, Massachusetts, and just for the tremendous amount of dedication and enthusiasm and unyielding tenacity he brings to this entire issue of peace and justice in Ireland.

Mr. Speaker, I know that if the gentleman from Massachusetts (Mr. MEEHAN) were here tonight, in fact he has asked me to say this on his behalf, there is nobody in the House of Representatives he looks up to more in providing moral leadership and guidance than the gentleman from Massachusetts (Mr. NEAL). And the gentleman from Massachusetts (Mr. MEEHAN) asked me to put that on the public record this evening.

As the gentleman from Massachusetts said earlier, this is a bipartisan issue. I want to commend President Clinton for the job that he has done. I know that tonight the gentleman read into the record a statement from Vice President GORE. The gentleman from New York (Chairman GILMAN) and I and the gentleman from New Jersey (Chairman SMITH) can report last week Governor Bush also has put out a statement calling for the full implementation of the Patten Commission report, which shows that this clearly is a bipartisan issue. It is an issue on which all men and woman of goodwill can stand together.

What we are faced with tonight, today, and for the next weeks and months in the north of Ireland is a true crisis. If the Good Friday Agreement is premised on concession and compromise. The Good Friday Agreement itself was a compromise. The Good Friday Agreement itself was based on very strong concessions made by all sides, particularly by the Catholic community, the Nationalist community, the Republican community who made very deep concessions in return for a pledge by the British and Irish governments that all the provisions of the Good Friday Agreement would be carried out.

Mr. Speaker, no provision was more important in the Patten Commission than the section dealing with police reform, because in the north of Ireland for three decades the Royal Ulster Constabulary was guilty of the most vicious and gross human rights violations imaginable. It is hard for us as Americans to envision in the English speaking world, in the United Kingdom which stands for the Magna Carta and justice and law, that there was such brutality systematically carried out. Not the type of brutalities that occur by accident, not those that are incidental, but brutalities that were root and branch a part of the policing in Northern Ireland.

Torture, murder of children, intentional killings, intentionally maimings. This was all part of the police policy in the north of Ireland. So the police have to be reformed. That was an integral part, the integral part of the Good Friday Agreement. And the Patten Commission, which was chaired by Chris Patten, a conservative MP, a former conservative MP, a minister in Margaret Thatcher's government, he came up with a series of reforms which, again, were themselves a compromise.

There is much that is lacking, as the gentleman from New Jersey (Chairman SMITH) has pointed out time and again. The Patten Commission itself, the Patten Commission recommendations themselves are deficient. Yet now the British Government is attempting to compromise the compromise. It is attempting to water down the compromise of the Patten Commission to come out with a series of reforms that will not be reforms at all. It will just be a readjustment of the status quo. It will be a continuation of the Royal Ulster Constabulary. Not even under a new name, because the old name will still remain. It will be a subset, but it will still be there and this is wrong.

Mr. Speaker, the entire peace process is at risk. The entire peace process is being put at risk by the British Government, by the Ulster Unionist Party, and probably nothing is more aggravating than to hear someone like David Trimble, who is head of the Ulster Unionist Party, to say that we in the Congress should not get involved, that the American Government should not get involved. The reality is that on the night the Good Friday Agreement was reached and the morning that it was

signed, David Trimble would not sign it until he was assured by President Clinton that the U.S. would stay involved. And now that we are involved he is saying that we should get out and back away from the agreement and allow it to go back to the status quo. The way it was for three decades and seven decades and even three centuries, if we want to go all the way back, where the Catholic community was systematically discriminated against and had their rights violated.

It is essential for us in the Congress to stand together. It is essential for the President to speak out as clearly as he has in the past to let the British Government know, to let Tony Blair know, let the British Secretary of State, Peter Mandelson, know that they cannot continue to violate the rights of Catholics. They cannot take the Nationalist community for granted.

The fact is an agreement was signed, an international agreement, and the British Government has the absolute obligation to enforce that agreement. It cannot back down and cannot succumb to blackmail from David Trimble, because if it does it puts at risk the entire peace process and we will go back to the situation that ruined so many innocent lives for so many years. Mr. Speaker, if that happens the blood will be on the hands of the British government and the Ulster Unionist Party.

□ 2100

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Bronx, New York (Mr. ENGEL), a stalwart leader in protecting the rights of all of the people of Ireland, particularly from the North of Ireland.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY), my friend, for yielding time to me.

Mr. Speaker, I want to echo the words of all the eloquent colleagues who have spoke before me on both sides of the aisle. The gentleman from New York (Mr. KING) has it exactly right, the Good Friday Agreement of April 1998 was a compromise, and that compromise established a framework for the peaceful settlement for the conflict in the North of Ireland. Once you start to unravel a compromise, then everybody wants to change it, and that is why it is important that we stick to that compromise and not let one side try to blackmail everybody else into getting their way.

I rise in support of H.Res. 547. This vital accord which was negotiated by former Senator George Mitchell provided for the establishment of an independent commission to make recommendations on how to fix the problems and abuses that have plagued policing in the North of Ireland.

The commission lead by Sir Christopher Patten concluded its work on September 9, 1999, and proposed 175 recommendations in its final report. In May of this year, the British Government published a bill which purports to implement the Patten report. Unfortunately, the draft bill certainly does not live up to the letter or spirit of the Patten report and dilutes many key recommendations of the Patten Commission.

The problems of the North of Ireland will never be resolved until the egregious human rights violations caused by the Royal Ulster Constabulary are permanently ended and the unit replaced by a police service truly representational of the population of the region; and as the gentleman from Massachusetts (Mr. NEAL) pointed out, the population right now is 5,446.

This important resolution that rightly calls for full and speedy implementation of the Patten Commission report is a way to correct the years of police abuses and gain the support of both nationalists and unionists for peace in the North of Ireland.

I urge passage of H.Res. 547. I hope it is unanimous, and all of us in this Congress that have worked so long for peace and justice in the North of Ireland, while it is within our grasp, we cannot let those who want to destroy the agreement to get their own ways and succeed.

Mr. Speaker, if peace is to come, then we must take the ball, we must run with it and support H.Res. 547.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from New Jersey (Mr. SMITH) from the Helsinki Commission, the gentleman from New York (Mr. KING), and to my colleagues on the other side of the aisle, the gentleman from New York (Mr. CROWLEY) and the gentleman from Massachusetts (Mr. NEAL), who has introduced this resolution.

Let me say that the Good Friday Accord established an international body chaired by Chris Patten, and it called to bring a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole.

In September 1999, over 170 recommendations for change were given, such things as the power of a policing board should be looked at, the appointment of its members should be looked at carefully, the centrality of human rights, they talked about a name change, the future of full time reserves, the power of the police ombudsperson, a statutory basis to work from the International Oversight Commission. There are a number of things that were talked about in this very thorough report.

Mr. Speaker, we are disappointed that the watered-down version that has come forth does not stand up to what the people of Ireland, North and South, wanted, a new beginning; and we believe that there is much room for improvement.

We heard just on Friday very distinguished persons, Dr. Gerald Lynch, president of John Jay College. We listened to experts who came from Ireland to talk about what was going on, Brendan O'Leary, and Martin O'Brien, and our own Elisa Massimino from the Washington office of Lawyers Committee; and they all said, person after person, that there has to be real reform; there has to be change if this new policing is going to serve all of the people.

Mr. Speaker, I would just urge that we support the resolution by the gentleman from Massachusetts (Mr. NEAL), my colleague, and that we urge a thorough look at what the Patten report really said and try to implement those changes that have been recommended in that great report.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from New York City (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for yielding the time to me.

Mr. Speaker, I commend the gentleman's leadership on this issue and so many others. I rise in support of this resolution, which reaffirms our Nation's commitment to the Northern Ireland peace process and expresses our strong support for the policing recommendations of the Patten Commission.

Mr. Speaker, I thank very much the author of this bill, the gentleman from Massachusetts (Mr. NEAL), a long-term leader of the Irish Caucus, and the gentleman from New York (Chairman GILMAN) of the Committee on International Relations for his staunch and strong support.

Many of the Members of the Irish Caucus have already spoken, and it shows the strong bipartisan support that has come together on this issue. It has been well over 2 years since the Good Friday Agreement was signed and Northern Ireland has come a long way toward a lasting peace acceptable to all sides. That agreement was supported first and foremost by the people of Northern Ireland, Britain and Ireland itself.

With such broad support, the peace process has been able to withstand numerous attacks and remain on track. Nevertheless, there still are a number of obstacles that stand in the way of a permanent peace, and one of the most significant hurdles is the effective implementation of the policing recommendations developed by the Patten Commission.

Everyone agrees that police reform needs to take place, and accountability needs to be part of it. The gentleman

from New York (Mr. KING), my colleague, outlined many of the abuses and why this is such a deep-felt proposal by so many of the people. The recommendations were supported by all sides, but with one condition, that all of the recommendations were completely implemented. In this way both sides could be assured that final policing arrangements were fair to everyone.

Unfortunately, although they were issued over a year ago, these recommendations have yet to be implemented. Legislation proposed in the British parliament fails to include all of the recommendations and nationalists in Northern Ireland have expressed their displeasure with this bill.

Mr. Speaker, I end by commending the President of the United States, George Mitchell and many others who have worked hard for this peace accord; and I really urge complete and total adoption of this resolution.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself the remaining 2½ minutes.

Mr. Speaker, the devolution of power from Westminster to Belfast and its related components have been difficult endeavors for all parties involved. The terms of the negotiations demand sacrifices by loyalists and nationalists alike in order to achieve a successful implementation of the Good Friday Agreement. It troubles me to report that the sacrifices necessary for a viable solution in Northern Ireland have not been made to the fullest.

A key factor in achieving a lasting peace in Northern Ireland will be a police force that has the respect and trust of the entire population. The importance of police reforms in Northern Ireland cannot be overstated. It is essential for the local police force to garner the trust of the people it serves. The average citizen, regardless of race, religion or nationality, should be able to call on the police and have them come to carry out their functions, not serve as an occupying army.

Mr. Speaker, people can talk until they are blue in the face about how to accomplish true police reform. Unfortunately, dialogue has its limitations. True reform requires action. It has been suggested that the only way we can accurately measure police reform in Northern Ireland will be the day when young nationalists walk into a police station in Belfast, submit an application and subsequently display conduct that is honorable, ethical and enthusiastic for the people of Northern Ireland without fear of favor.

In the British parliament, the Northern Ireland Police Bill has been introduced as the vehicle for implementing the Patten Commission. However, there is a significant disparity between the bill and the recommendations proposed by Mr. Patten in his report.

Mr. Speaker, failure to bridge this gap could put the peace process in extreme peril. Just yesterday, Northern Ireland First Minister David Trimble met Northern Ireland Secretary Peter Mandelson at the Labour Party Conference in Brighton to warn him that the Good Friday Agreement could collapse if the British Government did not make concessions to his party with regard to reform of the Royal Ulster Constabulary.

There has been an effort on the part of the British agreement to dilute the recommendations of the Patten Commission. I view this report as the minimum that must be done to promote equity and equality in policing in Northern Ireland. I am concerned by the government's recent approach of the cherry-picking parts of the Patten Commission as if it were an a-la-carte menu.

Mr. Speaker, I have had the opportunity to meet Mr. Patten, so I know the countless hours he has put into a proposal that should be the blueprint for a new force.

This process was fair and open to all sides. To make changes at this point to a plan that was so carefully crafted will not serve anyone well. This report and this commission would not have been needed if there was not an injustice to correct.

Mr. Speaker, I urge the British Government to follow the spirit of the Good Friday Agreement and uphold their commitment. I want to thank my colleagues here this evening, especially the gentleman from Massachusetts (Mr. NEAL), for offering this measure; the gentleman from New York (Mr. GILMAN); the gentleman from New York (Mr. KING); the gentleman from New Jersey (Mr. SMITH); and all the other colleagues.

I want to thank this administration who deserves a great deal of the credit for bringing this process forward, particularly Mr. Mitchell. I hope we can bring the Mitchell amendment, or measure, before us calling upon the Noble committee to give him the Noble Peace Prize. I do not think anyone deserves it more than he does at this point in time.

Mr. Speaker, a vote in favor of this resolution will send a message to our friends across the Atlantic that the United States supports its efforts and encourages the adherence of all aspects of the Good Friday Agreement without exception; and, therefore, I urge my colleagues to support H. Res. 547.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by noting that some in unionism say Patten's police reforms go too far too fast. I have here in my hand a 1985 Belfast newspaper, the Irish News, where the SDLP's Seamus Mallon was calling for RUC reform more than 15 years ago. This is dated August 19, 1985.

Mr. Speaker, I call on the British parliamentarians to let us get on with police reform and let us live by the Good Friday Accord. Accordingly, I urge my colleagues to cast a strong vote in support of H. Res. 547.

Mr. MENENDEZ. Mr. Speaker, I am pleased to be an original cosponsor of this resolution, and I congratulate Mr. NEAL for authoring it. With this Sense of Congress, we commend the parties to Northern Ireland's peace process for their achievements to date. But, we also call on the British Government to come to its senses on the issue of police reform.

All the parties deserve praise for the progress they have made so far. The Good Friday Agreement stands as a remarkable achievement and the best hope for lasting peace in Northern Ireland.

The seating of Northern Ireland's new executive, alongside the power sharing Assembly, was a crucial step towards solidifying peace and democracy in Northern Ireland.

Also critical were IRA steps towards disarmament. Weapons decommissioning is one of the two most pressing and sensitive issues facing Northern Ireland.

The other is police reform.

Without full implementation of the recommendations for police reform made by the Patten Commission—a commission called for in the Good Friday Agreement—a full peace will remain elusive.

Common sense calls for the name of the police force—the Royal Ulster Constabulary (and I cannot imagine a more British-sounding name than that)— to be changed. And for the membership in the police force—now 93 percent Protestant and a scanty 7 percent Catholic—to be formed more equitably to reflect the near even population split in the community.

Mr. Speaker, we are once again at a perilous point. The answers lay in moving forward to full implementation of the Good Friday accords—to pull participatory, accountable and representative government and rule of law in Northern Ireland—not in stagnation and trepidation.

Vote today to support this important resolution.

Ms. ESHOO. I rise today in support of this Resolution which commends both groups for their progress towards implementing the Good Friday Peace Accords. This momentous peace agreement is just the first of many difficult steps that must be taken to ensure equality.

The Peace Accords created an Independent Commission to make recommendations on the Northern Island policing forces. This Resolution urges the swift implementation of the recommendations of the Independent Commission. The Independent Commission calls for further integration of Catholics into the policing force to 16% in four years and 30% in ten years and for new badge and symbols free of the British or Irish states. It also includes a dramatic reduction in the size of the force from 11,400 to 7,500 full-time personnel. These recommendations are vital to the long-term stability of the peace agreement. It is crucial that the policing force somewhat represent the community that it is meant to protect. The Royal Ulster Constabulary is 92% Protestant and serves a community comprised of 56% Protestant and 42% Catholic.

Mr. Speaker, Belfast is the last city in Europe to be divided by a wall. Let's take an important step and pass this Resolution to begin the movement for equality.

Mr. GEJDENSON. Mr. Speaker, I rise in support of H. Res. 547, introduced by my good friend and colleague, Congressman NEAL of Massachusetts.

All parties should be commended for progress under the Good Friday Accord of

April 1998. What was once described as an intractable conflict between Nationalists and Unionists in Northern Ireland never to be solved, has seen unprecedented calm and cooperation under the Good Friday Framework guided by Senator George Mitchell.

The seating of the executive of the power-sharing Assembly was a crucial moment of solidifying peace in Northern Ireland. Nonetheless, two sensitive areas of implementation under Good Friday lagged behind the others: weapons decommissioning and police reform.

The impasse over weapons decommissioning became so strong that it first halted implementation of the Executive last fall, and then forced its suspension in February just as it had been established. A settlement emerged when the Irish Republican Army agreed to allow its weapons dumps to be inspected by a distinguished international group led by former Finnish President Martti Ahtisaari and former African National Congress general secretary Cyril Ramaphosa. The weapons dumps were inspected and the National Assembly resumed in April.

Subsequently, the other looming issue of police reform moved to the fore. The Good Friday Accord called for police reform because it is apparent that a police force composed of 93% Protestant and 7% Catholic could not have sufficient credibility with a Northern Ireland community that is split 58% Protestant, 42% Catholic.

To help create a police force that had credibility across all communities, Chris Patten, a leader in Britain's Conservative Party and former Governor of Hong Kong, was enlisted to produce a blueprint for the future. His 1999 report recommended wholesale change including restoring democratic and local accountability to policing, changing the police force's symbols (name, insignia, uniform) to make them community-neutral, as well as downsizing and re-balancing the composition of the force to reflect the make-up of the communities in Northern Ireland.

It is important to note that this document represented a compromise itself. While the current version of the implementing legislation in the British House of Commons incorporates a number of the Patten recommendations, it falls short in a few—particularly in the area of the name change of police service, where it postpones a decision. While only symbolic, the current name of the police service, the Royal Ulster Constabulary, infuriates Nationalists because the name implies allegiance to the Queen and uses the British term for Northern Ireland—anathema for recruiting more Nationalists into the police service. The Patten Commission recommended the more neutral ''Northern Ireland Police Service.''

The current version of the bill in the British House of Commons still fell short enough that moderate Nationalists such as Seamus Mallon abstained when it came up for vote in June. Peace has perservered in Northern Ireland over the past two years when leaders from both sides have followed the tenets of the Good Friday Accord. Good Friday called for full and thorough police reform and the Patten Commission delivered that fair reform. It should be implemented in full.

As the Washington Post said in an editorial in July, ''. . . the onus remains on the British government to respond to Catholic objections. This is because the Catholics have the Good Friday Agreement on their side. The deal called for the appointment of a special police commission, headed by a respected British politician, Chris Patten; the ensuing report laid down the contours of reform. The Catholic side is only asking that this report be implemented fully. London should be happy to do that . . .''

I urge my colleagues to support H. Res. 547.

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in strong support of House Resolution 547, a bipartisan resolution calling upon the British Government to fully implement reforms to Northern Ireland's police force. These reforms are long overdue and are a crucial part of the overall peace process in this troubled region.

After a quarter century of political violence that left thousands dead, the people of Northern Ireland have taken a brave step forward. The Irish are on the brink of a new era of peace with Catholics and Protestants, for the first time, sharing in government responsibility. The people have spoken and the spirit of peace is alive and strong.

As part of the historic Good Friday Agreement, an independent commission was established to make recommendations for future policing needs. The focus of the report was to take politics out of the police force. The population of Northern Ireland is divided almost equally between Protestants and Catholics, yet the police force is nearly entirely made up of Protestants. With a record of brutality and human rights abuses, this type of demographic cannot work to protect the citizens fairly. In order for these communities and families to feel safe, reforms are desperately needed.

When the Patten Commission completed its report, it included almost 200 recommendations. Among other things, the Patten Commission calls upon the Royal Ulster Constabulary (RUC) to change names and symbols, to increase the number of Catholic officers and to provide human rights training and a code of ethics. We must all remember that the Patten report itself was a compromise between the Unionist and Nationalist perspectives. It is not acceptable to compromise further on a compromise already made. The Patten report must be implemented without any significant change.

I have a deep interest in seeing the historic Good Friday Agreement go forward and policing reform must go hand in hand with this effort. We must work to advance this peace process and implement each and every one of the Patten report's recommendations.

It is not an easy task that the Irish have before them, but rather an extremely difficult and defining one. As the world's greatest superpower and home to over 40 million Irish-Americans, the United States must honor its commitment and stand up for peace and justice. We must lead in promoting human rights for all the world's citizens and lend our strong support to the people of Northern Ireland as they continue this journey towards peace.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PITTS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 547, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PEACE THROUGH NEGOTIATIONS ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5272) to provide for a United States response in the event of a unilateral declaration of a Palestinian state, as amended.

The Clerk read as follows:

H.R. 5272

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 ''Peace Through Negotiations Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

(2) The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process.

(3) On March 11, 1999, the Senate overwhelmingly adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that: ''any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.''.

(4) On July 25, 2000, Palestinian Chairman Arafat and Israeli Prime Minister Barak issued a joint statement agreeing that the ''two sides understand the importance of avoiding unilateral actions that prejudice the outcome of negotiations and that their differences will be resolved in good-faith negotiations''.

SEC. 3. POLICY OF THE UNITED STATES.

It shall be the policy of the United States to oppose the unilateral declaration of a Palestinian state, to withhold diplomatic recognition of any Palestinian state that is unilaterally declared, and to encourage other countries and international organizations to withhold diplomatic recognition of any Palestinian state that is unilaterally declared.

SEC. 4. MEASURES TO BE APPLIED IF A PALESTINIAN STATE IS UNILATERALLY DECLARED.

(a) MEASURES.—Notwithstanding any other provision of law, beginning on the date that a Palestinian state is unilaterally declared and ending on the date such unilateral declaration is rescinded or on the date the President notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that an agreement between Israel and the Palestinian Authority regarding the establishment of a Palestinian state has been concluded, the following measures shall be applied:

(1) DOWNGRADE IN STATUS OF PALESTINIAN OFFICE IN THE UNITED STATES.—

(A) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) as enacted on December 22, 1987, shall have the full force and effect of law, and shall apply notwithstanding any waiver or suspension of such section that was authorized or exercised subsequent to December 22, 1987.

(B) For purposes of such section, the term ''Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof'' shall include the Palestinian Authority and the government of any unilaterally declared Palestinian state.

(C) Nothing in this paragraph shall be construed to preclude—

(i) the establishment or maintenance of a Palestinian information office in the United States, operating under the same terms and conditions as the Palestinian information office that existed prior to the Oslo Accords; or

(ii) diplomatic contacts between Palestinian officials and United States counterparts.

(2) PROHIBITION ON UNITED STATES ASSISTANCE TO A UNILATERALLY DECLARED PALESTINIAN STATE.—United States assistance may not be provided to the government of a unilaterally declared Palestinian state, the Palestinian Authority, or to any successor or related entity.

(3) PROHIBITION ON UNITED STATES ASSISTANCE TO THE WEST BANK AND GAZA.—United States assistance (except humanitarian assistance) may not be provided to programs or projects in the West Bank or Gaza.

(4) AUTHORITY TO WITHHOLD PAYMENT OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS THAT RECOGNIZE A UNILATERALLY DECLARED PALESTINIAN STATE.—The President is authorized to—

(A) withhold up to 10 percent of the United States assessed contribution to any international organization that recognizes a unilaterally declared Palestinian state; and

(B) reduce the United States voluntary contribution to any international organization that recognizes a unilaterally declared Palestinian state up to 10 percent below the level of the United States voluntary contribution to such organization in the fiscal year prior to the fiscal year in which such organization recognized a unilaterally declared Palestinian state.

(5) OPPOSITION TO LENDING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice, vote, and influence of the United States to oppose—

(A) membership for a unilaterally declared Palestinian state in such institution, or other recognition of a unilaterally declared Palestinian state by such institution; and

(B) the extension by such institution to a unilaterally declared Palestinian state of any loan or other financial or technical assistance.

(6) LIMITATION ON USE OF FUNDS TO EXTEND UNITED STATES RECOGNITION.—No funds available under any provision of law may be used to extend United States recognition to a unilaterally declared Palestinian state, including, but not limited to, funds for the payment of the salary of any ambassador, consul, or other diplomatic personnel to such a unilaterally declared state, or for the cost of establishing, operating, or maintaining an embassy, consulate, or other diplomatic facility in such a unilaterally declared state.

(b) SUSPENSION OF MEASURES.—

(1) IN GENERAL.—The President may suspend the application of any of paragraphs (3) through (5) of subsection (a) for a period of not more than one year if, with respect to the suspension of the application of each such paragraph, the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such suspension is in the national security interest of the United States. Such certification shall be accompanied by a justification for the basis of the determination.

(2) RENEWAL.—The President may renew the suspension of the application of any of paragraphs (3) through (5) of subsection (a) for a successive period or periods of not more than one year if, before each such period, the President makes a determination and transmits a certification in accordance with paragraph (1).

(3) ADDITIONAL REQUIREMENT.—A suspension of the application of any of paragraphs (3) through (5) of subsection (a) under paragraph (1) or paragraph (2) shall cease to be effective after one year or at such earlier date as the President may specify.

(c) DEFINITION.—For purposes of paragraphs (2) and (3) of subsection (a), the term ''United States assistance''—

(1) means—

(A) assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except—

(i) assistance under chapter 8 of part I of such Act (relating to international narcotics control assistance);

(ii) assistance under chapter 9 of part I of such Act (relating to international disaster assistance); and

(iii) assistance under chapter 6 of part II of such Act (relating to assistance for peacekeeping operations);

(B) assistance under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including the license or approval for export of defense articles and defense services under section 38 of that Act; and

(C) assistance under the Export-Import Bank Act of 1945; and

(2) does not include counter-terrorism assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5272, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

□ 2115

Mr. GILMAN. Mr. Speaker, because many of my colleagues remain extremely concerned about the possibility that Yasser Arafat and that the PLO will unilaterally declare a Palestinian state, I introduced H.R. 5272, legislation that underscores the need for a negotiated settlement between the two parties.

Our bill, entitled Peace Through Negotiations Act of 2000, H.R. 5272, recognizes that resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues in the Arab-Israeli conflict. The Palestinian threat to declare an independent state unilaterally would constitute a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process. That threat continues unabated.

Over 18 months ago, Congress spoke with one voice about the prospects of any unilateral declaration of statehood by the Palestinians. Nonbinding legislation was adopted by both houses stating that, ''any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.''

Because Mr. Arafat and other Palestinian officials continue to claim that they may very well unilaterally declare a state before the end of this year, many of us in this body felt the need, as a preventive measure, to act prior to our Congressional adjournment.

Accordingly, Mr. Speaker, H.R. 5272 establishes that it is a policy of the United States to oppose any unilateral declaration of a Palestinian state and that diplomatic recognition should be withheld if such an act is unilaterally declared.

As a deterrent, the bill would also prohibit all U.S. assistance to the Palestinians except for humanitarian aid. It would downgrade the PLO office in Washington in the event of a unilateral declaration.

This bill also encourages other countries and other international organizations to join our Nation in withholding diplomatic recognition, and authorizes the President of the United States to withhold payment of U.S. contributions to international organizations that recognize a unilaterally declared Palestinian state.

This legislation was marked up in our committee earlier today. An amendment was adopted giving the President limited authority to waive two of the five mandatory measures that are to be applied against a unilaterally declared Palestinian state.

Mr. Speaker, the Peace Through Negotiations Act is a measured, but forceful response to any real possibility of any unilateral Palestinian action. Accordingly, I urge our colleagues' strong support for this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER) who is a co-author of this legislation before us today.

Mr. NADLER. Mr. Speaker, we all fervently desire the successful conclusion of a peace agreement between Israel and the Palestinians that would allow Israelis and Palestinians to live free from violence and from the fear of violence. If part of such a mutually agreed, mutually negotiated agreement is the establishment of the Palestinian state with agreed upon borders, and agreed upon and acceptable security guarantees for Israel, I do not believe the United States would have any reason to object.

But a unilaterally declared Palestinian state with no agreed upon borders, with territorial claims certainly conflicting with those of Israel, and with no security guarantees for Israel, is guaranteed to destroy the peace process and is very likely to result in violence and even war.

That is why last July I introduced, along with the gentleman from New York (Mr. REYNOLDS), the Middle East Peace Process Support Act which now has over 100 cosponsors and is the basis of the bill we have before us today. I believe this is an essential bill. I look forward to an overwhelmingly bipartisan vote for it.

The Peace Through Negotiations Act is meant to send a very clear signal to Chairman Arafat and the Palestinian Authority. Do not destroy the peace process. Do not condemn the Middle East to another round of violence and war by unilaterally declaring an independent Palestinian state. We warn you now, the United States will not recognize such a state. It will not give aid to such a state. It will do everything possible to prevent other nations from recognizing or aiding a unilaterally declared Palestinian state in any manner whatsoever.

Chairman Arafat is now threatening to declare a Palestinian state unilaterally by mid November. Because of this continuing threat and the fact that Congress will not be in session in November, or we hope and trust that we will not be in session in November, it is imperative that we enact this bill now so that the Palestinian Authority understands that any unilateral action will produce a sharp and negative response from the United States. We must make clear that, if the Palestinian Authority unilaterally acts to destroy any prospect of a peace agreement and to make war and violence, very likely there will be severe consequences. The purpose of this bill is to deter such an action and those consequences.

At the end of the most recent Camp David summit, Prime Minister Barak and Chairman Arafat reaffirmed the central point of the Oslo agreement and pledged that Israel and the Palestinian Authority would both refrain from any unilateral actions as well as from statements that would incite violence.

If these general principles are followed and the Palestinians remain peacefully engaged with Israel, which has proven to be a willing and a generous peace partner, this legislation will not need to be invoked, but it will have its desired effect by making such peaceful development much more likely.

I want to thank the gentleman from New York (Chairman GILMAN); the gentleman from Connecticut (Mr. GEJDENSON), ranking member; and the gentleman from New York (Mr. REYNOLDS) for the hard work they have done in this legislation.

I urge every Member of this House to support this bill because only a negotiated peace can be a lasting peace.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. NADLER) for his supportive statement.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Bronx and Westchester Counties, New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for leading, and he has clearly been a leader on this issue and as we saw before on the Ireland issue.

Mr. Speaker, it seems that we have been here before. Just last year, I was the lead Democratic sponsor of a resolution opposing the unilateral declaration of a Palestinian state and warning that such a unilateral action would provoke a stern response from this Congress.

This measure passed overwhelmingly in the House and by unanimous consent in the Senate. Since then, President Clinton has worked as no President has since Jimmy Carter to achieve an agreement in the Middle East.

After months of serious negotiations in which Israel demonstrated a willingness to compromise on all issues, even those of the utmost importance, an agreement remained out of reach.

Yasser Arafat and the Palestinian negotiators were ultimately unwilling to make the compromises needed to reach a peace accord. Instead, they threatened the world with the possibility of unilaterally declaring themselves a sovereign state.

This type of rhetoric not only falls outside of the bilateral framework for bridging the gap separating the Israelis and Palestinians, it also represents a dangerous escalation.

If this should happen, Israel will likely respond in kind through unilateral actions of its own, including territorial annexation in the West Bank or around Jerusalem.

Yasser Arafat recently took a tour of several European and Arab nations and asked for support of his nonnegotiating declaration of Palestinian statehood. Everywhere he went, Mr. Arafat received a polite ''No, thank you. Please return to the bargaining table.'' Today Congress will emphasize that message with passage of this important bill.

Arafat must know that, if the Palestinians unilaterally declare themselves a state, the United States will provide them no assistance whatsoever. The Palestinian leadership must understand that their goals can only be achieved in the context of direct negotiations with Israel and that such threats not only undermine the peace process but also put at risk its future relationship with the United States.

I, therefore, strongly support H.R. 5272 and commend the gentleman from New York (Mr. NADLER) for his hard work on the legislation.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. ENGEL) for his strong supportive arguments.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Queens, Bronx and Westchester Counties, New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in support of H.R. 5272, the Peace Through Negotiations Act of 2000, and urge my colleagues to support this important legislation.

I especially want to thank the gentleman from New York (Mr. NADLER) for his leadership on this issue and the gentleman from New York (Mr. GILMAN). I am a proud cosponsor of his bill, the Middle East Peace Process Support Act, which provided the foundation for the legislation we are considering today.

I share the frustration and impatience of those who have waited decades for a peace that will safeguard Israel's security and regional stability. After 7 long years of negotiations, an agreement is within reach, and we recognize how important it is that both parties remain dedicated to the completion of this difficult process. We also recognize the damage that could be inflicted by unilateral acts of irresponsible brinksmanship. Compromise, not nonnegotiable demands and political posturing, must guide the peace process.

H.R. 5272 demonstrates unflinching Congressional support for a fair, negotiated peace agreement. This bill simply states that the United States will not recognize nor will it reward the unilateral declaration of a Palestinian state. The rejection of negotiation as the path toward peace is unacceptable, and we have the opportunity to make this clear today.

In the coming weeks, the most difficult issues in the peace process will be on the table, and now, more than ever before, Israel and the Palestinians must show their dedication to realizing the dreams of the Oslo Accords. Let this legislation be a warning: If Chairman Arafat rejects the fundamental precept of Oslo, if he chooses to squander this historic opportunity for peace, the United States' response will be swift and unequivocal.

I have strongly supported generous assistance for governments in the Middle East who have recognized the value of negotiation and cooperation in the pursuit of peace. But make no mistake, our foreign assistance is too dear to waste on regimes bent on self-destructive actions and guerilla tactics. We must send this message to Chairman Arafat today.

Mr. Speaker, I hope this bill is irrelevant. I hope its provisions are never tested and that negotiations between Israel and the Palestinians bear real

fruit. But if the future brings a unilateral declaration of Palestinian independence and a rejection of these negotiations, we must remain steadfast in our support for the peace process and strong in our condemnation of those who would derail this historic opportunity. I urge my colleagues to join me in support of this bill.

Mr. GILMAN. Mr. Speaker, I want to thank the gentlewoman from New York (Mrs. LOWEY) for her strong support of this measure.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today in firm support of H.R. 5272, the Peace Through Negotiations Act of 2000. The unilateral declaration of independence by the Palestinian Authority would negate years of progress made by Israel with Palestinians toward a peaceful resolution to their conflict.

This bill clearly illustrates that the United States discourages such an action, and would strongly condemn the Palestinians should they choose to circumvent the peace process to which they had been a faithful party.

I commend the gentleman from New York (Mr. NADLER) for his hard work in crafting this legislation. I would also like to thank the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations for recognizing the importance of a timely consideration of this bill.

I have been a close observer of this peace process since its inception. I have witnessed the success, and I have witnessed the setbacks. I regret having to address the issue of restricting aid to the Palestinians when we are so close to reaching an understanding between the two parties.

In my view, the Palestinians have a choice, stay the course towards peace and reap the benefits of establishing a nation conceived out of cooperation and negotiation or bypass the process, declare an independent state, and risk becoming a pariah in the international arena.

As a supporter of the peace process, I am greatly concerned that Palestinian Authority Leader Yasser Arafat will carry through with his threat to create a Palestinian state with or without an agreement. Frankly, Mr. Speaker, I shudder to think of the repercussions resulting from taking such drastic action.

Mr. Arafat, do not let the dream that you have worked your entire life for crumble in order to quell domestic political concerns. I urge you to choose the path to which you have been committed for nearly a decade, the path of peace.

The people of Israel, the West Bank, the Gaza have suffered through enough violence, torment, and death during the years of struggle for the creation of a Palestinian state. Let us work together to ensure that history does not repeat itself.

The purpose of this bill clearly states that if the Palestinian Authority unilaterally declares a Palestinian state, the United States' provision of resources to the Palestinian Authority would cease immediately.

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Furthermore, the bill would prohibit the expenditure of any funds for the United States to formally recognize a unilaterally declared independent Palestinian state. As long as Mr. Barak and Mr. Arafat are willing to sit down together and encourage a constructive dialogue to resolve the issues that divide their people, the United States will do its part to support them in that endeavor.

Though I hope the terms of this bill will never be realized, I believe it is a strong commentary on how this country, the U.S., feels about the prospects of peace. To that end, I encourage my colleagues to support H.R. 5272.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PITTS). The gentleman from New York (Mr. GILMAN) has 17 minutes remaining.

Mr. GILMAN. Mr. Speaker, does the gentleman have any further speakers?

Mr. CROWLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself the balance of my time; and in closing, I wish to emphasize that this legislation represents a measured and an appropriate response to the very serious threat to U.S. interests in the Middle East posed by the continuing suggestions by Palestinian officials that they may unilaterally declare a Palestinian state. Such a declaration could deal a fatal blow to the peace process and would be a very grave mistake.

Our government makes a very serious mistake if it does not make crystal clear to the Palestinian authorities how we would respond to such a step. It is for that reason that I urge strong support for this measure.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 5272, the Peace Through Negotiations Act of 2000, which expresses support for the Middle East peace process and the need for a negotiated settlement of the Arab-Israeli conflict.

This legislation declares that U.S. policy opposes the unilateral declaration of a Palestinian state. Should such a unilateral declaration occur, this measure would prohibit all U.S. assistance to the Palestinians except for humanitarian aid, and would encourage other countries and international organizations to join the U.S. in withholding diplomatic recognition of a Palestinian state. Further, this legislation would authorize the President to withhold U.S. contributions to international organizations that recognize a unilaterally declared Palestinian state.

As a co-sponsor of H.R. 4976, similar legislation introduced by my colleague from New York, JERROLD NADLER, I believe it is appropriate for the Congress to underscore the threat posed by the unilateral declaration of a Palestinian state. Such a declaration would be a violation of the 1993 Oslo Accords, at which Israel and the Palestinians agreed that the determination of the eventual status of the Palestinian entity—as well as other final status issues—can be made only through agreements by both sides. It is critical for both parties to abide by the agreement to resolve permanent status issues through negotiation, not unilateral action.

Peace talks between the Palestinian Authority and Israel were scheduled to end earlier this month, on September 15, 2000. However, unresolved issues—borders, security, settlements, refugees, and the division of Jerusalem—have prevented the two sides from coming to an agreement. Since the unsuccessful completion of the Camp David negotiations in July 2000, PLO Chairman Arafat has renewed his threats to unilaterally declare a Palestinian state. While Chairman Arafat has backed off from those threats and not set a new deadline, I believe this legislation signifies the extent of Congressional resolve, should Chairman Arafat act to carry out his threat after the 106th Congress adjourns.

In March 1999, both houses of Congress adopted H. Con. Res. 24, non-binding legislation which resolved that "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition." The Peace Through Negotiations Act is a legislatively binding response, but only if a unilateral declaration of statehood is actually made. I believe the U.S. must continue to strongly support Israel and resolutely oppose the unilateral declaration of a Palestinian state. Accordingly, I urge my colleagues strong endorsement of this landmark legislation.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 5272, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING IN ORDER ON WEDNESDAY, SEPTEMBER 27, 2000 MOTIONS TO SUSPEND THE RULES AND CALL OF CORRECTIONS CALENDAR

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that it be in order at any time on Wednesday, September 27, 2000, for the Speaker to entertain motions to suspend the rules and pass, or adopt, the following measures:

H.R. 1795, National Institute of Biomedical Imaging and Engineering Establishment Act;

H.R. 2641, to make technical corrections to Title X of the Energy Policy Act of 1992;

H.R. 2346, to authorize the enforcement of certain Federal Communications Commission regulations regarding use of citizens band radio equipment;

H. Res. 576, supporting efforts to increase childhood cancer awareness, treatment, and research;

S. 1295, to designate the Lance Corporal Harold Gomez Post Office; and

It be in order at any time on Wednesday, September 27, 2000, for the Speaker to direct the Clerk to call the bill on the Corrections Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

QUALITY TEACHER RECRUITMENT AND RETENTION ACT OF 2000

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5034) to expand loan forgiveness for teachers, and for other purposes.

The Clerk read as follows:

H.R. 5034

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 ''Quality Teacher Recruitment and Retention Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Over the next 10 years, a large percentage of teachers will retire, leaving American classrooms, particularly urban and rural classrooms, facing a serious teacher shortage.

(2) The Nation will need 2,000,000 new teachers over the next 10 years. Unfortunately, in the past this need has been met by admitting some unqualified teachers to the classroom.

(3) There is also a chronic shortage of fully certified special education teachers, averaging about 27,000 per year. While the demand is ever present, institutes of higher education are graduating fewer teachers qualified in special education.

(4) High quality teachers are the first vital step in ensuring students receive a high quality education.

(5) Potentially valuable teacher candidates are often lured into different careers by higher compensation.

(6) Moreover, the burdensome paperwork and legal requirements are factors which lead special education teachers to leave the profession. More special education teachers move into the general education realm than vice versa.

(7) High-quality prospective teachers need to be identified and recruited by presenting to them a career that is respected by their peers, is financially and intellectually rewarding, and contains sufficient opportunities for advancement.

(8) Teacher loan forgiveness gives high-poverty schools an effective incentive for recruiting and retaining much-needed high quality teachers.

(9) Loan forgiveness for high-need teachers, including special education teachers, can be a critical link in increasing the supply of these essential educators.

(b) PURPOSE.—The purpose of this Act is to encourage individuals to enter and continue in the teaching profession in order to ensure that high quality teachers are recruited and retained in areas where they are most needed so students attending school in such areas receive a quality education.

SEC. 3. EXPANDED LOAN FORGIVENESS PROGRAM FOR TEACHERS.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary of Education (in this section referred to as the ''Secretary'') shall carry out a program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 or part D of such title (excluding loans made under sections 428B and 428C of such Act or comparable loans made under part D of such title) for any borrower who—

(A) is a new teacher;

(B)(i) is employed, for 3 consecutive complete school years, as a full-time teacher in a school that qualifies under section 465(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) for loan cancellation for a recipient of a loan under part E of title IV of such Act who teaches in such schools; or

(ii) is employed, for 3 consecutive complete school years, as a full-time special education teacher, or as a full-time teacher of special needs children;

(C) satisfies the requirements of subsection (d); and

(D) is not in default on a loan for which the borrower seeks forgiveness.

(2) AWARD BASIS; PRIORITY.—

(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-serve basis and subject to the availability of appropriations.

(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(b) LOAN REPAYMENT.—

(1) ELIGIBLE AMOUNT.—The amount the Secretary may repay on behalf of any individual under this section shall not exceed—

(A) the sum of the principal amounts outstanding (not to exceed $5,000) of the individual's qualifying loans at the end of 3 consecutive complete school years of service described in subsection (a)(1)(B);

(B) an additional portion of such sum (not to exceed $7,500) at the end of each of the next 2 consecutive complete school years of such service; and

(C) a total of not more than $20,000.

(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under part B or D of title IV of the Higher Education Act of 1965.

(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

(d) APPLICATION FOR REPAYMENT.—

(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) YEARS OF SERVICE.—An eligible individual may apply for loan repayment under this section after completing the required number of years of qualifying employment.

(3) FULLY QUALIFIED TEACHERS IN PUBLIC ELEMENTARY OR SECONDARY SCHOOLS.—An application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant—

(A) if teaching in a public elementary, middle, or secondary school (other than as a teacher in a public charter school), has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

(B) if teaching in—

(i) a public elementary school, holds a bachelor's degree and demonstrates knowledge and teaching skills in each of the subject areas in which he or she provides instruction; or

(ii) a public middle or secondary school, holds a bachelor's degree and demonstrates a high level of competency in all subject areas in which he or she teaches through—

(I) a high level of performance on a rigorous State or local academic subject areas test; or

(II) completion of an academic major in each of the subject areas in which he or she provides instruction.

(4) TEACHERS IN NONPROFIT PRIVATE ELEMENTARY OR SECONDARY SCHOOLS OR CHARTER SCHOOLS.—In the case of an applicant who is teaching in a nonprofit private elementary or secondary school, or in a public charter school, an application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant has knowledge and teaching skills in each of the subject areas in which he or she provides instruction, as certified by the chief administrative officer of the school.

(e) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a consolidation loan made under section 428C of the Higher Education Act of 1965, or a Federal Direct Consolidation Loan made under part D of title IV of such Act, may be a qualified loan amount for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

(1) a loan made under section 428 or 428H of such Act; or

(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of such Act.

(f) ADDITIONAL ELIGIBILITY PROVISIONS.—

(1) CONTINUED ELIGIBILITY.—Any teacher who performs service in a school that—

(A) meets the requirements of subsection (a)(1)(B) in any year during such service; and

(B) in a subsequent year fails to meet the requirements of such subsection,

may continue to teach in such school and shall be eligible for loan forgiveness pursuant to subsection (a).

(2) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

(3) DEFINITION OF NEW TEACHER.—The term ''new teacher'' means an individual who has not previously been employed as a teacher in an elementary or secondary school prior to August 1, 2001, excluding employment while engaged in student teaching service or comparable activity that is part of a preservice education program.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentlewoman from California (Ms. SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5034.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5034, the Quality Teacher Recruitment and Retention Act of 2000, and I thank the gentleman from South Carolina (Mr. GRAHAM), who has worked diligently on our committee for many years to try to ensure that we have quality teachers in every classroom throughout the United States.

It has been well noted that schools will need to hire 2 million new teachers in the next decade in order to accommodate growing enrollments and to offset the projected increase in teacher retirements. But it is more than just hiring more teachers. At the same time schools are compelled to hire the best teachers. Parents, business leaders, and the general public are all demanding more from our Nation's schools.

However, as we have heard through the course of many hearings held by the Committee on Education and the Workforce, finding and retaining quality teachers has become more and more difficult, especially in light of the many other opportunities available to potential teachers in today's marketplace.

A front page New York Times article on August 24 underscores the difficulty facing many schools: ''A growing number of States and school districts are short-circuiting the usual route to teacher certification with their own crash courses that put new teachers in the classroom after as little as three weeks. Officials say they are driven by a severe teacher shortage.''

In response, many schools are implementing innovative solutions. Last week during a hearing on this issue in our committee, we had the opportunity to hear from Micheline J. Bendotti, executive director from the Arizona Teacher Advancement Program. This program is being implemented in several schools across Arizona and provides teachers with market-driven compensation, multiple career paths, and performance-based accountability, along with high quality ongoing applied professional development.

For our part, Republicans in Congress are assisting States and local school districts to meet the challenges of a competitive marketplace. Through initiatives such as the House-passed Teacher Empowerment Act, we have expanded the flexibility of current education programs to allow more schools to have the Federal resources necessary to carry out these types of innovative programs.

Additionally, we are providing assistance targeted directly to prospective teachers through student loan forgiveness. Specifically, under the Higher Education Amendments of 1998, we established a program for qualified teachers who commit to teaching in a low-income school for 5 years. The program is only available for new student loan borrowers, and the total amount of loan forgiveness is limited to $5,000 per student.

The fact is teacher loan forgiveness can be a highly successful incentive for encouraging some of our best and brightest graduates to enter the teacher profession. Teacher loan forgiveness also enjoys wide public support, as evidenced by a 1998 Lou Harris poll, which found a majority of Americans favored providing such assistance to teachers. Business groups have also been outspoken on the need for teacher loan forgiveness.

For example, the California Business for Education Excellence has as one of its top priorities to support expanding teacher loan forgiveness programs. Specifically, they believe the amount and rate of loan forgiveness should be accelerated in order to recruit and retain teachers for hard-to-fill openings.

That is exactly what has been done under legislation passed by the Committee on Education and the Workforce earlier this year. Specifically, H.R. 4402, the Training and Education for American Workers Act of 2000, directs 25 percent of the fees collected through H–1B visa applications to be used for new student loan forgiveness programs to attract more math, science and reading teachers who agree to teach for 5 years. Benefits under this program are in addition to any benefits a student may receive under programs established as part of the Higher Education Act Amendments.

H.R. 5034, the legislation we are considering today, builds upon both of the other teacher loan forgiveness programs. This important initiative also expands upon the current programs by not limiting forgiveness to just new borrowers.

Mr. Speaker, I commend the gentleman from South Carolina for working so hard on this important legislation. He has been a leader and an advocate for quality teaching in the years he has served on the committee. I encourage all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent to give management duties on this bill to my colleague, the gentleman from New Jersey (Mr. HOLT).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague from California and rise in support of H.R. 5034.

As my friend and colleague from Pennsylvania mentioned, this bill of our colleague from South Carolina provides up to $20,000 in student loan forgiveness to fully qualified teachers teaching in high-need schools and districts. I certainly view loan forgiveness as one of a number of strategies to ensure that we have enough highly qualified teachers, especially in the critical areas of science and math.

This bill expands upon a Democratic initiative included under Title IV of the Higher Education Act during the last reauthorization that guarantees $5,000 in student loan forgiveness to any teacher who teaches in a high-need school for a period of 5 years. Now, $20,000 is obviously a more powerful incentive than $5,000; and given the looming teacher shortage, high-needs schools and districts will need all the help they can get in recruiting and retaining qualified teachers, and I applaud the gentleman from South Carolina for his interest in improving and expanding the existing program.

I would be remiss, however, if I failed to mention some of my concerns about this legislation. For although I am disappointed that Democratic offers to work with our friends on the other side of the aisle to improve this legislation before it came to the floor were rebuffed, it is still my hope that some of my concerns and some of the concerns of my colleagues can be remedied should this bill be taken up in the Senate.

To begin with, the bill is written in such a way that it is really unclear as to the relationship between this loan forgiveness program and the existing loan forgiveness program. I worry this could be confusing for students and school officials. We need to simplify student aid, not make it more complicated.

In addition, funding for this program does not kick in until 3 years after the date of enactment, meaning that teachers could not benefit from it, as I understand it, until 2004. We are losing teachers to more lucrative professions today, and will in 2001 and 2002 and 2003. If we want to keep these talented individuals in the classroom, it seems to me prudent to provide them with loan forgiveness today.

And perhaps most important, funding for this program is discretionary rather than mandatory, as is Title IV of the Higher Education Act. So depending on the spirit and generosity of the appropriators 3 years from now, although I presume we will have generous appropriators 3 years from now, but depending on that spirit of generosity, some teachers might benefit while others, though equally qualified, might not. In

fact, should the appropriators decide not to fund the program at all, no one will benefit, and we will be no closer to addressing the teacher shortage than we are today.

So I would like to work with my colleague to see if there is some way we can ensure that all eligible teachers can benefit from this valuable program. After all, his intention, I am sure, is to provide an incentive that will be meaningful to recruit and to encourage teachers.

Finally, I feel I must make one last point. For although it is not directly related to this bill, I think it is an essential part of this debate. We will not be able truly to address the problem of poor teacher recruitment and retention rates, particularly in high-need urban and rural communities, until we improve conditions faced by teachers in the classroom. For no matter how tempting the monetary incentive, good teachers will be unlikely to remain in the classroom if they are overcrowded, lacking supplies, and have buildings falling down around them.

However, despite all this, I believe that H.R. 5034 is a good first step, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. GRAHAM), author of the legislation and a valuable member of the committee.

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Mr. GRAHAM. Mr. Speaker, before we start discussing the bill, I would like to offer a debt of gratitude to my colleagues on the other side for allowing this bill to go forward. And we can make it better, I am sure. But I have a few points that were mentioned.

This bill is building on existing programs that our Committee on Education and the Workforce in a bipartisan fashion passed a couple years ago. There is a $5,000 student loan forgiveness program in existence today if they will go into teaching in a Title I school.

What does that mean? A Title I school is a school where 30 percent of the students are at the poverty level or below. That is usually a rural poor school, an urban poor school, the places that is very hard to recruit.

As the chairman said, there is going to be a two-million person teacher shortage facing this Nation. And how do we get the best and the brightest into the teaching profession and how do we get them into the hardest-to-recruit area, rural poor, urban poor? We give them a signing bonus.

But the law that exists today has the same requirement as this bill. We just do not want to get bodies into the classroom. We want to have quality teachers in the classroom. Under the current program, they cannot get any loan forgiveness until they teach 3 years.

That is exactly what this bill does. But what it does is it goes beyond $5,000. It will allow a person who will go into teaching in a Title I school, a hard-to-recruit area, if they will teach for 3 years in the area that they major in in college, math teachers teaching math, science teachers teaching science, if they will go into this school district and keep their certification up, in the fourth and fifth and sixth year of their career, we will forgive their student loan up to $17,750 in additional loan forgiveness.

And it is a discretionary program. We worked hard to try to find the offset. But let me just assure my colleague this, that the projections are that we will recruit 35,000 new teachers a year if we pass this bill.

I would argue that every Member of this body, Republicans and Democrats, appropriators, non-appropriators, will put money into this program if it is bringing in the best and the brightest in areas that are hard to recruit under today's standards.

A Newsweek article called ''Teachers Wanted'' is a great expose of what communities are doing all over the country to try to get people in the teaching profession to fill these voids in the classroom. But we go one step further. We just do not want bodies. We want people committed to the teaching profession to keep their certifications up and have a commitment to these schools. And once that commitment is shown, we are going to meet them more than halfway.

The gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MILLER), the gentleman from New Jersey (Mr. HOLT) and the gentlewoman from California (Ms. SANCHEZ), I really appreciate them joining with us to get this bill out of the House. And if we can make it better, we will.

But the bottom line is that there are a lot of folks getting ready to decide what career to choose and they want to go into teaching, and one of the biggest problems they face as a college graduate is a big student loan. The average is almost $17,000 now.

What we are saying, in a bipartisan fashion, is, if they will make a commitment to teaching and they will keep their certifications up and they will do a good job, we will take that debt away from them in a very quick period of time. I think people are going to respond in droves.

The article called ''Teachers Wanted,'' I would just like to let the people of the United States know that we disagree a lot in this body and we have different views of what the Federal Government should do in education. But this is a good day. We are approaching the end of a contentious Congress, but we are coming together as Republicans and Democrats and we are putting into place a program that will help real people in a real way to put a new generation of teachers in classrooms where it is very hard to recruit. And this applies to anybody with a student loan that is willing to go into a Title I school.

Let me mention one other facet about this bill. The special education teachers are included. I would like to thank my colleague the gentleman from South Carolina (Mr. DEMINT). We all know how hard it is to get people to go into special ed. So if they are a special-ed teacher, regardless of the school district they go to, we will help forgive their student loan if they will stay in there and help the kids.

Mr. Speaker, I want to thank the chairman for the leadership he has shown in allowing this bill to come to the floor and my colleagues on the Democratic side of the aisle in the Committee on Education and the Workforce. This is a good day for the committee. I think it is a good day for the Congress, and I urge support of this bill.

Mr. HOLT. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 3½ minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I am honored to stand before this House today in support of my good friend the gentleman from South Carolina (Mr. GRAHAM) and in support of his legislation that would expand the current loan forgiveness program for teachers in high poverty schools.

As chief architect of the original program in 1998, the gentleman from South Carolina (Mr. GRAHAM) is a tremendous advocate for teachers. I appreciate his work on this behalf.

I am increasingly concerned about the state of our Nation's education system, more specifically with regard to the quality of teaching. Just today, there are newspaper reports about teacher turnover in North Carolina schools.

Mr. Speaker, I can assure my colleagues that the news is not good and it is getting worse. According to the North Carolina Department of Instruction, last year's teacher turnover rate was 13.59 percent, up from 13.4 in 1999 and 12.3 percent in 1998. This means that over 12,000 out of 89,000 teachers in North Carolina left their job for one reason or another.

Perhaps a more startling figure is that about 30 percent of these teachers had tenure. While these numbers are unsettling, I must share with my colleagues that North Carolina is making improvements. We have the most National Board Certified teachers in the country. We are recognized as one of the top two States in improving teaching. North Carolina has made the most gains on SAT test scores, more than any other State in the last 10 years.

And finally, the National Education Goals Panel said that North Carolina is one of the top States in business and community support for public education.

Even with this outstanding recognition, I think that we can all agree that

it just is not enough. If North Carolina is making such improvements and our numbers are this high, I shudder to look at the States who have higher turnover rates. We must try harder, we must work harder to give our children an education that will provide them with the tools necessary to make solid choices in their lives.

Sadly, many of our students are not able to make these choices. I believe that we can change that. In North Carolina, teachers in 1,459 elementary and secondary schools are eligible for loan forgiveness under the current program. Of this number, teachers in 178 schools in and around my district are eligible.

An especially attractive piece of this package is that all special education teachers are eligible for loan cancellation under the Graham bill. I am pleased that my district's most at-risk schools have a program to help them attract quality teachers, and I think this loan forgiveness program is a good foundation for us to build upon.

Mr. Speaker, our Nation's most precious resource is our children. I believe that this bill gives our children, especially our disadvantaged children, the chance to have a better education.

When I spoke on the floor yesterday about the 25th anniversary of the IDEA bill, I reminded my colleagues that every student has a right to free public education. I believe that we have secured access to education. Loan forgiveness for qualified teachers brings us one step closer to improving quality in the classroom.

To close, it seems that the latest trend in Washington is to see who can buy the most teachers or who can spend the most on education. I cannot stand by and watch Congress and the President poor billions into the Title I program and cross their fingers any longer and hope that education gets better and student achievement goes up. I think we can do better. We will do better.

We need to give teachers a reason to go to Title I schools and invest their time, their energy and their talents. Support this bill, and we are well on the way.

Mr. GOODLING. Mr. Speaker, I yield 2¾ minutes to the gentleman from South Carolina (Mr. DEMINT) another important new member on our committee.

Mr. DEMINT. Mr. Speaker, I rise in support of the Quality Teacher Recruitment and Retention Act. I am a cosponsor of this legislation.

I have had the good fortune to work with my good friend the gentleman from South Carolina (Mr. GRAHAM) on it. I want to emphasize a specific part of the bill which has already been mentioned.

This bill would allow the loan forgiveness program to all teachers who choose to go into the special education field regardless of teaching location.

The field of special education faces special challenges. There is not only a shortage of special-ed teachers, but some teachers in the field are not qualified.

Additionally, special education teachers are burdened by the need to comply with complex Federal laws and paperwork requirements in the Individuals With Disabilities Education Act.

While the law is filled with good intentions, it is widely acknowledged to be a complicated process which leaves less time for teachers to go about the business of teaching. Teachers are discouraged by the paperwork requirements and spend hours working on checklists rather than lesson plans. They do this because they fear lawsuits if somehow they fall short of a dotting an ''I'' or crossing a ''T.''

Local school districts must pay for this underfunded mandate for special education, which strains their budget. This bill does its part in a small way by giving local school districts an incentive to attract special-ed teachers.

If teachers are qualified, they can receive loan forgiveness over time if they teach in the special-ed field. While the number of special-ed students is rising, the number of teachers qualified to teach special-ed kids is not keeping pace with demand. Each year there is a chronic shortage of fully certified special-ed teachers, averaging about 27,000 per year. While the demand is ever present, institutions of higher education are graduating fewer teachers qualified in special ed.

Mr. Speaker, the Quality Teacher Recruitment and Retention Act is one step we can take to help local school districts by recruiting qualified teachers to enter and remain in the special education field.

I thank my colleague for his willingness to craft this legislation in such a way that addresses the important need for special education teachers across the country.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to repeat that we support this bill. It does need some perfecting, but it gets at the heart of what we must address in education.

Teachers are indeed the key. Teachers are the key for special education. Teachers are the key for languages. Teachers are the key for science and math.

In fact, tomorrow the Glen Commission, the National Commission on the Teaching of Mathematics and Science, will be issuing our report; and that will also highlight the need to recruit good teachers, to provide them training before they go in, mentoring as they enter their field, and life-long professional development.

Loan forgiveness is part of the number of steps that we must take in order to have the kind of teaching that we need to give our students the education they need for fulfilling lives in the 21st century.

We must recruit teachers. Loan forgiveness will help with that. But we also must look at the environment where they will teach, the class sizes, the facilities, and we must make sure that the environment provides an atmosphere of continuous improvement and professional development. With that, we can find the teachers we need, train them, and give our students the education they deserve.

Mr. Speaker, I yield back the balance of my time.

□ 2200

Mr. GOODLING. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER), a seasoned, important member of our committee.

Mr. SOUDER. I thank the gentleman for yielding me this time.

Mr. Speaker, I am a proud conservative cosponsor of the gentleman from South Carolina's bill to provide loan forgiveness to teachers in title I schools and special ed. Sometimes, just once in a while, our liberal friends accuse conservatives of not caring about improving education because we do not favor a Federal takeover in education. In fact, the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from South Carolina (Mr. GRAHAM), and I were leaders in the fight against national testing standards. We fought against the national curriculum and national teaching standards. But the gentleman from Pennsylvania (Mr. GOODLING) has committed his entire career to trying to provide better quality with local control, and this bill is yet another example.

We Republicans say everyone should compete. Yet we do not believe in guaranteeing absolute equality. Parents' education differs, their income differs, some kids are going to have computers at home, some kids are going to have parents who can teach. There is not just a whole lot we can do about that. But we do believe that there ought to be basic opportunities for all kids in America. And so we support title I and we support IDEA. The chairman has been a leader in Even Start, in Head Start. We have had many such bills.

This bill combines many of the principles that we as conservatives believe are valuable in trying to help low-income students. It does it with incentives, not mandates. It does not tell people what they actually have to do; it forgives their loans and gives them the flexibility; and it requires them to serve first. Often we give money to somebody, and they may or may not serve. In this case if they serve the 3 years, then they get 3 years forgiven; 4 years, then they get more forgiven the fifth year. If we give the money up front, we find that many times in other programs where we have done this we may or may not get people to serve, and we may battle over that forgiveness. That is a conservative principle.

We also say that when you give it to an individual student who then goes and teaches, it does not come with the Federal strings. It gives the teachers

the flexibility to determine what they are going to do, special ed or a title I school; it gives the school the flexibility without the strings that come from many of this administration's proposals. When people ask what conservatives are doing to help those who are hurting, to those who are behind, those who potentially can be left behind, this is yet one more example of what this Congress has done. It is a small step, but it is an important step.

My daughter is currently teaching at a title I school. It is a new job. She has found that as opposed to a suburban school she gets less money to help in the classroom. Fewer of the parents show up. It is hard even to get as many parents to participate in bringing refreshments for the kids because they do not have the income. We need to do some special steps in America to make sure that those who are college graduated even though we support alternative certification, even though we support creative ways to fill those gaps, we need creative ways like the gentleman from South Carolina's bill to encourage our young people in college today to take at least part of their career, many of whom will then fall in love with these kids who so much need their help to work in our title I and special ed programs.

I commend the gentleman from Pennsylvania (Mr. GOODLING); I commend the gentleman from South Carolina (Mr. GRAHAM) for his great work and add my enthusiastic support to this bill.

Mr. MCKEON. Mr. Speaker, I rise in strong support of the Quality Teacher Recruitment and Retention Act.

Just this week, Newsweek's cover story asks "Who will teach our kids?" Since one half of all teachers in America are slated to retire by 2010, this is a question on the minds of millions of families across this country.

In my home State of California, we are already feeling the teacher crunch where as a result of the State's class size reduction program, there are 35,000 uncertified teachers in our classrooms.

Over the past two years, the Subcommittee on Postsecondary Education, Training, and Life-long Learning (which I serve as Chairman and the bill's sponsor, LINDSAY GRAHAM, serves as vice chairman) has devoted substantial time and effort toward the issue of teacher quality and recruitment.

We have held numerous hearings and have had an active hand in shaping legislative proposals aimed at getting teachers into our classrooms.

Those proposals include:

The teacher quality enhancement grants—established in the higher education amendments of 1998;

Language in H.R. 2, the "Education Options" Act to boost the qualifications of the 180,000 teachers and paraprofessionals who teach in our Nation's poorest school districts;

The Tech-for-Success Program in H.R. 4141 to help better prepare teachers in how best to use technology to improve student academic achievement;

The Bipartisan Teacher Empowerment Act to enable schools to focus on a host of initiatives including bonus and merit pay, tenure reform, teacher mentoring programs, and professional development; and

Increased flexibility in the "100,000 New Teachers" Program so that schools experiencing a high percentage of uncertified teachers can use funds to focus on boosting teacher training as opposed to hiring additional teachers.

H.R. 5034 builds on these significant efforts by expanding another important provision in the higher education amendments—loan forgiveness for teachers.

This legislation enhances loan forgiveness by increasing the number of those qualified for the program while retaining the current requirements so that we not only get qualified teachers into the classroom but keep them there.

The bill also addresses the need across the country for special education teachers by granting them loan forgiveness no matter where they teach.

To conclude, in order to combat the shortage of teachers, we must continue to look at innovative ways to motivate thousands to come into the teaching profession.

The new loan forgiveness provided under H.R. 5034 is one such incentive and, as such, I urge all my colleagues to support this important legislation.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 5034.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST MOTION TO CONCUR IN SENATE AMENDMENT TO H.R. 4365, CHILDREN'S HEALTH ACT OF 2000

Ms. PRYCE of Ohio (during consideration of H.R. 5034) from the Committee on Rules, submitted a privileged report (Rept. No. 106–901) on the resolution (H. Res. 594) providing for consideration of the Senate amendment to the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. PRYCE of Ohio (during consideration of H.R. 5034) from the Committee on Rules, submitted a privileged report (Rept. No. 106–902) on the resolution (H. Res. 595) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING HOME EDUCATORS AND HOME SCHOOLED STUDENTS

Mr. SCHAFFER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 578) congratulating home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting and ensuring a brighter, stronger future for this Nation, and for other purposes.

The Clerk read as follows:

H. RES. 578

Whereas the United States is committed to excellence in education and to strengthening the family;

Whereas parental choice and involvement are important to excellence in education;

Whereas parents have a fundamental right to direct the education and upbringing of their children;

Whereas home schooling families contribute significantly to cultural diversity, which is important to a healthy society;

Whereas home education allows families the opportunity to provide their children a sound academic education integrated with high ethical standards taught within a safe and secure environment;

Whereas home education has been a major part of American education and culture since the Nation's inception and demonstrates the American ideals of innovation, entrepreneurship, and individual responsibility;

Whereas home education was proven successful in the lives of George Washington, Patrick Henry, John Quincy Adams, John Marshall, Robert E. Lee, Booker T. Washington, Thomas Edison, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, Mark Twain, John Singleton Copley, William Carey, Phyllis Wheatley, and Andrew Carnegie, who were each home schooled;

Whereas today the United States has a significant number of parents who teach a total of approximately 1,700,000 home schooled students, thus saving several billion dollars on public education each year;

Whereas home schooled students exhibit self-confidence and good citizenship and are fully prepared academically and socially to meet the challenges of today's society;

Whereas scores of contemporary studies, including a 1999 University of Maryland analysis of the nationally recognized Iowa Test of Basic Skills, confirm that children who are educated at home perform exceptionally well on nationally normed achievement tests, and such performance is also demonstrated by the fact that home schooled students scored well above the national average on the 2000 SAT and the 1997, 1998, 1999, and 2000 ACT;

Whereas studies demonstrate that home schooled students excel in college, with the grade point average of home schooled students exceeding the college average;

Whereas home schooled students continue to exhibit excellence in academic competitions, as demonstrated by home schooled students finishing first, second, and third in the 2000 Scripps-Howard National Spelling Bee and by a home schooled student finishing second in the 2000 National Geography Bee sponsored by the National Geographic Society; and

Whereas National Home Education Week, beginning on October 1, 2000, and ending on October 7, 2000, furthers the goal of honoring home educators and home schooled students for their efforts to improve the quality of education in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting and ensuring a brighter, stronger future for the Nation;

(2) honors home educators and home schooled students for their efforts to improve the quality of education in the United States; and

(3) supports the goals of National Home Education Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. SCHAFFER) and the gentlewoman from California (Ms. SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

GENERAL LEAVE

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SCHAFFER. Mr. Speaker, I yield 4½ minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, who has been a long-time advocate for those children throughout the country who are educated at home.

Mr. GOODLING. I thank the gentleman for yielding time and commend him for bringing this resolution to us.

Mr. Speaker, I rise in strong support of H.Res. 578, which congratulates home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting a brighter, stronger future for this Nation.

I have spoken at many of their conferences, I have attended some of their graduations, I know how important it is, and I know how well they do. It is appropriate for this body to honor parents who are directing the education and upbringing of their children. After all, parents are the first and most important teacher of their children.

Home schooling is exactly what the name implies, a school in the home. Teachers in a home school are parents. These parents have a commitment to make the necessary sacrifices in order to personally provide an education for their children, and the sacrifices are great. Legally, parents have a fundamental right to direct their child's education based on two Supreme Court decisions, Wisconsin v. Yoder and Pierce v. Society of Sisters. Now all 50 States recognize the right to home school by either statute or statewide case law, and 31 States have specifically enacted laws to protect the constitutional rights of parents that teach their own children.

The right of parents to direct the education and religious training of their children is derived from the first amendment, which gives parents the right to freely exercise their religious beliefs, and the 14th amendment, which guarantees liberty for all including parental liberty to direct the education of their children.

Historically, home schooling was one of the major forms of education until the early 1900s. Hundreds of great leaders in America were home schooled, including at least nine Presidents, also Patrick Henry, Benjamin Franklin, John Marshall, George Bernard Shaw and Thomas Edison. It is also fitting that we commend home schooled children, most of whom are studying hard, mastering computational skills, learning history, and applying the lessons of discipline and virtue to everyday life.

I have had the privilege of working closely with many home schoolers over the past several years. They are a credit to our Nation, they know the issues, and they are willing to work in a bipartisan way to help shape legislation for the benefit of all Americans. For example, together we worked hand in hand to stop the ill-conceived national tests which could have led to a national curriculum. We won the battle, but the war continues even today. Home schoolers are not only involved in K–12 education but also higher education. In Virginia, Patrick Henry College will open its doors next week, primarily to home schooled students, to provide training in public affairs. In addition to their academic course work, these students will have a foundation of practical experience, working with governmental offices. These students will most certainly benefit from their understanding of our constitutional Republic and how limited government, individual freedom and private enterprise can work to benefit all Americans.

Home schooling works. Over nine State departments of education and numerous independent surveys have found that on average home schooled children score 30 points above the national average on standardized achievement tests. Furthermore, these students are being accepted into the finest universities in America. Studies also show that nearly two-thirds of home schooled graduates are self-employed, demonstrating their entrepreneurship and self-reliance.

Today, the number of home schooled students is estimated to be as high as 1 million. Home schooling is not a passing fad. It continues to grow. Home schooling works and will continue to promote academic excellence and graduate productive citizens.

In closing, I urge my colleagues to join me in commending home educators and home schooled students across the Nation for the role they play in promoting and ensuring a brighter, stronger future for the Nation.

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume. I rise today as the House prepares to debate H. Res. 578.

House Resolution 578 recognizes the important contributions of families who choose to devote their time and effort to educate their children at home, a task that demonstrates an incredible amount of determination on the part of the parents and their children.

I value the contributions of parents who choose to become involved with their children's education. Although I was not a product of home schooling, I certainly understand as a product of the Head Start program how instrumental it is for parents to be involved in one's education. Having parents that were active and understanding of my needs allowed me to obtain a first-rate education. Their involvement has made a difference in my career.

Parental involvement in the home schooling program is growing as an educational option for their children. The Department of Education estimates that anywhere between 1.5 and 2 million children currently are being home schooled. This is about 3 to 4 percent of school-aged children nationwide, and the total figure is growing by over 15 percent every year.

By the end of the first decade of the 21st century, there may be well over 2 million children being home schooled in the United States. I know that in my own district, Pam Sorooshian has done a fantastic job educating her three daughters, Roya, Roxanna and Rose, at home. To illustrate the dedication that is put forward by Pam, Roya entered community college at age 13. She is now 16 and has completed over 2 years' worth of college credits. Roxanna, who is 13, has designed over 38 Web sites. Rose, 9, is a voracious reader who wants to own a bookstore someday.

This is just one example of the great achievements made by parents who stay home and home school their children. Children like Roya, Roxanna, and Rose are like many home schooled children in that they take advantage of home schooling's flexibility to participate in special studies, such as volunteer community work, political internships and, of course, travel.

This country was founded by great leaders who went through the home school system. With this resolution we honor them as well as the families that choose to continue that tradition of excellence in our Nation for education.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHAFFER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding me this time. I also congratulate him on bringing forward this motion tonight.

Over the last 3 years, many on the Committee on Education and the Workforce have had the opportunity to travel around the country at the lead of the Subcommittee on Oversight and Investigations in cooperation with the gentleman from Pennsylvania (Mr. GOODLING). We have had the opportunity to have a number of hearings, both in Washington and around the country. We have visited over 20

States. And we have had the opportunity to learn what works in education and what does not work. We have learned that parental involvement, safe classrooms, basic academics, and focusing dollars into the classrooms are the things that work.

One of the things we found as we went around the country is we had the opportunity consistently to hear success stories about our public schools, our private schools, parochial schools; but also in many of the instances we had the opportunity to hear firsthand about the successes of home schoolers. We have to recognize that in today's environment people want to make choices about education. What this resolution does, it recognizes the contribution that those who choose home schooling make to educational excellence in America today.

The chairman of the full committee highlighted some of those results. We know that for many of those parents who choose home schooling as the way to educate their children, the system works, the results are excellent; and we are getting kids who will make a difference in America for the future.

What we need to do is we need to recognize that as we form an educational system in the United States, that we need to allow and permit and in some cases encourage the development of home schooling for those who want to make that choice. This resolution recognizes the importance of home schooling along with the other choices that parents in America have today.

I congratulate my colleague on bringing forward this resolution and perhaps most importantly I congratulate all those who have chosen the option of home schooling and the impact that they have made in the lives of their children. I also want to thank the chairman of the full committee in providing my subcommittee with the opportunity to travel around the country to get a sense of the excitement and the enthusiasm of what is happening in education in America today.

□ 2215

We presented those findings in Education at a Crossroads, and since that time we again have been able to go around the country and visit more innovative excellent programs, programs that are having a positive impact.

Mr. Speaker, I thank the gentleman for that opportunity as well.

Ms. SANCHEZ. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I had no intention of speaking on this bill. I am here so that I can assist the gentleman from Iowa (Mr. LEACH) in the management of two bills coming from the Committee on Banking and Financial Services.

But since I was listening to the discussion, I thought I would comment. I think home schooling is very important for a number of reasons. It does point out a very fundamental truth that the primary right and the primary responsibility for the education of children historically has been, is, and should be with parents and that the role of government, whether the Federal, the State, or the local school district, should be to support to the maximum extent possible the full exercise of that parental right and responsibility.

I happen to know a number of individuals, close friends, one is a member of my book club, he was my campaign manager in 1974, he is a law clerk for a judge right now, who engages with his wife and their children in home schooling. Another is a former administrative assistant of mine now practicing in law in Cincinnati who engages in home schooling, and they think it is a wonderful experience.

There are some difficulties though. One of the difficulties is the lack of opportunity that children who are being home schooled sometimes have for social interaction and sometimes have for full participation within the extracurricular activities that are available to students in a more formal school setting and structure, particularly within the public school district.

I am aware of the fact that there are a great many school districts, however, who do open up all their cocurricular and extracurricular activities to home schooled children, but there are a number of districts that do not do that. So I do not know that it is in this resolution, but at some point in time I would like to see an exhortation, I do not think it is appropriate for the Federal Government to become involved here with either a mandate or incentive, and I am not sure about the propriety of State government, we will leave it up to State legislators to determine that. But I would encourage school districts, in order that they would fulfill their primary responsibility, and that is to be supportive of the primary right and responsibility of the parents for the education of their children, to open up all their cocurricular and extracurricular activities to home schooled children. I think that would be a very meaningful thing to do.

Mr. Speaker, I thank the gentlewoman from California (Ms. SANCHEZ) for yielding me this time, and I thank the gentleman from Colorado (Mr. SCHAFFER) for his resolution.

Mr. SCHAFFER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) for yielding me this time.

Mr. Speaker, there are very few subjects in this Congress on which I can speak as an expert, but this is one of them, since I was home schooled at a time when most people did not know what home schooling was. It was not by choice, but rather because of childhood asthma which prevented me from going to school. And so as an alternative, I simply did all of my schoolwork at home.

My parents helped in whatever way possible, but as I say, it was not an organized program. It was a standard school curriculum which I did at home. I did not think this was too remarkable. During the late Depression years, it was not uncommon for people to suffer considerable hardship and I just assumed this was my lot in life.

What I discovered when I went to the State Senate was that unbeknownst to me, I had become a hero to the home school movement, because not only was I home schooled, but I had obtained a Ph.D. in nuclear physics and had been elected to the State Senate. I do not credit my home schooling with having accomplished that, but it was very useful to the home schooling movement to have a living example because as some may recall in the 1980's when the home school movement started, there was an active attempt on the part of the established schools to legislatively repress home schools.

In fact, I had people in my office, educators from various parts of the State coming to me in the Michigan Senate asking me to help sponsor bills to prohibit home schooling within the State. Their reason was all such dire predictions that students would not learn, that students would falter and eventually would have to go to the public schools and they would be 3 years behind and the public schools would have to deal with that problem. I rebutted their arguments with my personal example and I am pleased that in fact I was correct.

Home schooling has proved to be a very positive alternative to traditional public and private schools, and I am very pleased that we are taking some time now to recognize that and to commend them.

Studies have shown over the years that home schooled students excel academically. They are consistently higher on their ACT scores than students who go to standard schools.

The number of students excelling in the National Spelling Bee, in the National Geography Bee are far out of proportion to the number of students who are home schooled. My colleagues may recall that in the last National Spelling Bee, the first, second, and third place students in that national bee were home schooled. And the second place student in the National Geographic Society's National Geography Bee scored second.

That is very interesting, and I think it is a clear indication that home schooling does succeed. However, I can also verify that on the basis of a lot of personal contact and discussion with parents and with students who have been to the schools, in my experience with them, and many of them have visited me in my office, they are invariably polite, proper, well educated and I believe the home schoolers, and their parents particularly, in this Nation deserve commendation and gratitude for demonstrating that this is a good alternative method of education which does work.

Therefore, I am pleased that the gentleman from Colorado (Mr. SCHAFFER) has brought this before us, and I am pleased to join in commending the home schoolers of America, both the parents who do it and the children who receive it, and the fact that they work so well together to achieve their goals.

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a lot of people think that because we support public schools, that somehow we do not support the home schooling program. I would like to say that is quite contrary to what many of us over on this side believe.

I know that in my district back at home in California, that there are many people who home school their children. And as I walk door to door and encounter them, we have very good discussions about how we might get some of the local schools and local school districts to participate in the child's education also. We applaud on this side the whole issue of parent involvement and, as I said in my beginning remarks, it is quite important for parents to be involved in the education of a child.

Mr. Speaker, would it not be great if all of us could find the type of parent or have the type of parent who would take that time and would have the knowledge to be able to impart that and be able to spend that time with the child? Unfortunately, some parents do not have that level of education available to them, so it is hard to pass it on to their youngsters. But overall, whenever I come across people who are home schooling in my area, it is great to hear how they do it, what types of trips they are taking, what they are doing to help their children learn.

More importantly, it really gives us a point of discussion. Because many families feel very comfortable home schooling in the younger years, but as the children get older and have a more diverse curriculum that is needed many of them turn to the public schools. So it is a good point of discussion to ensure that home schooling parents are also working with the public schools to get that extracurricular activity or to get those additional classes, or maybe to go back into the public school system to get the type of learning that they need as a child continues to develop.

So tonight we honor those who have been home schooled who have made this country great, and we continue to thank those parents who are home schooling and wish for them to be a part of the entire education community, public, private school, and the home schooling situation.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate everyone who has contributed to the conversation tonight and to support of this resolution. I am especially grateful for the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce, and also the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Oversight and Investigations as well. Both individuals have worked tirelessly for the concept of local control of education to the greatest extent possible.

I can think of no better example or ultimate example of local control than home schooling itself. This is a very positive topic and exciting topic because it is a topic that highlights successes and achievement throughout the country.

This is a bipartisan bill, as evidenced by the wide range of cosponsors of this resolution. This resolution coincides with Home School Week which begins in about one week, October 1 through 7, recognized as Home School Week throughout the country. So this resolution is indeed important to about 1.7 million Americans who are home educated throughout the country.

I would like to share with my colleagues some interesting statistics. Home schooling has grown at about 15 percent a year since 1990. Somewhere between 6 and 18 percent of all children under 18 have had some type of home schooling experience.

In kindergarten through eighth grade, home school students test the highest in our country on the Iowa Test of Basic Skills and other indicators as well. Specifically, kids in that age range in that category score on average between the 75th and 85th percentile on the Iowa test, placing them far above their private school counterparts as well as those who are educated in government-owned schools.

Home school K through 12 students have scored significantly higher than both in those other categories on the tests of achievement and proficiency. Home school students also score the highest on ACT scores for the third year in a row and for this year, 2000, they have scored the highest on SATs.

As my colleague from Michigan mentioned earlier, home schooled students dominated the 2000 Scripps-Howard National Spelling Bee winning not only first place but second place and third place in that national spelling bee, and came in second in the 2000 National Geography Bee.

What I think is most noteworthy perhaps, as the previous speaker indicated, of the support that home school students and home school educators and the home school movement enjoy not only among home schoolers but those who are involved in education in government-owned schools as well. Here is a remarkable statistic about how much home school families save government schools. With 1.7 million students being educated at home and the average per pupil expenditure, according to the U.S. Department of Education, being almost $7,000 per year, home school families and students save the government State, local, and Federal, an incredible $11.6 billion a year.

Mr. Speaker, what is even more important than that is the accomplishment and the statement that home schooling makes, because it reinforces the notion that parents are the primary educators for children and bear the ultimate responsibility for the education of their children. This is true whether a child is educated at home or whether by a hired professional that serves as a school teacher.

Parents are responsible for educating their child. And in the public school setting or private school setting that parent, and as a community hiring professional educators to assist them in that job and in that role, but it is always the parent that bears that ultimate responsibility, that always bears the ultimate authority over making the decisions about what is in the best interest of that child and being the judge of whether a child is on track in receiving the kind of education that is appropriate and earns the confidence of those children.

In closing, Mr. Speaker, I would like to thank one individual, Kevin Lundberg, who lived in Berthoud, Colorado. He is the one who first suggested this idea to me, and it was modeled after a similar resolution that was passed in the Colorado State General Assembly. Mr. Lundberg played the primary role in helping to draft this legislation and pointing out many of the accomplishments of home school students.

I would like to suggest that those 1.7 million Americans who are home educated today join a pretty impressive list of home educated Americans. Let me read that list. Some have been mentioned earlier: George Washington, Patrick Henry, John Quincy Adams, John Marshall, Robert E. Lee, Booker T. Washington, Thomas Edison, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, Mark Twain, William Carey, Phyllis Wheatley, Andrew Carnegie, and many, many more who were educated at home.

Once again, home education week is celebrated next week starting October 1. It is a celebration that is well deserved and one that the entire country should participate in. I am grateful, Mr. Speaker, that those who are here on the floor tonight, and others who have supported this resolution through cosponsorship and other kind words that have been added into the record, have also added to the celebration and shown their support and confidence in the revolution that is taking place, the leadership that is taking place in education through home educators, the students, and all those who are involved in the movement.

Mr. PAUL. Mr. Speaker, I am pleased to support H. Res. 578, which celebrates the accomplishments of parents across the nation who have chosen to educate their children at home by designating the first week of October as ''National Home Schooling Week.'' While serving in Congress, I have had the opportunity to get to know many of the home-schooling parents in my district. I am very impressed by the job these parents are doing in

providing their children with a quality education. I have also found that home schooling parents are among the most committed activists in the cause of advancing individual liberty, constitutional government, and traditional values. I am sure my colleagues on the Education Committee would agree that the support of home schoolers was crucial in defeating the scheme to implement a national student test.

Home schooling is becoming a popular option for parents across the country. In Texas alone, there are approximately 75,000 home schooling families educating an average of three children per household. Home schooling is producing some outstanding results. For example, according to a 1997 study the average home schooled student scores near the 19th percentile on standardized academic achievement tests in reading, mathematics, social studies, and science. Further proof of the success of home schooling is the fact that in recent years, self-identified home schoolers have scored well above the national average on both the Scholastic Aptitude Test (SAT) and the American College Test (ACT). All home schooled children, regardless of race, income-level, or gender achieve these high scores.

Contrary to media-generated stereotypes portraying home schooled children as isolated from their peers, home schooled children participate in a wide variety of social, athletic, and extra-curricular activities. Home schooling parents have formed numerous organizations designed to provide their children ample opportunity to interact with other children. In fact, recent data indicates that almost 50 percent of home schooled children engage in extra-curricular activities such as group sports and music classes, while a third of home schooled children perform volunteer work in their communities.

Mr. Speaker, to be a home schooling parent takes a unique dedication to family and education. In many cases, home school families must forgo the second income of one parent, as well as incurring the costs of paying for textbooks, computers, and other school supplies. Home schooling parents must pay these expenses while, like All-American families, struggling to pay state, local, and federal taxes.

In order to help home schoolers, and all parents, devote more of their resources to their children's education, I have introduced the Family Education Freedom Act (H.R. 935). This bill provides all parents a $3,000 per child tax credit for K–12 education expenses. This bill will help home school parents to provide their children a first-class education in a loving home environment.

The Family Education Freedom Act will also benefit those parents who choose to send their children to public or private schools. Parents who choose to send their children to private school may use their tax credit to help cover the cost of tuition. Parents who choose to send their children to public schools may use their tax credit to help finance the purchase of educational tools such as computers or extracurricular activities like music programs. Parents may also use the credit to pay for tutoring and other special services for their children.

Mr. Speaker, the best way to improve education is to return control over education resources to the people who best know their children's unique needs: those children's parents. Congress should empower all parents, whether they choose to home school or send their child to a public or private school, with the means to control their child's education. That is why I believe the most important education bill introduced in this Congress is the Family Education Freedom Act.

In conclusion, I once again wish to express my strong support for H. Res. 578 and urge all my colleagues to support this resolution and acknowledge the accomplishments of those parents who have avoided the problems associated with an education controlled by federal ''educrats'' by choosing to educate their children at home. I also urge my colleagues to help home schoolers, and all parents, ensure their children get a quality education by cosponsoring the Family Education Freedom Act.

□ 2230

Mr. SCHAFFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Colorado (Mr. SCHAFFER) that the House suspend the rules and agree to the resolution, House Resolution 578.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4259) to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

The Clerk read as follows:

H.R. 4259

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 ''National Museum of the American Indian Commemorative Coin Act of 2000'', or the ''American Buffalo Coin Commemorative Coin Act of 2000''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Smithsonian Institution was established in 1846, with funds bequeathed to the United States by James Smithson for the ''increase and diffusion of knowledge''.

(2) Once established, the Smithsonian Institution became an important part of the process of developing the United States national identity, an ongoing role which continues today.

(3) The Smithsonian Institution, which is now the world's largest museum complex, including 16 museums, 4 research centers, and the National Zoo, is visited by millions of Americans and people from all over the world each year.

(4) The National Museum of the American Indian of the Smithsonian Institution (hereafter referred to in this section as the ''NMAI'') was established by an Act of Congress in 1989, in Public Law 101–185.

(5) The purpose of the NMAI, as established by Congress, is to—

(A) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(B) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest; and

(C) provide for Native American research and study programs.

(6) The NMAI works in cooperation with Native Americans and oversees a collection that spans more than 10,000 years of American history.

(7) It is fitting that the NMAI will be located in a place of honor near the United States Capitol, and on the National Mall.

(8) Thousands of Americans, including many American Indians, came from all over the Nation to witness the ground-breaking ceremony for the NMAI on September 28, 1999.

(9) The NMAI is scheduled to open in the summer of 2002.

(10) The original 5-cent buffalo nickel, as designed by James Earle Fraser and minted from 1913 through 1938, which portrays a profile representation of a Native American on the obverse side and a representation of an American buffalo on the reverse side, is a distinctive and appropriate model for a coin to commemorate the NMAI.

(11) The surcharge proceeds from the sale of a commemorative coin, which would have no net cost to the taxpayers, would raise valuable funding for the opening of the NMAI and help to supplement the endowment and educational outreach funds of the NMAI.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of the opening of the Museum of the American Indian of the Smithsonian Institution, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the $1 coins minted under this Act shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 through 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side, a representation of an American buffalo (also known as a bison).

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2001''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that the United States Mint facility in Denver, Colorado should strike the coins authorized by this Act, unless the Secretary determines that such action would be technically or cost-prohibitive.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning on January 1, 2001.

(d) TERMINATION OF MINTING.—No coins may be minted under this Act after December 31, 2001.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge required by subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the National Museum of the American Indian of the Smithsonian Institution for the purposes of—

(1) commemorating the opening of the National Museum of the American Indian; and

(2) supplementing the endowment and educational outreach funds of the Museum of the American Indian.

(b) AUDITS.—The National Museum of the American Indian shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the museum under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4259.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the coin authorized by this act will commemorate the opening of a museum that is long overdue, the Smithsonian's new National Museum of the American Indian, under construction just a few blocks away, between the Air and Space Museum and the Capitol Building.

The museum will hold as remarkable a collection of items from this country's and this hemisphere's past as exists. It will be the last museum the Smithsonian, the world's largest museum complex, will build on the National Mall and the third physical installation of a truly stunning personal collection of Native American artifacts now donated to the Smithsonian.

The five floors of the museum will be the storehouse of a vast collection of Native American artifacts, items from Canada and Central and South America, as well as the United States, many of which were collected by a New York tycoon named George Gustav Heye.

Mr. Heye, in nearly half a century of voracious collecting ending with his death in 1957, amassed nearly 800,000 individual Native American items and another 86,000 photographic images.

The items span nearly 10,000 years. Mr. Speaker, the museum was established by an act of Congress in 1989 with the goal of advancing the study of Native Americans, including language, literature, history, art, anthropology and life and of collecting, preserving and exhibiting Native American objects of artistic, historic, literary, anthropological and scientific interests. Ground for the museum was broken a year ago, and the building is scheduled to open 2 years from now. The $110 million museum on 4 acres will be faced with Kasota limestone from Minnesota, applied to evoke cliffs, and will include a large copper dome designed to capture the light of the winter and the summer solstices.

While the Congress appropriated two-thirds of the costs for the museum and while the museum has received major grants to cover construction, Native Americans are also contributing to its financing.

Gannett News reported in March that a Native American woman who ran a fried bread stand sent a few dollars, and 400 students at the Native American Magnet School in Buffalo, New York, ran a can-collecting drive and sent in several hundred dollars.

The museum already has two locations, the George Gustav Heye Center in lower Manhattan opened in 1994, exhibiting a number of items from Mr. Heye's collection and a large cultural resources center in Suitland, Maryland, opened 2 years ago.

In the latter, in addition to a library and conservation center, the collection can be stored, studied and used by Native American scholars.

Mr. Speaker, it is anticipated that this new National Museum of the American Indian will draw 5 million to 7 million visitors a year. The coin authorized in this legislation will be magnificent, a silver representation of one of the most-collected and best-loved coins in American history.

The design is a replica of the so-called buffalo nickel. Collectors tell me that the design, depicting on its face an Indian Head and on its reverse the West's greatest beast, is so treasured that this commemorative coin is likely to be extremely popular with the numismatic community as well as with that part of the American public interested in American history.

Mr. Speaker, the legislation which authorizes the minting of up to 500,000 1-dollar silver coins, was introduced by the gentleman from Oklahoma (Mr. LUCAS), whose leadership on cultural issues of this nature is so impressive.

In the Senate, similar legislation was introduced by BEN NIGHTHORSE CAMPBELL; and it is important to note that Senator CAMPBELL, among his many other talents, is a well-known silversmith and his fine artistic eye has identified the buffalo nickel designed as an appropriate one to be struck this time in silver in contrast with the bass metal of the original coin.

Mr. Speaker, the original buffalo nickel was struck from 1913 to 1938 and is the third of the four designs the mint used to make nickels in the history of this country. Impetus for the coin grew out of Theodore Roosevelt's observations that the country's coinage had hither to be less than heroic and not even very good art, and a conversation he had over dinner in 1905 with the noted sculptor Augustus Saint-Gaudens.

In fact, though Roosevelt had left office by the time the design was chosen, Treasury Secretary Franklin MacVeagh, a Roosevelt appointee, pursued the effort vigorously and in 1911 chose a former Saint-Gaudens assistant, James Earle Fraser, to design the new nickel. Fraser is probably best known for his large End of the Trail sculpture of Native Americans, but also sculpted some figures for the United States Supreme Court building.

Until that point, Native Americans portrayed on U.S. coinage had primarily been engraved from Caucasian models wearing headdresses but letters Fraser wrote in 1931 indicated he used Native Americans as models.

The model for the bison, or buffalo, is the notorious black diamond, a somewhat cantankerous inhabitant of a New York City zoo, whose coat was unusually dark, even for a buffalo, and who weighed more than 1,500 pounds in his prime.

Roughly 1.2 billion buffalo nickels were struck at three United States Mints during the life of the coin, a reflection of the size of the country and the economy at that point. By comparison, more than 1.2 billion copies are struck of each State coin in the 50 State Quarter program enacted by Congress last year.

Mr. Speaker, there will be no net costs to the taxpayer from this legislation. All production and design costs will be covered before any surcharges are paid out. Surcharges from the coin's sale will then go to supplement the museum's endowment and educational outreach programs.

Mr. Speaker, I urge support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I rise in support of H.R. 4259, the National Museum of the American Indian Commemorative Coin Act of 2000 or, alternatively, according to the bill, the American Buffalo Coin Commemorative Coin Act of 2000.

Mr. Speaker, I have a rather lengthy statement that I will just put in the RECORD, because the gentleman from Iowa (Mr. LEACH), our distinguished chairman, has just given an outstanding presentation of the history of the bill and the history of some of the efforts to develop the National Museum of the American Indian.

I would just point out a number of things. First of all, I am proud to be here as a Representative of the 29th District of New York, but that also includes the city of Buffalo, New York, and Niagara Falls, New York. And these people could argue about how Buffalo got its name, but a good many individuals think it is because of the tremendous number of buffalo that existed. And we refer in the bill, too, to buffalo, the American buffalo also known as bisons, and that is right on page 5 of the bill. And it makes me think of my baseball team, the Buffalo Bisons.

Why am I going into this local history? Well, I will make the connection pretty soon. I also represent Niagara Falls, New York. Now, Niagara Falls, New York's ownership is in dispute; a lot of the people who live there right now think they own the land, but some of the people who used to live there, i.e., Indians, think they own that land, and it is in litigation right now.

It is in Federal court; it is an Indian land claim. We also have within the city of Niagara Falls one of the wonders of the world. It is called Niagara Falls. It attracts more tourists than any national park in the entire United States, about twice as many as any other national park.

We also have a huge, wonderful building that looks like a turtle, because it was built to be a turtle, exclusively with Federal dollars. Way back in the 1970s, $5 million was appropriated to the Tuscarora to build a building called the Turtle to house Indian artifacts, to house all of those things pertaining to the history of Indians.

Now, why am I bringing this out? Well, that building happens to be abandoned right now and ownership has reverted, but this bill is important, not only because it would provide monies for the National Museum of the American Indian, in Washington, DC., where we get so many visitors per year, but also on page 7, this is why I was pleased to be a cosponsor of it, the money shall be used not simply to commemorate the opening of the National Museum of the American Indian, but also to supplement the endowment on educational outreach funds of the Museum of the American Indian under the auspices of the SMITHsonian.

Mr. Speaker, we have close to 300 million people in the United States right now and not all of them can come to Washington, DC; they live throughout the entire United States of America. I believe we get more tourists coming to Niagara Falls, New York, than most any place I am aware of, more than any other national park. How wonderful it would be if part of the outreach efforts of the Museum of the American Indian, how wonderful it would be if an affiliate of the Smithsonian could be at the Turtle within Niagara Falls, New York, part of the Buffalo-Niagara Falls region so that the American Buffalo coin bill could be used to reach out to Americans, to help enhance their knowledge of the history of the Indian in the United States of America where tourists come. That is where we should have our facilities also.

We get more tourists in Niagara Falls than anyplace else.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, let me say to the gentleman from New York (Mr. LAFALCE) that pork sometimes gives this Congress a bad name, but turtles never. But on a more serious note, this coin does have implications for outreach education. More profoundly, the duty of the Smithsonian is to reach out to all sectors of America, and this wondrous collection of artifacts is so large that it would be very thoughtful if some of it could be shared in more distant parts of the country.

I think that the gentleman has pointed out one very appropriate place that hopefully some of this could be shared, both in terms of education, as well as in broader cultural ways as well.

Certainly, from my perspective, what the gentleman is describing is a very common sense, thoughtful initiative.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services, for that clear-cut articulation of legislative intent.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LUCAS), the principal sponsor of this piece of legislation, someone who has worked harder on it than anyone in the Congress and to whom I, as chairman of the Committee on Banking and Financial Services, must say I am exceptionally grateful.

Mr. LUCAS of Oklahoma. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4259, the National Museum of the American Indian Commemorative Coin Act of 2000, partly because I introduced the bill earlier this year and partly because, as my colleagues have just alluded to, it is a good piece of legislation.

I want to begin by thanking my colleagues on both sides of the aisle, nearly 300 in total, who enabled H.R. 4259 to move forward by becoming cosponsors.

□ 2245

I appreciate all of the help that they have provided by signing on to this important piece of legislation. Without their help, this would not be here today. We would not be here today debating this bill.

Mr. Speaker, the museum of the American Indian, of the Smithsonian Institute was established by an Act of Congress in 1989 to serve as a permanent repository of Native American culture. With our 39 recognized tribes, my home State of Oklahoma has a strong and rich heritage in our country's Native American history and culture. In fact, the name ''Oklahoma'' means ''Land of the Red People'' in the Choctaw language.

My State has many wonderful and respected facilities that are dedicated to preserving our country's Native American culture. We appreciate that a museum is being built in our Nation's capital that will supplement all of the diligent efforts of those in Oklahoma.

As a part of the highly respected Smithsonian Institute, which is now one of the world's largest museum complexes, the National Museum of the American Indian will collect, preserve, and exhibit Native American objects of artistic, historical, cultural, literary and scientific interest. It will provide for the Native American research and study programs.

Mr. Speaker, I introduced H.R. 4259 in an effort to commemorate the opening of this historic museum. It calls for the minting in the year 2001 of a special silver dollar coin, which collectors

would probably refer to as a standard silver dollar, modeled after the old buffalo nickel which was designed by James Earle Fraser and minted from 1913 through 1938.

The proceeds of the sale of this coin will go towards funding the opening of the museum and will supplement the museums endowment and educational outreach funds. Because the mint will be reimbursed the cost of minting the coin before the funds are given to the museum, this bill will have no net cost to the American taxpayer.

Mr. Speaker, I am pleased that H.R. 4259 has reached the floor today. Again, I would like to thank my colleagues that have already shown their support for H.R. 4259, and I urge the remainder of my colleagues to support this bill as well.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to thank, again, the gentleman from Oklahoma (Mr. LUCAS) for his leadership on this issue.

Mr. LaFALCE. Mr. Speaker, will the gentleman yield for a question, please?

Mr. LEACH. Yes, of course I yield to the gentleman from New York.

Mr. LAFALCE. Mr. Speaker, the gentleman from Iowa (Mr. LEACH) made reference, I believe, to President Theodore Roosevelt, correct?

Mr. LEACH. Mr. Speaker, I certainly did.

Mr. LAFALCE. Mr. Speaker, I think the gentleman from Iowa said he was the one who thought that the design of the buffalo should be on that the nickel; is that correct?

Mr. LEACH. He is the one who inspired the design, yes, Mr. Speaker.

Mr. LAFALCE. Mr. Speaker, I point out to the gentleman from Iowa that President Theodore Roosevelt was sworn into office as President of the United States in Buffalo, New York.

Mr. LEACH. That is newsworthy and an anecdote I did not know.

If the gentleman from New York could help me, what political party was Mr. Roosevelt associated with?

Mr. LAFALCE. The progressive party as I recall, Mr. Speaker.

Mr. LEACH. Yes, of course. We are certainly in line that the President was a great American.

Mr. SCHAFFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 4259.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

UNITED STATES MINT NUMISMATIC COIN CLARIFICATION ACT OF 2000

Mr. LUCAS of Oklahoma. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5273) to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

The Clerk read as follows:

H.R. 5273

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 ''United States Mint Numismatic Coin Clarification Act of 2000''.

SEC. 2. CLARIFICATION OF MINT'S AUTHORITY.

(a) SILVER PROOF COINS.—Section 5132(a)(2)(B)(i) of title 31, United States Code, is amended by striking ''paragraphs (1)'' and inserting ''paragraphs (2)''.

(b) PLATINUM COINS.—Section 5112(k) of title 31, United States Code, is amended by striking ''bullion'' and inserting ''platinum bullion coins''.

SEC. 3. ADDITIONAL REPORT REQUIREMENT.

Section 5134(e)(2) of title 31, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''reflect'' and inserting ''contain'';

(2) by striking ''and'' at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(E) a supplemental schedule detailing—

''(i) the costs and expenses for the production, for the marketing, and for the distribution of each denomination of circulating coins produced by the Mint during the fiscal year and the per-unit cost of producing, of marketing, and of distributing each denomination of such coins; and

''(ii) the gross revenue derived from the sales of each such denomination of coins.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

GENERAL LEAVE

Mr. LUCAS of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5273.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House today, introduced by and at the request of the Treasury Department, is a simple technical corrections bill and does just three things. Most importantly, the mint has sought language that would excuse it from the law that requires it to make a silver proof version of the new golden $1 coin. It is obvious that this makes no sense at all to make a silver version of a coin that is gold in color. But language left over from the time when the silver-colored Susan B. Anthony dollar coins were made would require the all-silver proof version.

Not having this clarification has held up the mint's production of proof sets for collectors, and it is illegal to produce coins in a year other than in which they are issued. Failure to pass this bill would result either in a nonsensical proof set or no proof set for collectors at all this year.

Also contained in the bill is a clarifying section inserting the word ''platinum'' inadvertently dropped when Congress authorized production of platinum and platinum bullion coins a few years ago and a section calling for increased reporting requirements for the mint's cost of producing, distributing, and marketing circulating coins.

This is a small bill, but important to the mint and important to coin collectors. It has no cost implications whatsoever. I urge its immediate passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I rise in support of the United States Mint Numismatic Coin Clarification Act of 2000. The Act operates to introduce a ''technical correction'' into the language of the Dollar Coin Act of 1997. The Act that we consider today, will permit us to achieve the purposes of the Dollar Coin Act by removing the requirement that newly minted dollar coins be composed of 90% silver and 10% copper. Instead, the silver/copper content requirement will apply only to half-dollar, quarter-dollar and dime coins. A dollar coin, minted in gold coloring with manganese-brass content will be included with the proof sets.

The Act also grants the Secretary of the Treasury the discretionary authority that he or she may exercise from time to time to mint and issue platinum bullion coins.

In addition, Mr. Speaker, the United States Mint Numismatic Coin Clarification Act of 2000, instructs the Secretary of the Treasury to provide periodic reports to Congress that will set forth the general and per-unit costs of production, marketing, and distribution of each denomination of circulating coins.

I would add for the record that the maximum mintage of 1 million (1,000,000) silver proof sets contemplated by the Act is eagerly anticipated by the numismatic community and will be produced at the U.S. Mint in San Francisco.

Due to the need for the correction in the legislative language that would be enacted by passage of the United States Mint Numismatic Coin Clarification Act of 2000, I urge my colleagues to support this measure as well.

Mr. BACHUS. Mr. Speaker, the bill before the House today, introduced by request of the Treasury Department, is a simple technical corrections bill, and does just three things.

Most importantly, the Mint has sought language that would excuse it from law that requires it to make a silver ''proof'' version of the

new golden one-dollar coin. It's obvious that it makes no sense at all to make a silver version of a coin that is golden in color, but language left over from the time when silver-colored Susan B. Anthony dollar coins were being made would require the all-silver ''proof'' version. Not having this clarification has held up the Mint's production of ''proof'' sets for collectors, and as it is illegal to produce coins in a year other than the one in which they are issued, failure to pass this bill would either result in a nonsensical ''proof'' set or no ''proof'' set for collectors at all this year.

Also contained in the bill is a clarifying section inserting the work ''platinum,'' inadvertently dropped when Congress authorized the production of platinum and platinum bullion coins a few years ago, and a section calling for some increased reporting requirements on the Mint's costs of producing, distributing and marketing circulating coins.

This is a small bill, but important to the Mint and important to coin collectors. it has no cost implications whatsoever. I urge its immediate passage.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the bill, H.R. 5273.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

(Mr. NETHERCUTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

(Mr. THUNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

(Mr. EHRLICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for half the time until midnight as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I am pleased to come before the House of Representatives on another Tuesday night to talk about one of the most serious problems facing our Nation and the American people and the United States Congress; and that is the problem of illegal narcotics and drug abuse.

I have taken probably more than 40 occasions, usually on a Tuesday, or at least once a week in the past year and a half plus to come before the House and talk about what I consider the most important social problem is facing our Nation. There is nothing bar an attack from a foreign enemy that could do more destruction or impose more tragedy upon this Nation than that problem of illegal narcotics.

I took the responsibility of chairing the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the House of Representatives under the Committee on Government Reform and Oversight some 18 months ago; and I took that responsibility very seriously.

I wish I could come before my colleagues tonight and say that we have solved this problem. I cannot as a parent tell my colleagues that we have solved this problem. I cannot as a Member of Congress tell my colleagues that we have solved this problem. I cannot tell my colleagues as the chair of this subcommittee that we have solved this problem. In fact, sometimes I think we make a step forward, and I think that we take a couple steps backwards.

The news, unfortunately, has been even more grim recently, and part of this, I think, is a lack of national leadership and national focus. Let us face it, the Clinton-Gore administration has not been interested in addressing the problem of illegal narcotics. It has not been one of their primary concerns.

In fact, the President of the United States, our leader, our Chief Executive only mentioned up until the passage of several months ago of the Colombia package, the war on drugs some eight times in 7 years. So it has not been in the vocabulary or part of the agenda of this administration.

I do not mean that as a partisan statement. It is a matter of fact. This administration came in with a different agenda, with a different approach. Now, some 7 plus years later, we see the results. This President has been looking for a legacy and this Vice President, his companion, have a legacy. That legacy is not printed by the media. The media will not print this story. But every family in America knows about this story.

There is almost not a family in this Nation today untouched by the ravages of illegal narcotics. Just ask one's son, one's daughter, just ask a young child, and they will tell one about drugs in their school, drugs on their street, drugs in the community. Just pick up any newspaper.

We have conducted dozens of hearings throughout the United States, field hearings and here in Washington; and countless law enforcement officials came in and told us that more than half the crimes, in my area 60, 70 percent of the crimes in my area, are related to illegal narcotics.

I held up some 2 years ago in 1998 this headline from Central Florida. And I come from one of the most beautiful areas of our Nation, a Nation that is very vast, a Nation that has a lot of diversity. I come from a district that is truly one of the blessed in the Nation with high employment, one of the highest educated populations, highest per capita income, all the things that any Member of this Congress would like.

This was the headline 2 years ago in my district: ''Drug deaths top homicides.'' Drug deaths exceeded homicides in my district some 2 years ago. I was appalled by this. That was one of the reasons why I took on the assignment to chair the subcommittee that deals with our national drug policy.

I wished I could tell my colleagues that this headline was limited to Central Florida; but, Mr. Speaker, this headline has now spread across the Nation.

Last week I made an announcement, and the press did not pay any attention to it because they do not like to cover this story. They do not want to print anything that would reflect in any way badly on this administration.

□ 2300

But this is the legacy of the Clinton-Gore administration when it comes to the biggest social problem, the biggest problem that is imposing death, destruction, tragedy, sadness beyond belief to American families, and that is the problem of substance abuse and drug abuse.

For the first time in the history of our Nation, drug-induced deaths reached 16,926. And that is significant because in 1998, the last figure that we have for drug-induced deaths, murders were below that figure.

I will never forget what a parent who told me about this headline when we held a hearing in Orlando several years ago. After the hearing, and seeing this headline, a parent said, when I said drug deaths top homicides, I read that, he came up to me afterwards and he said, ''Mr. Mica, my son died from a drug overdose, and drug deaths are homicides.''

In fact, what is absolutely appalling, and the media will not talk about it, is the murders that we see here, some 16,914. Well, they are actually decreasing, and there are reasons for that: zero tolerance enforcement. Rudy Giuliani's program alone in New York has reduced the number of deaths by murder in his area from some 2,600, or 1,400 less deaths per year on average. And that is with Rudy Giuliani as mayor with a zero tolerance.

But these deaths here, these murders, half of these are drug related. And if we added this up, we would have an absolutely astounding figure. And this does not mention another up to 52,000, according to the head of our Office of National Drug Control Policy. And our drug czar, Barry McCaffrey, has testified before us that in fact there are some 52,000. If we took all of the deaths that are related, the deaths they do not want to talk about, the deaths where they parade all the horribles about weapons, for example, the biggest threat as far as weapons in our Nation to our young people in fact are illegal narcotics.

Take the 6-year-old killing a 6-year-old. That child came from a drug-infested environment. We had another single digit 6- or 7-year-old who went in with a gun, and everyone was appalled by the story that he had his classmates, and I think the teacher, on the floor. This individual that did that, when he was interviewed later, said he wanted to be with his mother, and his mother was in jail on a drug charge.

Our Nation, our families have been devastated by illegal narcotics. And for the first time in the history of our country, in the history of statistic gathering, we have drug-induced deaths exceeding murder in the United States. And here is the chart that we can see from the beginning of this administration, the Clinton-Gore administration. And this is, fortunately, the legacy that will be printed in the statistical books.

People will look at the Clinton-Gore administration; and, of course, they will remember the scandals. And my goodness, we could spend the rest of the night talking about the scandals of this administration, but this is the scandal of death and destruction. And this is repeated year after year, from 11,000 to 13,000, to 14,000, to 15,000 and topping off at just about 17,000 drug-induced deaths.

And how did we get that way? Well, the first thing is we do not have that as part of our agenda. The first thing the administration did was to employ in the White House people that could not even pass a drug test. I remember sitting in hearings, having the Secret Service people testify before our investigative hearings, that they could not institute proper checks of security of people who were going in the White House at high positions because so many of them had failed drug tests.

So when we have drug users setting drug policy, then we end up with a result like this that the press does not want to talk about, the media does not want to talk about, and certainly those on the other side of the aisle do not want to talk about. Who would defend a record of death and destruction like this?

Then the administration hires as the chief health officer of the United States of America, who? Joycelyn Elders. The most infamous health officer. Our surgeon general who just said to our kids, ''Just say maybe.'' Just saying to our kids ''just say maybe'' has results.

Now, of course a lot of people snicker about marijuana use. And the marijuana that we have on our streets is not the marijuana of the 1960s and 1970s. This stuff has high TCL, THL contents, and it does a great deal of damage that is done to the brain, that is done to the body, and we know that. This is not the same drug that used to be on the streets.

So here we have a series of drug policy setters who in the White House, we have a change in policy, dismantling what had formerly been a successful war on drugs. And do not tell me that the war on drugs cannot be a success. In fact, we can look at the success of the Bush-Reagan era, from 1985 to 1992, where drug use in this country was reduced by some 50 percent. This is what took place with the policy of ''just say maybe,'' or ''If I had it to do over again I would inhale.''

I am a parent. How do we tell our children not to use marijuana or some illegal drug when the highest elected official of the United States has said to our children, ''If I had it to do over again, I'd inhale.'' These kids are not dummies. And this is exactly what the kids did, they inhaled. And now we have up here some 47 percent of the students that have used marijuana. And this statistic has been repeated over and over. And not just with young people. Some 78 million Americans have used an illicit drug some time in their lifetime. This is according to the Department of Health and Human Services.

This is, again, a statistic that should make us be concerned, because we have somewhere in the neighborhood of 35 to 40 percent of our population already using drugs. We have a chief executive who employs people who use drugs in a policy position. We have a surgeon general who, as part of the Clinton-Gore legacy, said ''just say maybe.'' These are the results.

Now, some might snicker about marijuana. Again, we have a much more deadly drug on the streets now. We cannot snicker about the death and destruction. This is the headline from a recent newspaper, August 16, from the Washington Times: ''The Threat of Ecstasy Reaching Cocaine and Heroin Proportions.''

Some of the news that the drug czar recently gave to the country, along with Secretary of HHS, they took a small area of eighth grade use of marijuana and actually found some slight decline in eighth grade use of marijuana. With this they held a news conference and said, ''We are doing a great job; we are doing an incredible job.'' What they did not tell us is that these kids are shifting now from marijuana, which maybe can be snickered at, to Ecstasy, which basically destroys the brain. It induces a Parkinson's-like effect. It causes death and destruction.

We are seeing death by Ecstasy, death by cocaine, and death by heroin in incredible numbers; numbers that

we have never seen in the history of recording any of this from all of our statistical gatherers. In fact, drug use in the United States among our youth has skyrocketed. In addition to marijuana, which the study that I reported said increased from some 14 percent of the students who were surveyed that said that they currently use marijuana in 1991, before this administration came into office, that number steadily rose to 26.7 percent in 1999, almost doubling. Again, a startling statistic.

□ 2310

I want to go tonight beyond marijuana. I want to go to the inner-agency domestic heroin threat that was presented to me as chair of this subcommittee. This was produced by the National Drug Intelligence Center earlier this year. What it talked about is what is happening in the drug scene as they shift away from some of the soft drugs to the hard drugs.

The Drug Abuse Warning Network, also known as DAWN, received reports of 20,140 drug-induced deaths in the United States where heroin or related opiates were detected from 1994 to 1998. During the same time span, heroin overdose deaths increased some 25.7 percent.

Again a part of the Clinton-Gore legacy. You close down on the war on drugs, you cut the source country programs where you can cost effectively stop the production of illegal narcotics at their source.

You want to see an astounding figure? Talk about cocaine production. Where does cocaine and where does heroin come from? Tonight I am going to talk quite a bit about heroin.

In 1992, at the beginning of the Clinton-Gore administration, there was almost zero cocaine, zero heroin produced in Colombia. In 7 years, this administration, through some policy decisions that are as inept as anything that has ever been adopted by any administration, created a production facility of heroin and cocaine, coca and poppy, in Colombia.

This is the cocaine production of Colombia. In 1993, almost nothing produced, almost no cocaine produced. This is in metric tons, 65 metric tons. Under President Bush and under President Reagan, they cut drug use by some 50 percent from 1985 to 1992. They started an Andean strategy which stopped drugs at their source. It was cost effective. They engaged the military in surveillance, not in military actions against the drug traffickers but in sharing information which the Clinton administration as one of their first steps closed down.

This is what turned Colombia from a cocaine transit country where coca was coming from Peru and Bolivia into a cocaine production. Look at this production, and it is off the charts. It is swarming across the United States. It is in Europe like it has never been. And it is through policies by not providing information sharing, by stopping antinarcotic equipment getting to Colombia, in fact blocking it through policies of the United States.

This is cocaine production. Heroin production. There was almost no heroin. The only poppies you could see were grown for floral bouquets before the Clinton-Gore policy. Zero.

This is absolutely astounding that this administration, Clinton-Gore, could turn Colombia into the world supplier of heroin and poppy in 8 short years. And that is why this Congress had to pass a $1.3 billion spending bill to pull their cookies out of the gutter, so to speak, to bring this situation under control.

And this production of heroin and cocaine not only disrupted Colombia, which has had thousands of police, thousands of legislators, jurists, citizens slaughtered there, but it has helped finance that slaughter through both the right wing militias and the left wing FARC organizations who finances their activities and their war and their destruction and their total devastation of now a region.

It spilled over into the region which suddenly the President goes down for 6 or 7 hours and takes credit for solving the problem. He and his policies and the Clinton-Gore policies created this situation. And I learned in one hearing they diverted assets passed by this Congress to stop illegal narcotics trafficking production at their source. They diverted to Haiti I think some $40 million was some of the testimony in their failed Haitian nation building attempt, pouring money down a rat hole while illegal narcotics are being produced in this area.

And do not tell me that we cannot stop drugs at their source, because we can stop drugs at their source.

Here is the record of our spending programs, and we track this. I remember going down with former chair of the subcommittee. The gentleman from Illinois (Mr. HASTERT), who is now Speaker of the House, was chair of this subcommittee with this responsibility. He and Mr. Zeliff and myself helped start the programs in Peru and Bolivia.

If we look at coca cultivation in Peru and Bolivia, this chart here is Bolivia. Look at this, in 1995 a policy that we adopted, we got a few million dollars down there in alternative crop programs, in crop eradication of illegal narcotics crops.

Here is Peru. And look at what has happened here. This is Colombia. This is the administration's policy of stopping sharing information, stopping resources getting to Colombia. That is why we have had to spend billions of dollars now over a billion dollars to bring Colombia under control. But this shows you that you can stop the production of illegal narcotics in those source countries and you can do it very cost effectively.

Unfortunately again, with the Clinton-Gore administration, the news is bad. They do not want to talk about it. The deaths again have risen to a record level as a result of these polls.

This is the other chart that I continually bring out. And when I hear people say the war on drugs was a failure, yes, this is a failure in a reduction of long-term trends in lifetime prevalence of drug use. This is a failure. This is the 50 percent reduction under the Reagan and Bush administration. This was a war on drugs, a president like President Bush, who found a central American president, a leader dealing in drugs, his name was Noriega in 1989. And what did President Bush do? He did not wimp out. He sent our troops in and they captured Noriega and they tried him and he sits in prison because he was a drug dealer dealing in death and destruction that was coming into our shores.

This is the Clinton close-down-the-war-on-drugs success. You see this dramatic increase in every type of drugs, heroin, drugs that were not even on the chart, ecstasy, cocaine, methamphetamines.

And this is not something that I make up. This chart was presented by one of the administration's agencies. We look at crack and we look at methamphetamine State by State, 1992 presented by one of the administration offices and agencies. In 1992, almost no crack, very little. You see in a couple of areas. In 1993, the adoption of the Clinton-Gore policy of just say maybe to illegal narcotics. Look at the growth here of methamphetamines, of crack.

In 1994, their policy really kicks in. They had closed down the war on drugs. They slashed the interdiction programs. They took the Coast Guard out. They stopped information sharing. This is what you get from that policy.

Look at 1995. Look at 1996, 1997, 1998, 1999, the whole country. You can go anywhere in the United States of America, you can go to the West Coast in California where we held hearings and people are dying by the thousands. There they are abandoning their children on methamphetamines, again a great legacy of this administration. Just say maybe.

I heard Ralph Nader the other night. This guy is really out to lunch.

□ 2320

He is trying to tell the American people that this is just a health problem, that this can be treated. Ladies and gentlemen of the House, that is bull, because they tried just treating people, they tried a liberal policy. This is the result of a liberal policy.

This is Baltimore, a great legacy. It probably should rank up there with the Clinton-Gore administration. This is a policy of a mayor who came in for 2 terms. Schmoke was his name. He is out. Thank God that he is not in office. He left a legacy of death and destruction in Baltimore, a great historic city, wonderful people who live in Baltimore. They managed to have the population decline from nearly 1 million, it

is probably below the chart we see here. These are the figures that were given to me by DEA on the deaths in Baltimore, where they said, ''Just say maybe. Come and get your needles. Don't enforce the drug laws. Don't cooperate with the high intensity drug traffic areas. Do drugs, it won't hurt you. This is a health problem. We'll treat our way out of this.''

Look at the murders, steady every year in the 300 range. You have to remember, New York City with 20 times the population only had double the deaths under Rudy Giuliani who brought the deaths down from 2,000 to the mid 600 range with his policy of zero tolerance. With this policy of Just Say Maybe, Do It, death and destruction.

Do you have any idea of how many people are now addicts in Baltimore? We held a hearing in Baltimore. One of the council people we had their statement from the newspaper there, it was estimated that one in 10 are heroin or a drug addict in Baltimore. This is a legacy of a liberalized, legalized policy that failed. This councilwoman said that one in eight, her estimate is one in eight in the population of Baltimore is an addict. That is the result you get. Ralph Nader can go jump in the ocean. This does not work. Using this model, we would have in our Nation one-tenth of the population as drug addicts, and you cannot treat your way out of it. And treatment assumes something very insidious. Think of treatment, my colleagues. Treatment means that you are already addicted. I defy anyone to show me a public program that has a 60 to 70 percent success rate for treatment of addicted people.

There is nothing wrong with treatment. I support treatment. We will spend every penny we can on treatment. The Clinton-Gore strategy was just spend money on treatment. We went along with that and that is what we have done. Since 1992, this is the beginning of the Clinton-Gore administration, we spent money on treatment. Even the Republican Congress which sometimes takes a conservative approach has increased since 1995 26 percent in the drug treatment area. But you cannot fool yourself and say you can treat your way out of this problem.

What does work? I will tell you what does work. This is New York City. Look at Baltimore. We put on this chart the murder rate. Baltimore and New York City. In 1993 with Rudy Giuliani, this again was New York City. This is Baltimore. Baltimore stays the same. A zero tolerance policy. Rudy Giuliani's zero tolerance policy was so successful that it has actually impacted the national murder figures. He has been so successful in New York City with the way he has approached this, not only in his successful treatment programs which we have gone up to look at which are outstanding, far better than anything in the country but not only have they tackled murders in an unbelievable number, look at the seven major felony categories. If you feel like you are trapped in your home, fellow Americans and my colleagues, behind bars because of crime, just look at a zero tolerance policy, from 429,000 in seven major felonies, they were murder, robbery, rape, first-degree felonious assault, burglary, grand larceny, grand larceny auto, look at the reduction, from 429,000 to 212.

They will tell you that Rudy Giuliani was brutal, that there were acts by the police department that were harsh and that they went after minorities and Rudy Giuliani was a bad guy. That is also bull. That ranks in the Ralph Nader category. This is a liberal twisting of the facts, in fact. Let me just cite what our subcommittee found. The New York City police department at the same time as this zero tolerance policy was instituted was one of the most restrained large police agencies in the Nation. For example, the number of fatal shootings by police officers in 1999, 11, was the lowest year for any year since 1993, the first year for which records were available, and far less than the 41 that took place, and they do not want to talk about this in the previous Democrat administrations, the 41 that took place in 1990. Moreover, the number of rounds intentionally fired by police declined by 50.6 percent since 1993 in New York City. And the number of intentional shootings by police dropped some 66 percent, while the number of police officers actually increased by about 38 percent, 37.9 percent. So Rudy Giuliani put in more police, and they had less incidence of firing.

What about complaints about officers? Specifically in 1993, there were 212 incidents involving officers in intentional shootings. In 1994 there were 167. In 1998 it was down to 111. In David Dinkins' last year in office in 1993, there were 7.4 shooting incidents per thousand officers. That ratio is now down in New York City under Giuliani to 2.8 shootings per thousand officers. The statistics go on to support my point.

THREATS TO OUR NATIONAL SOVEREIGNTY

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for the remaining time until midnight.

Mr. METCALF. Mr. Speaker, I yield to the gentleman from Florida.

ILLICIT DRUGS

Mr. MICA. Mr. Speaker, I thank the gentleman very much for yielding.

Again, I just want to conclude by saying that we cannot forget the legacy, the true legacy of this administration. It is a sad legacy. This is not a partisan statement. I feel I would be here regardless of what party was in power making this speech because this is one of the most important challenges facing this Nation. Some serious mistakes have been made. We have repeatedly asked the administration not to take the course they have taken relating to the national drug policy. We have seen a failure that has resulted in death and destruction across our Nation. We are going to have to pick this up, whoever the next leader of our country is, whoever the next leaders in Congress are. But certainly we should learn by these mistakes.

These are not fudged figures. In fact almost all of these charts and information have been given to me by the administration.

□ 2330

But unless we address this in a serious fashion, unless we learn by these mistakes, unless we try to bring the most serious social problem our Nation has ever faced under control, we will continue to see death and destruction, there will be no family spared in America. The pain will not be just in quiet deaths across this Nation, but it will be in tragedies of lives destroyed by illegal narcotics and drugs.

So I hope to work with the next administration. I hope to work with the leaders of the next Congress. We may have one more shot at a special order to bring this to the attention of the Nation and the Congress and I am hopeful even in these last few days that will make a difference, that we will not repeat the mistakes and we can do a better job. There are so many people counting on us, especially people whose lives have been ravaged by illegal narcotics.

Mr. Speaker, I am so pleased to thank the gentleman from Washington (Mr. METCALF) for yielding me the time and also for the patience of the staff who have worked with me during these many special orders to bring the subject I hold near and dear to my heart, illegal narcotics, to the attention of the Congress and the American people.

Mr. METCALF. Mr. Speaker, I have spoken before on the absolute necessity of maintaining U.S. sovereignty in every area stated by our Constitution. We must be ever alert to threats to our sovereignty. That is our responsibility and it is the theme of my message tonight.

During 1969, C.P. Kindelberger wrote that, ''The nation-state is just about through as an economic unit.'' He added, ''The world is too small. Two-hundred thousand ton tank and ore carriers and airbuses and the like will not permit sovereign independence of the nation-state in economic affairs.''

Before that, Emile Durkheim stated, ''The corporations are to become the elementary division of the State, the fundamental political unit. They will efface the distinction between public and private, dissect the Democratic citizenry into discrete functional groupings which are no longer capable of joint political action.'' Durkheim went so far as to proclaim that through corporations' scientific rationality

''will achieve its rightful standing as the creator of collective reality.''

There is little question that part of these two statements are accurate. America has seen its national sovereignty slowly diffused over a growing number of international governing organizations, that is IGOs. The WTO, the World Trade Organization, is just the latest in a long line of such developments that began right after World War II. But as the protest in Seattle against the WTO ministerial meeting made clear, the democratic citizenry seems well prepared for joint political action.

Though it has been pointed out that many protesters did not know what the WTO was and much of the protest itself entirely missed the mark regarding WTO culpability in many areas proclaimed, yet this remains a question of education and it is the responsibility of the citizen's representatives, that is us, to begin this process of education.

We may not entirely agree with the former head of the Antitrust Commission Division of the U.S. Justice Department, Thurman Arnold, 1938 to 1943, when he stated that, ''The United States had developed two coordinating governing classes: The one called 'business,' building cities, manufacturing and distributing goods, and holding complete and autocratic power over the livelihood of millions; the other called 'government,' concerned with preaching and exemplification of spiritual ideals, so caught in a mass of theory, that when it wished to move in a practical world, it had to do so by means of a sub rosa political machine.''

But surely the advocate of corporate governance today, housed quietly and efficiently in the corridors of power at the WTO, the OECD, the IMF and the World Bank, clearly they believe.

Corporatism as ideology, and it is an ideology; as John Ralston Saul recently referred to it as, a hijacking of first our terms, such as individualism and then a hijacking of western civilization. The result being the portrait of a society addicted to ideologies. A civilization tightly held at this moment in the embrace of a dominant ideology: Corporatism.

As we find our citizenry affected by this ideology and its consequences, consumerism, the overall effects on the individual are passivity and conformity in those areas that matter, and nonconformity in those which do not.

We do know more than ever before just how we got here. The WTO is a creature of the General Agreement on Tariffs and Trade, GATT, which began in 1948 its quest for a global regime of economic interdependence. By 1972, some Members of Congress saw the handwriting on the wall and realized that it was a forgery.

Senator Long, while chairman of the Senate Finance Committee, made these comments to Dr. Henry Kissinger regarding the completion and prepared signing of the Kennedy Round of the GATT accords: ''If we trade away American jobs and farmers' incomes for some vague concept of a new international order, the American people will demand from their elected representatives a new order of their own which puts their jobs, their security, and their incomes above the priorities of those who dealt them a bad deal.''

But we know that few listened, and 20 years later the former chairman of the International Trade Commission argued that it was the Kennedy Round that began the slow decline in America's living standards. Citing statistics in his point regarding the loss of manufacturing jobs and the like, he concluded with what must be seen as a warning:

''The . . . Uruguay Round and the promise of the North American Trade Agreement all may mesmerize and motivate Washington policymakers, but in the American heartland those initiatives translate as further efforts to promote international order at the expense of existing American jobs.''

Mr. Speaker, we are still not listening very well. Certainly, the ideologists of corporatism cannot hear us. They in fact are pressing the same ideological stratagem in the journals that matter, like Foreign Affairs and the books coming out of the elite think tanks and nongovernmental organizations. One such author, Anne-Marie Slaughter, proclaimed her rather self-important opinion that state sovereignty was little more than a status symbol and something to be attained now through transgovernmental participation. That would be presumably achieved through the WTO, for instance? Not likely.

Steven Krasner in the volume, International Rules, goes into more detail by explaining global regimes as functioning attributes of world order: Environmental regimes, financial regimes, and, of course, trade regimes.

''In a world of sovereign states, the basic function of regimes is to coordinate state behavior to acquire desired outcomes in particular issue areas . . . If, as many have argued, there is a general movement toward a world of complex interdependence, then the number of areas in which regimes can matter is growing.''

But we are not here speaking of changes within an existing regime whereby elected representatives of free people make adjustments to new technologies, new ideas, and further the betterment of their people. The first duty of the elected representatives is to look out for their constituency. The WTO is not changes within the existing regime, but an entirely new regime. It has assumed an unprecedented degree of American sovereignty over the economic regime of the Nation and the world.

Then who are the sovereigns? Is it the people, the ''nation'' in nation-state? I do not believe so. I would argue who governs rules. Who rules is sovereign.

And the people of America and their elected representatives do not rule nor govern at WTO, but corporate diplomats. Who are these new sovereigns? Maybe we can get a clearer picture by looking at what the WTO is in place to accomplish.

□ 2340

I took an interest in an article in Foreign Affairs, a New Trade Order by Cowhey and Aronson. Foreign investment flows are only about 10 percent of the size of the world trade flows each year, but intrafirm statements, for example, sales by Ford Europe to Ford USA, now accounts for up to an astonishing 40 percent of all U.S. trade.

This complex interdependence we hear of every day inside the beltway is nothing short of miraculous according to the policymakers that are mesmerized by all this, but clearly the interdependence is less between people of the nation-states than people between the corporations of the corporate states.

Richard O'Brien in his book titled Global Financial Integration: The End of Geography states the case this way. The firm is far less wedded to the idea of geography. Ownership is more and more international and global, divorced from national definitions. If one marketplace can no longer provide a service or an attractive location to carry our transactions, then the firm will actively seek another home. At the level of the firm, therefore, there are plenty of choices of geography.

O'Brien seems unduly excited when he adds the glorious end-of-geography prospect for the close of this century is the emergence of a seamless global financial market.

Mr. Speaker, barriers will be gone, services will be global, the world economy will benefit and so, too, presumably the consumer. Presumably? Again, I think not.

Counter to this ideological slant, and it is ideological, O'Brien notes the fact that governments are the very embodiment of geography, representing the nation-state. The end of geography is, in many respects, all about the end or diminution of sovereignty.

In a rare find, a French author published a book titled The End of Democracy. Jean-Marie Guehenno has served in a number of posts for the French Government including their ambassador to the European Union. He suggests this period we live in is an Imperial Age. The imperial age is an age of diffuse and continuous violence. There will no longer be any territory to defend, but only order, operating methods, to protect. And this abstract security is infinitely more difficult to ensure than that of a world in which the geography commanded history. Neither rivers nor ocean protect the delegate mechanisms of the imperial age from a menace as multiform as the empire itself. The empire itself? Whose empire? In whose interests?

Political analyst Craig B. Hulet in his book titled Global Triage: Imperium in Imperio refers to this new global regime as imperium in imperio or

power within a power, a state within a state. His theory proposes that these new sovereigns are nothing short of this: they represent the power not of the natural persons which make up the nations' peoples, nor of their elected representatives, but the power of the legal, paper-person recognized in law. The corporations themselves are, then, the new sovereigns. And in their efforts to be treated in law as equals to the citizens of each separate state, they call this national treatment, they would travel the sea and wherever they land ashore they would be the citizens here and there. Not even the privateers of old would have dared impose this concept upon the nation-states.

Mr. Speaker, can we claim to know today what this rapid progress of global transformation will portend for democracy here at home? We understand the great benefits of past progress. We are not Luddites here. We know what refrigeration can do for a child in a poor country, what clean water means everywhere to everyone, what free communication has already achieved. But are we going to unwittingly sacrifice our sovereignty on the altar of this new God, progress? Is it progress if a cannibal uses a knife and fork?

Can we claim to know today what this rapid progress of global transformation will portend for national sovereignty here at home? We protect our way of life; our children's futures; our workers jobs; our security at home, by measures often not unlike our airports are protected from pistols on planes, but self-interested ideologies, private greed and private power? Bad ideas escape our mental detectors.

We seem to be radically short of leadership where this active participation in the process of diffusing America's power over to, and into, the private global monopoly, capitalist regime, today pursued without questioning its basis at all.

An empire represented not just by the WTO, but clearly this new regime is the core ideological success for corporatism.

The only step remaining, according to Harvard professor Paul Krugman, is the finalization of a completed multilateral agreement on investment which fails at the OECD. According to OECD, the agreement's actual success may come through, not a treaty this time, but arrangements within corporate governance itself, quietly being hashed out at the IMF and the World Bank as well as the OECD. In other words, just going around the normal way to accomplish things. We are not yet the united corporations of America, or are we?

The WTO needs to be scrutinized carefully, debated with hearings and public participation where possible. We can, of course, as author Christopher Lasch notes, peer inward at ourselves as well when he argued the history of the 20th century suggests that totalitarian regimes are highly unstable, evolving towards some type of bureaucracy that fits neither the classic fascist nor the socialist model. None of this means that the future will be safe for democracy, only that the threat to democracy comes less from totalitarian or collective movements abroad than from the erosion of its psychological cultural and spiritual foundations from within.

Mr. Speaker, are we not witness to, though, the growth of a global bureaucracy being created, not out of totalitarian or collectivist movements but from autocratic corporations which hold so many lives in their balance? And where shall we redress our grievances when the regime completes its global transformations? When the people of each nation and their state find that they can no longer identify their rulers, their true rulers.

When it is no longer their state which rules?

The most recent U.N. development report documents how globalization has increased in equality between and within nations while bringing them together as never before.

Some are referring to this globalization's dark side, like Jay Mazur recently in Foreign Affairs, and I am quoting him, ''a world in which the assets of the 200 richest people are greater than the combined income of the more than 2 billion people at the other end of the economic ladder should give everyone pause. Such islands of concentrated wealth in the sea of misery have historically been a prelude to upheaval. The vast majority of trade and investment takes place between industrial nations, dominated by global corporations that control a third of the world's exports. Of the 100 largest economies of the world, 51 are corporations.''

With further mergers and acquisitions in the future, with no end in sight, those of us that are awake must speak up now, or is it that we just cannot see at all: believing in our current speculative bubble, which nobody credible believes which can be sustained much longer, we miss the growing anger, fear and frustration of our people; believing in the myths of our policy priests pass on, we miss the dissatisfaction of our workers; believing in the god progress, we have lost our vision.

Another warning, this time from Ethan Kapstein in his article Workers and the World Economy of the Foreign Affairs Magazine, while the world stands at a critical time in post war history, it has a group of leaders who appear unwillingly, like their predecessors in the 1930s, to provide the international leadership to meet the economic dislocations.

□ 2350

Worse, many of them and their economic advisors do not seem to recognize the profound troubles affecting their societies. Like the German elite in Weimar, they dismiss mounting worker dissatisfaction, fringe political movements, and the plight of the unemployed and working poor as marginal concerns compared with the unquestioned importance of a sound currency and balanced budget. Leaders need to recognize their policy failures of the last 20 years and respond accordingly. If they do not respond, there are others waiting in the wings who will, perhaps on less pleasant terms.

We ought to be looking very closely at where the new sovereigns intend to take us. We need to discuss the end they have in sight. It is our responsibility and our duty.

Most everyone today agrees that socialism is not a threat. Many feel that communism, even in China, is not a threat. Indeed, there are few real security threats to America that could compare to even our recent past.

Be that as it may, when we speak of a global market economy, free enterprise, massage the terms to merge with managed competition and planning authorities, all the while suggesting we have met the hidden hand and it is good, we need also to recall what Adam Smith said, but which is rarely quoted:

''Masters are always and everywhere in a sort of tacit, but constant and uniform, combination, not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action and a sort of reproach to a master among his neighbors and equals. We seldom, indeed, hear of this combination because it is usual and, one may say, the natural state of things. . . . Masters, too, sometimes enter into particular combinations to sink wages of labor even below this rate. These are always conducted with the utmost silence and secrecy till the moment of execution. . . .''

Thus, now precisely whose responsibility is it to keep an eye on our masters? That is the question we need to think about.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAUL (at the request of Mr. ARMEY) for today and the balance of the week on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. LAFALCE) to revise and extend their remarks and include extraneous material:

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. LUCAS of Oklahoma) to revise and extend their remarks and include extraneous material:

Mr. THUNE, for 5 minutes, today and September 27.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today and September 27.

Mr. PORTER, for 5 minutes, October 2.

Mr. SHAYS, for 5 minutes, September 27.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 430. An act to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 27, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10288. A letter from the Under Secretary, Natural Resources and the Environment, Department of Agriculture, transmitting the Department's final rule—Urban and Community Forestry Assistance Program—received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10289. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—Reduction in Minimum TIER Requirements (RIN: 0572–AB51) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10290. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—General Policies, Types of Loans, Loan Requirements—Telecommunications Program (RIN: 0572–AB56) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10291. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mefenoxam; Pesticide Tolerances for Emergency Exemptions [OPP–301042; FRL–6741–1] (RIN: 2070–2078) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10292. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Yucca Extract; Exemption From the Requirement of a Tolerance [OPP–301067; FRL–6748–3] (RIN: 2070–AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10293. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Methacrylic Acid-Methyl Methacrylate-Polyethylen Glycol Methyl Ether Methacrylate Copolymer; and Maleic Anhydride-ox-Methylstyrene Copolymer Sodium Salt; Tolerance Exemption [OPP–301059; FRL–6745–2] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10294. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerance [OPP–301061; FRL–6746–5] (RIN: 2070–AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10295. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Halosulfuron-methyl; Pesticide Tolerance [OPP–301058; FRL–6746–2] (RIN: 2070–AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10296. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethametsulfuron-methyl; Pesticide Tolerances for Emergency Exemptions [OPP–301048; FRL–6744–1] (RIN: 2070–AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10297. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Air Armament Center is initiating a single-function cost comparison of the 46th Test Wing Aircraft Maintenance Backshop at Eglin Air Force Base (AFB), Florida, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

10298. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Market Rents for Fiscal Year 2001 [Docket No. FR–4589–N–02] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10299. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation—received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10300. A letter from the Director, Office of Civil Rights, Environmental Protection Agency, transmitting the Agency's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [AZ 063–0029a; FRL–6866–1] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10302. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service [Docket No. 95–18, FCC 00–23] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10303. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Bahrain for defense articles and services (Transmittal No. 00–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10304. A letter from the Director, Lieutenant General, USAF, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00–75), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10305. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

10306. A letter from the Director, Information Security Oversight Office, transmitting the Information Security Oversight Office's 1999 Report to the President; to the Committee on Government Reform.

10307. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Financial Responsibility Requirements for Licensed Reentry Activities [Docket No. FAA 1999–6265; Amendment No. 450–1] (RIN: 2120–AG76) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10308. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulations [Docket No. FAA–199–5535; Amdt. Nos. 400–1, 401–1, 404–1, 405–1, 406–1, 413–1, 415–1, 431–1, 433–1, 435–1] (RIN 2120–AG71) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10309. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Extension of Expiration Date for the Respiratory Body System Listings (RIN: 0960–AF42) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10310. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft bill to permit the Department of State to establish a new position of Under Secretary of State for Security, Law Enforcement and Counterterrorism

and to centralize authority and responsibility for these matters in that position; jointly to the Committees on International Relations and Government Reform.

10311. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification of the Nonproliferation and Disarmament Fund in accordance with Title II of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2000; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1795. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering, with amendments (Rept. 106–889). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4613. A bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; with an amendment (Rept. 106–890). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 1248. A bill to prevent violence against women; with an amendment (Rept. 106–891, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4835. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes (Rept. 106–895 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 5036. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park (Rept. 106–896). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4904. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, and for other purposes; with amendments (Rept. 106–897). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws (Rept. 106–898). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 426. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes (Rept. 106–899). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on Judiciary. H.R. 4640. A bill to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes; with an amendment (Rept. 106–900 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 594. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health (Rept. 106–901). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 595. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–902). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on Education and the Workforce and Commerce discharged. H.R. 1248 referred to the Committee on the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Armed Services discharged. H.R. 4640 referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 3414. A bill for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron (Rept. 106–892). Referred to the Private Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 3184. A bill for the relief of Zohreh Farhang Ghahfarokhi (Rept. 106–893). Referred to the Private Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 848. A bill for the relief of Sepandan Farnia and Farbod Farnia (Rept. 106–894). Referred to the Private Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1248. Referral to the Committees on Education and the Workforce and Commerce extended for a period ending not later than September 26, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 29, 2000.

H.R. 4640. Referral to the Committee on Armed Services extended for a period ending not later than September 26, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. DINGELL, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. OXLEY, Mr. UPTON, Mr. STEARNS, Mr. GILLMOR, Mr. GREENWOOD, Mr. BURR of North Carolina, Mr. NORWOOD, Mr. ROGAN, Mr. SHIMKUS, Mrs. WILSON, Mr. PICKERING, Mr. BRYANt, Mr. BLUNT, Mr. EHRLICH, Ms. MCCARTHY of Missouri, Mr. LUTHER, Mr. ALLEN, Mr. WEYGAND, Mr. WAXMAN, Mr. MARKEY, Mr. HALL of Texas, Mr. BOUCHER, Mr. TOWNS, Mr. PALLONE, Mr. GORDON, Ms. ESHOO, Mr. KLINK, Mr. STUPAK, Mr. ENGEL, Mr. WYNN, Mr. BARRETT of Wisconsin, and Mr. HOEFFEL):

H.R. 5291. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to make additional corrections and refinements in the Medicare, Medicaid, and State children's health insurance programs, as revised by the Balanced Budget Act of 1997; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 5292. A bill to increase State flexibility in funding child protection programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Texas:

H.R. 5293. A bill to amend the Immigration and Nationality Act to improve provisions relating to inadmissibility and detention of, and cancellation of removal for, aliens who have committed crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. DEAL of Georgia:

H.R. 5294. A bill to require the Federal Communications Commission to completely and accurately fulfill the support requirements for universal service for high cost areas, and for other purposes; to the Committee on Commerce.

By Mr. ENGLISH:

H.R. 5295. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 5296. A bill to amend title XVIII of the Social Security Act to revise and improve the Medicare Program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVERETT:

H.R. 5297. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the construction of reservoir structures for the storage of water in rural areas, and for other purposes; to the Committee on Agriculture.

By Mr. GALLEGLY:

H.R. 5298. A bill to amend title 18, United States Code, to create an offense of solicitation or recruitment of persons in criminal street gang activity; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 5299. A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT:

H.R. 5300. A bill to amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; to the Committee on Commerce.

By Mr. LEWIS of California:

H.R. 5301. A bill to authorize the Secretary of the Interior to carry out a land exchange involving lands in Inyo and San Bernardino Counties, California; to the Committee on Resources.

By Mr. MCDERMOTT (for himself, Mr. INSLEE, Mr. METCALF, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Mr. DICKS, Ms. DUNN, Mr. SMITH of Washington, Mr. MATSUI, Mrs. MINK of Hawaii, and Mr. WU):

H.R. 5302. A bill to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.R. 5303. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the Medicare home health benefit; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 5304. A bill to require the General Accounting Office to report on the impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself and Mr. BOEHLERT):

H.R. 5305. A bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. DELAY, Mr. PITTS, Mr. DOOLITTLE, Mr. SAM JOHNSON of Texas, Mr. HILLEARY, Mrs. MYRICK, Mr. TOOMEY, Mr. SMITH of New Jersey, Mr. LARGENT, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, Mr. KINGSTON, Mr. GOODE, Mr. JONES of North Carolina, Mr. SCHAFFER, Mr. SOUDER, Mr. DICKEY, Mr. COBURN, Mr. SANFORD, Mr. SHADEGG, Mr. DEMINT, Mr. RYAN of Wisconsin, and Mr. GARY MILLER of California):

H.R. 5306. A bill to prohibit the use of Federal funds to discriminate against the Boy Scouts of America on the basis of beliefs promoted by that organization or that organization's constitutionally protected expression of beliefs or exercise of associational rights, and for other purposes; to the Committee on the Judiciary.

By Mr. WALDEN of Oregon:

H.R. 5307. A bill to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; to the Committee on Resources.

By Mr. WATKINS:

H.R. 5308. A bill to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasawa and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida:

H.R. 5309. A bill to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office Building''; to the Committee on Government Reform.

By Ms. WOOLSEY:

H.R. 5310. A bill to authorize appropriations to promote innovation and technology transfer in wastewater discharge reduction and water conservation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER:

H. Con. Res. 409. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 1654; considered and agreed to.

By Mr. LANTOS (for himself, Mr. ROYCE, Mr. PAYNE, Mr. PORTER, Mr. PETERSON of Minnesota, Mr. MINGE, Mr. OBERSTAR, Mr. LUTHER, Mrs. MALONEY of New York, Ms. PELOSI, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mrs. MORELLA, Mr. RUSH, and Mr. GUTKNECHT):

H. Con. Res. 410. Concurrent resolution condemning the assassination of Father John Kaiser and others who worked to promote human rights and justice in the Republic of Kenya; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. BENTSEN.

H.R. 218: Mr. ROGAN and Mr. MALONEY of Connecticut.

H.R. 284: Mr. WOOLSEY, Mr. REYNOLDS, Mrs. CHRISTENSEN, Mrs. MALONEY of New York, and Mr. ANDREWS.

H.R. 534: Mr. MCKEON.

H.R. 583: Mr. SHIMKUS and Mr. SANDLIN.

H.R. 714: Ms. KILPATRICK and Mr. LANTOS.

H.R. 835: Mr. LEWIS of California.

H.R. 842: Mr. VISCLOSKY and Mr. LIPINSKI.

H.R. 860: Mr. MEEKS of New York and Ms. MCKINNEY.

H.R. 914: Mr. TURNER.

H.R. 919: Mr. OWENS, Mr. DELAHUNT, and Mr. MARKEY.

H.R. 961: Ms. DELAURO.

H.R. 1092: Mr. ARMEY.

H.R. 1194: Mr. SUNUNU.

H.R. 1621: Mr. COLLINS, Mr. TANNER, and Mr. BERRY.

H.R. 1671: Mr. NEAL of Massachusetts, Mr. DINGELL, and Mr. CLEMENT.

H.R. 1892: Mrs. THURMAN.

H.R. 2121: Mr. MATSUI, Mr. BRADY of Pennsylvania, Mr. SERRANO, Mr. TIERNEY, Mr. HILLIARD, Mr. JEFFERSON, and Ms. ESHOO.

H.R. 2344: Mr. SANDLIN.

H.R. 2402: Mr. HEFLEY and Mrs. KELLY.

H.R. 2624: Mr. UDALL of Colorado.

H.R. 2710: Mr. BORSKI and Mr. HYDE.

H.R. 2720: Mr. SHAW.

H.R. 2738: Ms. LEE and Mr. GREENWOOD.

H.R. 2814: Mr. UDALL of Colorado.

H.R. 2867: Mr. SCHAFFER and Mr. JONES of North Carolina.

H.R. 2945: Mr. KUCINICH.

H.R. 2953: Mr. KING.

H.R. 3003: Mr. SHIMKUS, Mrs. WILSON, and Mr. LOBIONDO.

H.R. 3008: Mr. KLINK.

H.R. 3065: Mrs. JONES of Ohio.

H.R. 3082: Mr. LEWIS of Georgia.

H.R. 3192: Mr. BILBRAY and Mr. FLETCHER.

H.R. 3214: Mr. PICKETT.

H.R. 3308: Mr. TIAHRT.

H.R. 3408: Mr. MCKEON.

H.R. 3433: Ms. DELAURO and Mr. LARSON.

H.R. 3455: Mr. REYES.

H.R. 3514: Mr. SANDERS, Mr. BARTLETT of Maryland, and Mr. COSTELLO.

H.R. 3518: Mr. FRANKS of New Jersey.

H.R. 3580: Mr. HORN, Mr. POMBO, and Mrs. JONES of Ohio.

H.R. 3710: Mr. POMBO.

H.R. 3839: Mrs. JOHNSON of Connecticut, Mr. BOEHLERT, Mr. SMITH of Texas, Mr. OBEY, Mr. HORN, and Mr. MCHUGH.

H.R. 3842: Mr. ROMERO-BARCELO.

H.R. 3915: Mr. MCKEON, Mr. STENHOLM, and Mr. DELAHUNT.

H.R. 4025: Mr. LOBIONDO and Mrs. MYRICK.

H.R. 4046: Mr. BOUCHER and Mr. NADLER.

H.R. 4094: Mr. LUTHER and Mr. SHAW.

H.R. 4144: Mr. LIPINSKI.

H.R. 4167: Mr. BLUMENAUER.

H.R. 4178: Mr. GALLEGLY.

H.R. 4191: Ms. KILPATRICK.

H.R. 4192: Mr. GANSKE.

H.R. 4206: Mr. ALLEN.

H.R. 4215: Mr. HOEKSTRA and Mr. RYUN of Kansas.

H.R. 4239: Mrs. JONES of Ohio.

H.R. 4259: Mr. HOYER.

H.R. 4274: Mr. RUSH and Mr. FOSSELLA.

H.R. 4277: Mr. BENTSEN, Mr. MCNULTY, Ms. PELOSI, Mr. BLUNT, and Mr. STUMP.

H.R. 4299: Mr. SHAW and Mr. GORDON.

H.R. 4340: Mr. RYUN of Kansas.

H.R. 4359: Ms. CARSON.

H.R. 4375: Mr. BAIRD.

H.R. 4395: Mr. MCDERMOTT.

H.R. 4399: Mr. BOYD, Ms. ROS-LEHTINEN, Mr. WEXLER, Mrs. THURMAN, Mr. DEUTSCH, Mr. MCCOLLUM, Mr. MICA, Mr. CANADY of Florida, Mr. WELDON of Florida, Mr. FOLEY, Mrs. FOWLER, Mr. DAVIS of Florida, Mr. MILLER of Florida, Mr. YOUNG of Florida, Mr. SHAW, Mr. STEARNS, Mr. GOSS, Mr. DIAZ-BALART, Mr. BILIRAKIS, and Mr. SCARBOROUGH.

H.R. 4400: Mrs. MEEK of Florida, Mr. BOYD, Ms. ROS-LEHTINEN, Mr. WEXLER, Mrs. THURMAN, Mr. DEUTSCH, Mr. MCCOLLUM, Mr. MICA, Mr. CANADY of Florida, Mr. WELDON of Florida, Mr. FOLEY, Mrs. FOWLER, Mr. DAVIS of Florida, Mr. MILLER of Florida, Mr. YOUNG of Florida, Mr. SHAW, Mr. STEARNS, Mr. GOSS, and Mr. DIAZ-BALART.

H.R. 4493: Mr. RAMSTAD.

H.R. 4511: Mr. STENHOLM, Mr. EHRLICH, Mr. BURR of North Carolina, Mr. WHITFIELD, and Mr. RYUN of Kansas.

H.R. 4527: Mr. HAYWORTH, Mr. KILDEE, Mr. GEPHARDT, Mr. CANNON, Mr. KENNEDY of Rhode Island, Mr. CONYERS, Mr. SKEEN, Mr. BONIOR, Mr. FALEOMAVAEGA, Mr. ROHRABACHER, Mr. MCCOLLUM, Mr. LARGENT, Mr. WATTS of Oklahoma, Mr. OWENS, Mr. WAXMAN, Mr. COOK, Mr. FILNER, Mr. FROST, and Mr. GEJDENSON.

H.R. 4543: Mrs. CHENOWETH-HAGE.

H.R. 4571: Mr. JENKINS, Mr. KLECZKA, Mr. COOK, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. KUCINICH, Mrs. JOHNSON of Connecticut, Mr. BONIOR, Mr. GEORGE MILLER of California, and Mr. CAMP.

H.R. 4633: Mr. CHAMBLISS.

H.R. 4636: Ms. BALDWIN and Mr. BARRETT of Wisconsin.

H.R. 4638: Mr. HOSTETTLER.

H.R. 4672: Mr. FOLEY, Mr. SMITH of Michigan, Mr. KOLBE, Mr. TANCREDO, Mr. GARY MILLER of California, Mr. BACHUS, Mr. HILL of Montana, and Mr. JONES of North Carolina.

H.R. 4702: Mr. TANNER.

H.R. 4728: Mr. SWEENEY, Mr. LAZIO, Mr. CHAMBLISS, Ms. DELAURO, MR. LARGENT, and Mr. MEEKS of New York.

H.R. 4740: Mr. HINOJOSA, Mr. HOLT, Mr. SHERMAN, Ms. DANNER, Mrs. CHRISTENSEN, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. GILMAN, and Mr. KUCINICH.

H.R. 4746: Mr. CAMP.

H.R. 4770: Mr. WYNN.

H.R. 4772: Mrs. JONES of Ohio, Ms. NORTON, and Ms. LEE.

H.R. 4791: Mr. HUTCHINSON.

H.R. 4825: Mr. KUCINICH, Mr. MORAN of Kansas, Mr. KIND, Mr. BUYER, Mrs. JONES of Ohio, and Mr. DOYLE.

H.R. 4893: Ms. PELOSI.

H.R. 4922: Mr. HERGER.

H.R. 4977: Mr. SANDERS.

H.R. 4995: Mr. GORDON.

H.R. 4996: Mr. GORDON.

H.R. 4997: Mr. GORDON.

H.R. 4998: Mr. CALLAHAN.

H.R. 5004: Mr. GARY MILLER of California.

H.R. 5034: Mr. KUYKENDALL.

H.R. 5066: Mr. DEFAZIO.

H.R. 5067: Mr. BALDACCI.

H.R. 5070: Mr. RAMSTAD.

H.R. 5117: Mr. THOMAS and Mr. LAMPSON.

H.R. 5144: Mr. LUCAS of Kentucky.

H.R. 5151: Mr. CANADY of Florida.

H.R. 5154: Mr. DICKEY.

H.R. 5163: Mr. GOODLATTE, Mr. KUCINICH, Mr. SOUDER, Mr. BORSKI, Mr. NETHERCUTT, Ms. BROWN of Florida, Mr. MINGE, and Mr. MALONEY of Connecticut.

H.R. 5172: Mr. HILLIARD and Mr. ENGLISH.

H.R. 5178: Mr. LOBIONDO, Mr. GRAHAM, Mr. COBLE, Mr. FARR of California, Mrs. TAUSCHER, Mr. COOK, Mr. NEY, Mr. CUNNINGHAM, Mrs. NORTHUP, Mr. DICKEY, Mr. NORWOOD, Mr. BONILLA, Mr. ABERCROMBIE, and Mr. BOEHLERT.

H.R. 5179: Mr. BORSKI, Ms. LEE, and Mr. KUCINICH.

H.R. 5180: Mr. LOBIONDO.

H.R. 5198: Mr. TOWNS.

H.R. 5200: Mr. FRANKS of New Jersey, Mr. SCHAFFER, Mr. ENGLISH, Mrs. MYRICK, Mr. JONES of North Carolina, and Mr. MANZULLO.

H.R. 5204: Mr. HILLIARD, Mr. FROST, Mr. CONYERS, Mrs. MORELLA, and Mr. PAYNE.

H.R. 5208: Ms. ESHOO and Ms. KILPATRICK.

H.R. 5244: Mr. HILL of Montana and Mr. CANNON.

H.R. 5257: Mr. RYAN of Wisconsin.

H.R. 5272: Mr. BEREUTER, Mr. FALEOMAVAEGA, Mr. SMITH of New Jersey, and Mr. LANTOS.

H.J. Res. 48: Mr. HOEKSTRA and Mr. OBERSTAR.

H. Con. Res. 273: Mr. EVANS and Mr. SAXTON.

H. Con. Res. 308: Mr. HINCHEY.

H. Con. Res. 337: Mr. LEWIS of California.

H. Con. Res. 355: Mr. LANTOS.

H. Con. Res. 365: Mr. GIBBONS.

H. Con. Res. 389: Mr. WATT of North Carolina and Mr. WAXMAN.

H. Con. Res. 390: Mr. BAKER, Mr. KNOLLENBERG, Mr. STENHOLM, Mr. DAVIS of Florida, and Mr. KENNEDY of Rhode Island.

H. Con. Res. 395: Mrs. THURMAN.

H. Con. Res. 396: Mr. PICKETT and Mr. GOODLATTE.

H. Con. Res. 404: Mr. COLLINS, Mr. TANCREDO, and Ms. STABENOW.

H. Res. 576: Mr. WOLF, Mr. EHLERS, Mr. HILLIARD, Mr. FROST, Mr. SCHAFFER, Mrs. CLAYTON, and Mr. OSE.

H. Res. 578: Mr. BURR of North Carolina.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4503: Mr. CHAMBLISS.

H.R. 5194: Ms. DANNER.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, SEPTEMBER 26, 2000 No. 116

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we accept this new day as Your gracious gift. We enter into its challenges and opportunities with eagerness. We commit our way to You, put our trust in You, and know that You will bring to pass what is best for us and our Nation as we are obedient to Your guidance. We rest in You, Lord, and wait patiently for You to show us the way.

Bless the Senators today with a special measure of Your wisdom, knowledge, and discernment. Your wisdom is greater than our understanding, Your knowledge goes way beyond our comprehension of the facts, and Your discernment gives x-ray penetration to Your plan for America. Thank You for Your Commandments that keep us rooted in what's morally right, Your justice that guides our thinking, and Your righteousness that falls as a plumb line on all that we do and say.

Father, we pray for the reversal of the spiritual and moral drift of our Nation away from You. May the people of our land be able to look to the women and men of this Senate as they exemplify righteousness, repentance, and rectitude. May these leaders and all of us who work as part of the Senate family confess our own need for Your forgiveness and reconciliation. Then help us to be courageous in calling for a great spiritual awakening in America beginning with us. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Today the Senate will begin 45 minutes of debate on the H–1B visa bill, with a cloture vote on amendment No. 4178 scheduled to occur at 10:15. As a reminder, Senators have until 10:15 a.m. to file second-degree amendments at the desk. If cloture is invoked, the Senate will continue debate on the amendment. If cloture is not invoked, the Senate is expected to resume debate on the motion to proceed to S. 2557, the National Energy Security Act of 2000. Also this week, the Senate is expected to take up any appropriations conference reports available for action.

I thank my colleagues for their attention.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the bill.

The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 2045) to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

Pending:

Lott (for Abraham) amendment No. 4177, in the nature of a substitute.

Lott amendment No. 4178 (to amendment No. 4177), of a perfecting nature.

Lott motion to recommit the bill to the Committee on the Judiciary, with instructions to report back forthwith.

Lott amendment No. 4179 (to the motion to recommit), of a perfecting nature.

Lott amendment No. 4180 (to amendment No. 4179), of a perfecting nature.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts.

Mr. KENNEDY. With the understanding of the acting majority leader, if I could have the attention of the Senator from Ohio, I ask that the time be evenly divided.

The PRESIDING OFFICER. That is already the order.

Mr. KENNEDY. I ask consent I be allowed to yield myself 12 minutes, and I ask consent that the Senator from Rhode Island be allowed to follow with 10 minutes.

The PRESIDING OFFICER. The Senator has just allocated more time than the Senator has.

Mr. KENNEDY. As I understand the time allocation, there are 45 minutes. I thought I would yield 12 minutes to myself and 10 minutes to the Senator.

The PRESIDING OFFICER. Twenty-two minutes a side.

Mr. KENNEDY. I ask consent that the Senator from Rhode Island be permitted to be recognized after me in the remaining time, and I yield myself 12 minutes.

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

Mr. KENNEDY. I yield myself 10 minutes at this time, if the clerk will let me know.

Mr. President, I support the pending H–1B high-tech visa legislation. The high technology industry needs skilled workers to ensure its continued growth. As we all know, the Nation is stretched thin to support these firms

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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that are so important to the Nation's continuing economic growth. Demand for employees with training in computer science, electrical engineering, software and communications is very high, and Congress has a responsibility to meet these needs.

In 1998, in an effort to find a stop-gap solution to this labor shortage, we enacted legislation which increased the number of temporary visas available to skilled foreign workers. Despite the availability of additional visas, we have reached the cap before the end of the year in the last 2 fiscal years.

The legislation before us today addresses this problem in two ways. The short-term solution is to raise the H–1B visa cap and admit greater numbers of foreign workers to fill these jobs. The long-term solution is to do more to provide skills training for American workers and educational opportunities for American students.

Raising the cap for foreign workers without addressing our domestic job training needs would be a serious mistake. We cannot and should not count on foreign sources of labor indefinitely. It is unfair to U.S. workers, and the supply of foreign workers is limited. In their 1999 book, The Supply of Information Technology Workers in the United States, Peter Freeman and William Aspray report that other countries are experiencing their own IT labor shortages and are ''placing pressures on or providing incentives to their indigenous IT work force to stay at home or return home.''

Furthermore, the jobs currently being filled by H–1B workers are solid, middle-class jobs for which well-trained Americans should have the opportunity to compete. The American work force is the best in the world—energetic, determined, and hard working. Given the proper skills and education, American workers can fill the jobs being created by the new high tech businesses.

It makes sense to insist that more of our domestic workers must be recruited into and placed in these jobs. Countless reports cite age and race discrimination as a major problem in the IT industry, along with the hiring of foreign workers and layoff of domestic workers. According to an article Computerworld magazine, U.S. Census Bureau data show that the unemployment rate for IT workers over age 40 is more than five times that of other unemployed workers.

Similar problems face women and minorities who are under-represented in the IT work force, and the shortage will continue unless they are recruited and trained more effectively by schools, corporations, and government programs.

Under the solution that may of us favor, the Department of Labor, in consultation with the Department of Commerce, will provide grants to local work force investment boards in areas with substantial shortages of high-tech workers. Grants will be awarded on a competitive basis for innovative high-tech training proposals developed by the work force boards in cooperation with area employers, unions, and higher education institutions. This approach will provide state-of-the-art high-tech training for approximately 46,000 workers in primarily high-tech, information technology, and biotechnology skills.

Similarly, we must also increase scholarship opportunities for talented minority and low-income students whose families cannot afford today's tuition costs. We must also expand the National Science Foundation's merit-based, competitive grants to programs that emphasize these skills.

To provide adequate training and education opportunities for American workers and students, we must increase the H–1B visa user fee.

At a time when the IT industry is experiencing major growth and record profits, it is clear that even the smallest of businesses can afford to pay a higher fee in order to support needed investments in technology skills and education. A modest increase in the user fee will generate approximately $280 million each year compared to current law, which raises less than one-third of this amount.

This fee is fair. Immigrant families with very modest incomes were able to pay a $1,000 fee to allow family members to obtain green cards. Certainly, high-tech companies can afford to pay at least that amount during this prosperous economy.

In fact, according to public financial information, for the top 20 companies that received the most H–1B workers this year, a $2,000 fee would cost between .002 percent and .5 percent of their net worth. A $1,000 fee would cost them even less.

This fee proposal will clearly benefit the country in the short- and long-term. Companies get H–1B workers now, and they will benefit from the workers and students served by programs funded with these fees.

This proposal presents a win-win, bipartisan approach to meeting the needs and business and the U.S. work force. It is fair, responsible, and necessary, given the rapidly changing needs of society and our prosperous economy.

If we build on existing education and training programs and force our labor and civil rights laws to prevent age, race, and gender discrimination, American workers and students can meet the long-term high-tech needs we face in the years ahead.

I look forward to debate on this legislation in the days to come. I think it is a good bill, which can be improved with amendments to address several key issues. For example, we must ensure that the H–1B visa program is narrowly focused to address the skill-shortage. The unprecedented exemptions to the cap in the Hatch bill are unwarranted. Instead, we should ensure that workers with an advanced degree have priority for H–1B visas within the cap, and are subject to the same requirements as all other applications.

Similarly, we must also ensure that the INS has sufficient funds to process high-tech visa applications and that certain institutions—all educational institutions, university teaching hospitals, nonprofits, and governmental research organizations—are appropriately exempted from the fee requirement.

The high-tech industry's pressing need for skilled workers isn't the only immigration issue before Congress. There are also important family immigration issues that must be addressed.

On several occasions in recent weeks, Democrats have attempted to bring the Latino and Immigrant Fairness Act to the floor of the Senate for debate and a vote. Before the August recess, Democrats attempted to bring this legislation before the Senate, but the Republican leadership objected. Two weeks ago, Democrats were prepared to debate and vote on this legislation as part of the high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. Last Friday, Senator REID asked Senator LOTT for consent to offer the Latino and immigrant fairness bill and the majority leader objected. It is clear that Republican support for the Latino community is all talk and no action. When it's time to pass legislation of importance to the Latino community, the Republican leadership is nowhere to be found.

Our Republican friends tell us that the Latino and Immigrant Fairness Act is a poison pill—that it will undermine the H–1B high-tech visa legislation currently before the Senate. But, if Republicans are truly supportive of the Latino legislative agenda, how can that be true?

If they support the reunification of immigrant families, as well as the immigration agenda set by the high-tech community, we should be able to pass both bills and send them to the President's desk for signature, for he strongly supports this bill. But Republican support for the Latino and Immigrant Fairness Act doesn't match Republican rhetoric on the campaign trail. Rather than admit this hypocrisy, the Senate Republican leadership continues to pay lip service to these goals while blocking any realistic action to achieve them.

The immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that the Latino and Immigrant Fairness Act will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

The Latino and Immigrant Fairness Act includes parity for Central Americans, Haitians, nationals of the former Soviet bloc, and Liberians. In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief

Act, which granted permanent residence to Nicaraguans and Cubans who had fled their repressive governments.

Other similarly situated Central Americans, Soviet bloc nationals, and Haitians were only provided an opportunity to apply for green cards under a much more difficult and narrower standard and much more cumbersome procedures. Hondurans and Liberians received nothing.

The Latino and Immigrant Fairness Act will eliminate the disparities for all of these asylum seekers, and give them all the same opportunity that Nicaraguans and Cubans now have. Assurances were given at the time that we granted that kind of special consideration for Nicaraguans and Cubans that the others would follow in the next year. Those assurances were given by Republican Senators and the administration alike. Now, if we do not do that, we are failing that commitment. It will create a fair, uniform set of procedures for all immigrants from this region who have been in this country since 1995.

The Latino and Immigrant Fairness Act will also provide long overdue relief to all immigrants who, because of bureaucratic mistakes, were prevented from receiving green cards many years ago. In 1986, Congress passed the Immigration Reform and Control Act, which included legalization for persons who could demonstrate that they had been present in the United States since before 1982. There was a 1-year period to file.

However, the INS misinterpreted the provisions in the 1986 act, and thousands of otherwise qualified immigrants were denied the opportunity to make timely applications.

Several successful class action lawsuits were filed on behalf of individuals who were harmed by these INS misinterpretations of the law, and the courts required the INS to accept filings for these individuals. As one court decision stated: ''The evidence is clear that the INS' . . . regulations deterred many aliens who would otherwise qualify for legalization from applying.''

To add insult to injury, however, the 1996 immigration law stripped the courts of jurisdiction to review INS decisions, and the Attorney General ruled that the law superceded the court cases. As a result of these actions, this group of immigrants has been in legal limbo, fighting government bureaucracy for over 14 years.

Looking across the landscape, I cannot think of such a group of individuals who were excluded from participation in a process that would have permitted them to work legitimately in the United States. It was the intention of Congress they be eligible to do so. It was the INS that misled them and effectively denied them that opportunity. The courts have found for those individuals.

Then legislation was passed to further exclude them, to take away the jurisdiction of the Justice Department from implementing the court's decision. That is unfair, and we have a responsibility to remedy that. We can do that. We can do that here, on this legislation. We should do it. That process will permit about 300,000 Latinos to be able to get their green cards and become legitimate workers in our economy.

Our bill will alleviate this problem by allowing all individuals who have resided in the United States prior to 1986 to obtain permanent residency, including those who were denied legalization because of the INS misinterpretation, or who were turned away by the INS before applying.

Our bill will also restore section 245(i), a vital provision of the immigration law that was repealed in 1997 and that permitted immigrants about to become permanent residents to pay a fee of $1,000 and apply for green cards while in the United States, rather than returning to their home countries to apply. Section 245(i) was pro-family, pro-business, fiscally prudent, and a matter of common sense. Under it, immigrants with close family members in the United States are able to remain here with their families while applying for legal permanent residence. The section also allows businesses to retain valuable employees. In addition, it provided INS with millions of dollars in annual revenue, at no cost to taxpayers. Restoring section 245(i) will keep thousands of immigrants from being separated from their families and jobs for as long as 10 years.

The Nation's history has long been tainted with periods of anti-immigrant sentiment. The Naturalization Act of 1790 prevented Asian immigrants from attaining citizenship. The Chinese Exclusion Act of 1882 was passed to reduce the number of Chinese laborers. The Asian Exclusion Act and the National Origins Act which made up the Immigration Act of 1924, were passed to block immigration from the ''Asian Pacific Triangle''—Japan, China, the Philippines, Laos, Thailand, Cambodia, Singapore, Korea, Vietnam, Indonesia, Burma, India, Sri Lanka, and Malaysia—and prevent them from entering the United States for permanent residence. Those discriminatory provisions weren't repealed until 1965. The Mexican Farm Labor Supply Program—the Bracero Program—provided Mexican labor to the United States under harsh and unacceptable conditions and wasn't repealed until 1964.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the Nation's immigration laws. It is good for families and it is good for American business.

The Essential Worker Immigration Coalition, a consortium of businesses and trade associations and other organizations strongly supports the Latino and Immigrant Fairness Act. This coalition includes the U.S. Chamber of Commerce, health care and home care associations, hotel, motel, restaurant and tourism associations, manufacturing and retail concerns, and the construction and transportation industries.

These key industries have added their voices to the broad coalition of business, labor, religious, Latino and other immigrant organizations in support of the Latino and Immigrant Fairness Act.

This bill is strongly supported by a wide range of different groups, from the Chamber of Commerce to the AFL-CIO, to the various religious groups, as a matter of basic, fundamental equity and fairness.

I daresay there are probably more groups that support the Latino fairness—just if you look at numbers—than even the H–1B. This is an issue of fairness. We ought to be about doing it. We are being denied that opportunity by the Republican leadership, make no mistake about it.

Our bill will alleviate the problem also by allowing individuals who resided in the United States prior to 1986 to obtain permanent residency by eliminating unfair procedures.

As I mentioned, this particular proposal has broad support from the business community, from the workers, and from religious groups. Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see both the Latino and Immigrant Fairness Act and the H–1B high-tech visa become law this year. That is what this whole effort is about.

If we are going to look out for the H–1B—and I am all for it—we ought to also remedy the injustice out there applying to hundreds of thousands of individuals whose principal desire is to be with their families and work here in the United States, and do so legally and legitimately. We are being effectively shut out by the majority decision to have a cloture motion filed which would exclude the possibility of inclusion. Our attempts to try to get it included have been denied. That is basically wrong.

I welcome the leadership of Senator DASCHLE and others to make sure we are going to address this issue before we leave. Both of these matters need attention. Both of them deserve action. Both of them deserve to be passed.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to also speak about a grave omission with respect to the debate that is ongoing regarding H–1B visas.

There is widespread support for the H–1B visa program. What has happened is that our ability to also address other compelling immigration issues has

been totally frustrated by this cloture process, by this overt attempt to eliminate amendments, to eliminate our ability to deal with other issues. One in particular that is compelling to me is the status of 10,000 Liberians who have been here in the United States since 1989–1990, when the country of Liberia was thrust into a destructive civil war.

These people came here. They were recognized, because of the violence in their homeland, as being deserving of temporary protective status. That status was granted in 1991 by the Attorney General. For almost a decade now they have been here in the United States, working, paying taxes, raising families while not qualifying for any type of social benefits such as welfare. Many of these people, who are here legally, have children who are American citizens. They are within hours of losing their protection and being deported back to Liberia.

In response to this pressing dilemma, I introduced legislation in March of 1999 cosponsored by Senator WELLSTONE, Senator KENNEDY, Senator DURBIN, Senator KERRY, Senator LANDRIEU, Senator HAGEL, and Senator L. CHAFEE. Our attempt was to allow these Liberians the opportunity to adjust to permanent resident status and one day become citizens of this country. There are 10,000 located across the country. They have been contributing members of these communities. Yet, because of the process we have adopted here, because of the unwillingness to take up this issue—which is a key immigration issue, along with the H–1B—these individuals are perhaps facing expulsion from this country in the next few days.

I hope we can deal with this. It is essential we do so. One of the great ironies of our treatment of the Liberians is that at the moment we are prepared to deport them to Liberia, we are urging American citizens not to go to that country because it is so violent.

Our State Department has released official guidance to Americans warning them not to travel to Liberia because of the instability, because of the potential for violence, because of the inability of civil authorities to protect not only Americans but to protect anyone in Liberia.

So we are at one time saying, don't go to Liberia if you are an American citizen, but unless we pass this legislation or unless, once again, the President authorizes deferral of forced departure—essentially staying the deportation of these Liberians—we are going to send these people back into a country to which we are advising Americans not to go.

Although this country had a democratic election a few years ago, it was an election more in form than substance. It is a country governed by a President who is a warlord, someone who is not a constructive force for peace and progress in that part of Africa. In fact, he started his political career by escaping from a prison in Massachusetts, going back to Liberia, and then organizing his military forces to begin this civil war. One of his first accomplishments, according to the New Republic, was the creation of a small boys unit, a battalion of intensely loyal child soldiers who are fed crack cocaine and refer to Taylor as ''our father.''

This is the leader of a country who has also been implicated in a disturbance in the adjoining country of Sierra Leone. Month after month, we have seen horrible pictures of the degradations that are going on there in Sierra Leone. He is involved in that, supporting homicidal forces in Sierra Leone.

This is not a place we want to send people back to—people who have resided in our country for 10 years, people who have been part of our communities, young people particularly, who know very little about Liberia and will be thrust back into a situation where their protection is in jeopardy and where their future is in great jeopardy in terms of access to schools and education and other necessary programs.

For months now—starting last March—we have been lobbying intensively to get an opportunity at least to vote on legislation that would allow these individuals to adjust to permanent status. That legislative approach has been frustrated time and time again, most recently with the decision that we would not accept certain amendments to this H–1B visa bill.

In fact, one of the ironies is that of those 10,000 Liberians, many of whom were professionals in their homeland, I suspect at least a few of them are working in these high-tech industries. If they are, the irony is that we would be sending them home so that the high-tech community can complain about losing workers and needing more H–1B visas. I think simple justice demands that we do both, that we press not only for H–1B visas but also for some of the issues that have been addressed by Senator KENNEDY, and the issue in Liberia. These people deserve a chance to adjust their status and become full-fledged Americans.

There is some discussion that they should go back to Liberia, but as I have tried to suggest in my remarks, this is a country that is chaotic at best. The Government is really subservient to the leadership of the President, Charles Taylor. It is an area of the world where there are not social services and the basic economics of the country are faulty. I think all of these together suggest compellingly the need to allow the individuals to adjust.

I hope in the next few days, or in the remaining days of this legislative session, we will have another opportunity to address this legislatively. I certainly hope that if we are unable to do so, the cause will be taken up by the administration when it comes to discussions for the final legislative initiatives of this Congress, so we will not leave these people once again in a gray area, in a ''twilight zone,'' where they want to stay in this country but face the threat of deportation each and every year. I hope we do better. I am disappointed—gravely disappointed—we did not allow an opportunity to vote on this measure in conjunction with this H–1B legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise this morning to implore my colleagues to support cloture and to quit playing around with this bill. There is no reason to have a filibuster on the motion to proceed on bills as important as this. There has been a filibuster on the bill.

It seems to me we need to work together in moving forward to enact the American Competitiveness in the Twenty-first Century Act, S. 2045. One of our greatest priorities is, and ought to be, keeping our economy vibrant and expanding educational opportunities for America's children and its workers. That is my priority for this country and for my own home State of Utah.

I am proud of the growth and development in my own home State that has made Utah one of the leaders in the country and in the world in our high-tech economy. Utah's IT—or information technology—vendor industry is among Utah's largest industries and among the top 10 regions of IT activity in the United States.

Notably, Utah was listed among the top 10 IT centers in the world by Newsweek magazine in November 1998. The growth of information technology is nowhere more evident and dramatic than in my own home State of Utah. According to UTAA, the Utah Information Technologies Association, our IT vendor industry grew nearly 9 percent between 1997 and 1998 and consists of 2,427 business enterprises.

In Utah and elsewhere, however, our continued economic growth and our competitive edge in the world economy require an adequate supply of highly skilled high-tech workers. This remains one of our greatest challenges in the 21st century, requiring both short- and long-term solutions. This legislation, S. 2045, contains both types of solutions.

Specifically, a tight labor market, increasing globalization, and a burgeoning economy have combined to increase demand for skilled workers well beyond what was forecast when Congress last addressed the issue of temporary visas for highly skilled workers in 1998. Therefore, my bill, once again, increases the annual cap for the next 3 years.

But that is nothing more than a short-term solution to the workforce needs in my State and across the country. The longer term solution lies with our own children and our own workers and in ensuring that education and training for our current and future workforce matches the demands in our high-tech 21st century global economy.

Thus, working with my colleagues, I have included in this bill strong, effective, and forward-looking provisions directing the more than $100 million in fees generated by the visas toward the education and retraining of our children and our workforce. These provisions are included in the substitute which is before us today.

We are here today, however, as this session of Congress comes to a close, with the fate of this critical legislation extremely uncertain. Frankly, when this bill was reported by the committee by an overwhelming vote of 16–2, I thought we were on track to move this rapidly through the Senate. I offered to sit down with other Members, including Senators KENNEDY, FEINSTEIN, and LIEBERMAN, to work with them on provisions regarding education and training. We have done that. I am pleased to report that the substitute to which I have referred reflects many of their ideas and proposals.

I look forward to working with my colleagues in the coming days to try to avoid a confrontational process. I hope we can get this done for American workers and children and for our continued economic expansion.

The situation, as I understand it, is that there is little disagreement on this bill itself. I have heard no arguments that the high-tech shortage is not real or that we should not move forward with this short-term fix. Rather, it appears that the only dispute has been whether or not we use the bill as a vehicle for other major and far-reaching changes in our immigration policy over which there is much contention and which could scuttle this bill. And I think those who are trying to get us in that posture understand that.

I sincerely hope we can move forward today. I hope my colleagues will overwhelmingly support this modest H–1B increase and quit delaying this bill. Let's get it through. This bill has important training and education proposals for the children and workers in the 21st century.

The Hatch substitute amendment to S. 2045, the American Competitiveness in the 21st Century Act, is a comprehensive legislative proposal to insure America's continued leadership edge in the Information Age. It takes both short-term and long-term steps.

Let me summarize the proposal. With regard to long-term steps, this bill invests in the American workforce through a designated stream of funding for high-tech job training; K–12 education initiatives; authorizes a new program which provides grants for after school technology education; and helps our educational and research communities by exempting them from the cap on high-skilled professionals.

No. 2., the short-term steps: This bill addresses immediate skilled worker needs by authorizing a modest increase in temporary visas for high-skilled professionals.

When skilled professionals are at a premium, America faces a serious dilemma when employers find that they cannot grow, innovate, and compete in global markets without increased access to skilled personnel. Our employers' current inability to hire skilled personnel presents both a short-term and a long-term problem. The country needs to increase its access to skilled personnel immediately in order to prevent current needs from going unfilled. To meet these needs over the long term, however, the American education system must produce more young people interested in, and qualified to enter, key fields, and we must increase our other training efforts, so that more Americans can be prepared to keep this country at the cutting edge and competitive in global markets.

The Hatch substitute to S. 2045 addresses both aspects of this problem. In order to meet immediate needs, the bill raises the current ceiling on temporary visas to 195,000 for fiscal year 2000, fiscal year 2001, and fiscal year 2002. In addition, it provides for exemptions from the ceiling for graduate degree recipients from American universities and personnel at universities and research facilities to allow these educators and top graduates to remain in the country.

The Hatch substitute to S. 2045 also addresses the long-term problem that too few U.S. students are entering and excelling in mathematics, computer science, engineering and related fields. It contains measures to encourage more young people to study mathematics, engineering, and computer science and to train more Americans in these areas.

Under predecessor legislation enacted in 1998, a $500 fee per visa is assessed on each initial petition for H–1B status for an individual, on each initial application for extension of that individual's status, and on each petition required on account of a change of employer or concurrent employment. Under the Hatch substitute, this money is used to fund scholarships for low income students and training for U.S. workers. Using the same assumptions on the rate of renewals, changes of employer and the like that the committee and the administration relied on in estimating the impact of the 1998 legislation, the increase in visas should result in funding for training, scholarships and administration of H–1B visas of approximately $150 million per year over fiscal year 2000, fiscal year 2001, and fiscal year 2002 for a total of $450 million. This should fund approximately 40,000 scholarships. This is important.

Mr. President, I hope my colleagues will vote for cloture today. I hope we can put this bill to bed. I hope there won't be any postcloture filibusters. I hope there won't be any postcloture delays.

Let us get this bill passed. It is critical to our country. It is critical to our information technology age, to our high-tech communities, and it is critical to keep us the No. 1 Nation in the world. It makes sense, and it has widespread support throughout Congress.

It is being delayed by just a few people in this body—maybe not so few but a number of people who basically claim they are interested in the information technology industries and high-tech industries themselves but who want to play politics with this bill.

I think we ought to quit playing politics and do what is right for our country. This is a bipartisan bill that really ought to be passed today.

With that, how much time do both sides have remaining?

The PRESIDING OFFICER. The Senator from Utah controls all remaining time and he has 9 minutes.

Mr. HATCH. Mr. President, I yield the 9 minutes to my colleague from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate being yielded the remaining time.

I am a supporter of the H–1B visa legislation and have been so for quite some time, recognizing that it is very important for our country to make the accommodations to be able to supply this great and booming economy the skilled workers necessary. I have been voting accordingly.

This debate should bring more urgency to our discussion on how to strengthen our public school system, our college training opportunities, and our technical college network in this Nation so that in the future we don't have to fill these slots with workers who are not Americans; that we can fill them with hard-working Americans because our school system and our education system have met the challenge the taxpayers have laid out for us. We cannot hold our industries hostage because perhaps there has been some failing on our part to provide the kind of educational system this Nation needs. That is why I have been supportive.

In addition, I wish there was more support in this body for including the Latino fairness provision. I am disappointed that the amendment tree was filled in order to keep those of us on both sides of the aisle, Democrats and Republicans, from considering this as a proper place to add this important legislation—not to kill it, not to slow it down, but to make it stronger. That is such an important issue to the Latino community, to Hispanic Americans who are looking for the same justice and equality that was promised for the Hondurans and Guatemalans as provided for the Nicaraguans.

I will be supplying a more in-depth statement on that subject.

The PRESIDING OFFICER. All time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 4178 to Calendar No. 490, S. 2045, a

bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Chuck Hagel, Spencer Abraham, Phil Gramm, Jim Bunning, Kay Bailey Hutchison, Sam Brownback, Rod Grams, Jesse Helms, Gordon Smith of Oregon, Pat Roberts, Slade Gorton, Connie Mack, John Warner and Robert Bennett.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4178 to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—94

Abraham	Fitzgerald	McConnell
Allard	Frist	Mikulski
Ashcroft	Gorton	Miller
Baucus	Graham	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grams	Murray
Biden	Grassley	Nickles
Bingaman	Gregg	Reid
Bond	Hagel	Robb
Boxer	Harkin	Roberts
Breaux	Hatch	Rockefeller
Brownback	Helms	Roth
Bryan	Hutchinson	Santorum
Bunning	Hutchison	Sarbanes
Burns	Inhofe	Schumer
Byrd	Inouye	Sessions
Campbell	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lincoln	Warner
Durbin	Lott	Wellstone
Edwards	Lugar	Wyden
Enzi	Mack	
Feingold	McCain	

NAYS—3

Chafee, L.	Hollings	Reed

NOT VOTING—3

Akaka	Feinstein	Lieberman

The PRESIDING OFFICER (Mr. ENZI). On this vote, the yeas are 94, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The pending motion to recommit is out of order.

The Chair recognizes the majority leader.

AMENDMENT NO. 4183

Mr. LOTT. Mr. President, I now call up amendment No. 4183.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. CONRAD, proposes an amendment numbered 4183.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To Exclude certain ''J'' nonimmigrants from numerical limitations applicable to ''H–1B'' nonimmigrants)

At the end of the bill, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H–IB" NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

AMENDMENT NO. 4201 TO AMENDMENT NO. 4183

Mr. LOTT. Mr. President, I now call up amendment No. 4201.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4201 to amendment No. 4183.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

Mr. REID. I had the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Mr. President, would the Chair be so kind as to explain where we are on the legislation now before the Senate?

The PRESIDING OFFICER. There are amendments pending, first and second degree, to the underlying text of the bill, and there is a perfecting amendment to the committee substitute, with a second-degree amendment thereto.

Mr. REID. Mr. President, I rise to talk a little bit about this legislation.

First, I think it is important to know that we—that is, Senator KENNEDY, Senator REED of Rhode Island, myself, Senator DURBIN, Senator LEAHY, and Senator GRAHAM—have a very important amendment we believe should be considered during the time we are debating this issue. Our amendment is called the Latino and Immigrant Fairness Act.

We have had, in recent days, an inability to bring up legislation that is extremely important to the Senate. This legislation deals with a number of issues that were discussed on the floor yesterday briefly, but it deals with the lives of hundreds of thousands of people.

In 1996, there was slipped into one of the bills a provision that took away a basic, fundamental American right of due process.

As a result of legislation we passed in 1986, thousands of people who came to this country were entitled to apply to adjust their legalization status. However, inserted in legslation that we passed in 1996, was language that, in effect, denied them a due process hearing.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend for a question.

Mr. KENNEDY. I don't want to interrupt the line of thought of the Senator. I understand the majority leader put in place two amendments that were actually Democratic amendments—at least one amendment was proposed by Members of our side. I have been in the institution now for 38 years, and I have never heard of another Senator calling up someone else's amendment before the Senate.

We want to be involved in the substance of this and get the H–1B measure put on through. But I am just wondering if I understand correctly that the majority leader now has filed a cloture motion and gone ahead and called up the Senator's amendment. Maybe that Senator has been notified; maybe he is on his way here. But I am just wondering, I say to the deputy leader for the Democrats, whether I understand the situation correctly. Is that the understanding of the Senator from Nevada, that this is the situation?

Mr. REID. Mr. President, this is interesting. This is an unusual situation where we have amendments that have been filed by other Senators being called up by someone else. I think it is very transparent, I say to my friend from Massachusetts and others within the sound of my voice, it is very transparent. All we want is a fair debate and the ability to vote on this amendment.

For example, George W. Bush says he wants to make sure that our immigration laws are fair to the Hispanic population of this country. If he wants to be so fair to the Hispanic population of this country, why doesn't he call the Republican leadership in the House and Senate to let us bring forward this legislation that the Hispanic communities all over America want? They won't let us do that. They know the Senator from Massachusetts was here to be recognized so that this amendment could be offered.

I have the floor now. I had other things to do this morning, but with Senate procedures such as they are, I

had the opportunity to get the floor, and I am going to keep the floor for a while because I am going to talk about what is going on in this country.

Does the Senator have a question, without my losing the floor?

Mr. KENNEDY. Yes. So that people watching this have some understanding, we have an H–1B proposal that is before the Senate, and there is virtual unanimity in the Senate in favor of it. There are some differences in terms of the training programs, to make sure we get additional funding so these jobs will be available for Americans down the road. Maybe people are trying to block that particular amendment. These are good jobs. Why should we not have training for Americans to be able to have these jobs in the future? I would like to be able to make that case and move ahead.

There are other amendments, as the Senator pointed out. On the one hand—I ask my colleague if he doesn't agree—we are looking out after the high-tech community with the H–1Bs. There is a need also in Massachusetts, and I support that. On the other hand, there is a need in terms of equity, fairness, justice, and also economically to make an adjustment of status so that men and women who are qualified ought to be able to get a green card to be able to work. It just so happens they are Latinos.

Evidently, that is the difference here, as far as I can figure out. Otherwise, I can't understand why, on the one hand, we are permitting and encouraging people to go to high-tech, but not to go to work in some of the other industries, even though the Chamber of Commerce, the AFL, and the various church groups are in strong support of it. The economics of it are that there is a very critical need for it.

Can the Senator possibly explain why we are being denied an opportunity to complete our business in terms of the high-tech and also in the other areas that have been strongly supported by groups across this country? As far as I can figure out, it is that they are basically of Hispanic heritage.

I am asking a question to the Senator from Nevada. Has the Senator heard one reason from the other side—because it is the other side that is stopping this—why they won't do it? What is the reason? Why won't they engage in a debate on this particular issue? All we have, Mr. President, is silence on the other side. Here we are trying to give fairness to the Latinos and against the background where we had two Members on the other side, Senator ABRAHAM and Senator MACK, who last year said they favored these kinds of adjustments for the Latinos. They said it in the last Congress. I don't doubt that that is their position now.

We can dispose of this in an hour or so this afternoon. But what possibly is the reason the majority leader says, no, we are not going to deal with that? We are going to call up amendments of other Senators who haven't even been notified to come over here and deal with this. What is going on here?

Mr. REID. Mr. President, let me answer a number of questions because the Senator asked a number of questions.

First of all, I spoke yesterday to the National Restaurant Association. I agree with my friend from Massachusetts that it is important we do something for high-tech workers. I support efforts in Congress that have allowed 430,000 people to come to the United States to be high-tech workers, principally from India——

Mr. KENNEDY. A good chunk from China. India is No. 1 and China is No. 2.

Mr. REID. Yes, I agree with the Senator from Massachusetts. I am glad we have done that.

There is another group of people the restaurant owners believe should be allowed to come. They are essential workers, skilled and semi-skilled workers. We have hundreds of thousands of jobs in America today that aren't being filled. Why? Because there aren't enough Americans to take the jobs. That is why we have, as listed on the chart behind the Senator from Massachusetts, so many supporters from the business community of the Latino and Immigrant Fairness Act. If we had a bigger board, we would have three times that many names on it.

Mr. KENNEDY. If the Senator will withhold, here is another chart showing double the numbers of groups that support this proposal as well. These are all of the groups. Here is the National Restaurant Association listed in support of this proposal.

What is the argument on the other side? I thought I heard somebody say, ''We don't want to confuse these issues.'' I don't think there is much confusion about what is being considered around here. There isn't a lot of confusion about it. It is very basic and rather fundamental. The adjustment of status that was applied just over a year ago in terms of the Nicaraguans and Cubans was going to be extended to others, including the El Salvadorans, Hondurans, Haitians, and Guatemalans. They have been effectively discriminated against. We were going to adjust for those. And then for about 300,000 citizens here in this country who are being denied a green card, under the law, according to the courts, they should be entitled to go to work.

The courts have said it was a bureaucratic mistake that they were denied that opportunity to be able to get a green card to go to work. Then the Congress went ahead and effectively withdrew the authority of the Justice Department to implement what the courts have found was a gross injustice and gross unfairness to Latinos. Effectively, they wiped out their remedy.

What this amendment will do is just give them the opportunity to make that adjustment. This is all about working. It is about working. It is about a green card and working. That is what this is basically about. We hear lectures from the other side all the time about how we want to encourage people to work. These groups want to work. They want to work. They are unable to work because of the refusal of the majority leader to permit consideration of this amendment.

I see we are joined by the Senator from Illinois.

Then the majority leader calls up Democrats' amendments without even notifying the Senators they are being called up.

This is rather embarrassing, I would think, for Members to have amendments called up and they are over in their office trying to do constituency work. Their constituencies are going to wonder: Where in the world is my Senator? His amendment, or her amendment, is before the Senate. Where is that individual?

In 38 years I have never seen that.

I hope we are not going to have lectures from the other side: Well, we are in charge around here. Evidently they don't care very much about the rules, or at least about the courtesies and the degree of civility we have had about calling up other Senators' amendments. This goes just as far as I can possibly imagine.

The one thing that bothers me is, what is it that they fear? What is it possibly that they fear which causes us to have to take all of this time to pass this legislation?

Maybe the Senator from Illinois will respond. I want to direct it to the Senator from Nevada. What is it that they fear? Why is it that they take these extraordinary, unique, exceptional steps to deny a fair debate about fairness to Latinos?

Mr. REID. In answer to the Senator, I repeat that I have the greatest respect for the thousands of people who came to this country and are here now as a result of H–1B legislation. It is very important. Those high-tech jobs are important. But I say to my friend from Massachusetts that it is just as important to people who work in these restaurants and who work in these health care facilities as nurses, as cooks, as waiters, as waitresses, and as maids, their jobs are just as important because people who are running these establishments need these essential workers. That is who they are. ''Essential workers.'' They are skilled and semi-skilled workers.

I say to my friend from Massachusetts that we have had a hue and cry from the people on the other side of the aisle and from the Governor of Texas and others saying they believe there should be fairness to Latino immigrants. The best way to express that desire for fairness is to allow us to vote on this measure.

Let's have an up-or-down vote on the amendment offered by myself, the Senator from Massachusetts, the Senator from Illinois, Senator REED of Rhode Island, and Senator GRAHAM of Florida. Let's move this debate along. We could speed up the time. We would agree to a half hour evenly divided. It could take 30 minutes. Vote on it and move on.

I would like to see how people would express themselves on this vote. It is very important.

I have a constituency that is watching this very closely. The State of Nevada has the sixth largest school district in America: the Clark County School District. In that school district, over 25 percent of the children are Hispanic.

In Nevada, we also have 20,000 people, the majority of whom are Hispanic who are unable to work because they were, in effect, denied due process by a sneaky thing put in the 1996 act. I want them to have a due process hearing to determine whether or not they should remain in the United States. I believe the vast majority would remain here because fairness would dictate that they should.

That is what this is all about—basic fairness. That is why we call it the Immigrant Fairness Act.

I say to anyone within the sound of my voice that if we are interested in speeding up what is going on here in Washington, in the Congress, let's have a vote on this measure that Senator KENNEDY, I, and others are pressing. We will agree. I said we will take 30 minutes, but we would agree to 10 minutes evenly divided. Let's have a vote up or down on this measure.

Mr. HATCH. Will the Senator yield for a question?

Mr. REID. I yield to the Senator for a question without losing my right to the floor.

Mr. HATCH. What seems interesting to me is I helped to lead the fight years ago in 1996 in my own committee to increase legal immigration in this country. I have led the fight for that. We are talking about giving amnesty to illegal immigrants while not increasing the caps on legal immigration. Something is wrong.

Mr. REID. Is that the question?

Mr. HATCH. Let me complete my question. In order to make my question clear, I have to make these points.

We can't get caps lifted on legal immigration. It is my understanding that on the H–1B bill—which just had a 94 to 3 vote and that should pass right out of here, has had hearings, and everything else—you want to hold it hostage because you want to give amnesty to 500,000 illegal immigrants.

Mr. REID. Is that the Senator's question to me?

Mr. HATCH. Let me ask my question. Is it not true that this major new amnesty program, which has not had one day of hearings, if it passes would legalize up to 2 million people? I know there are those on your side who say there are one-half million illegal immigrants. Is it not true that the price tag for this major new amnesty program to legalize up to 2 million people is almost $1.4 billion, and that the underlying bill that we are trying to pass here—the H–1B bill—would basically provide the high-tech workers that we absolutely have to have?

Mr. REID. With the greatest respect, I say to my friend, ask me a question. I have the floor, and I will be happy to answer.

Mr. HATCH. I did. Isn't it going to cost us $1.4 billion to give amnesty to these illegal immigrants?

Mr. REID. I would be happy to respond to the question.

First of all, we are not talking about illegal immigrants. We are talking about giving people who are in this country due process.

Mr. HATCH. Illegally in this country.

Mr. REID. And whether or not they are entitled to remain in this country. I believe in due process. One of the basic and fundamental assets that we have in this country, which sets us far and above any other country, is the legal system. We require and expect due process.

What we are saying is the bill that we passed in 1996 gave amnesty to people who had been in this country for an extended period of time. A provision was stuck in the 1996 Immigration Reform bill that denied these people due process. Some of them didn't meet the deadline to file for their amnesty because the INS ignored a law that we passed and President Reagan signed into law.

The question is not how much it is going to cost the Government but how much it is going to cost the business sector in this country.

The U.S. Chamber of Commerce, the American Health Care Association, the American Hotel and Motel Association, the American Nursing Association, the American Nursery and Landscape Association, Associated Builders and Contractors, and the Associated General Contractors support this amendment. I could read further for the next 15 minutes and give chart after chart of organizations that support this amendment.

We believe it is good for the American economy. It is good for American industry. It is the fair thing to do.

Mr. DASCHLE. Will the assistant Democratic leader yield for a question as well?

Mr. REID. I would be happy to yield to my friend, the Democratic leader, for a question, without losing the floor.

Mr. DASCHLE. I ask the assistant Democratic leader—I wasn't on the floor when this began. I ask if the Senator from Nevada could confirm what I understand to be our circumstance. I apologize for not being here sooner. But as I understand the circumstances, our Republican colleagues have filed cloture on second-degree amendments, and they had intended, as I understand it, to file it on the bill and made a mistake. We understand that. They have created a problem for themselves that they are trying to get out of.

But my question is: I ask the Senator from Nevada if the issue is whether or not we ought to have the right to offer an amendment.

We have been debating the issue of immigration as if an amendment were pending. We have been debating this issue assuming that somehow there is opposition on the Republican side and support for an amendment on the Democratic side.

In the normal course of debate, you ultimately lead to a vote on an amendment. As I understand it, the Republicans have denied us the right to offer an amendment. Is that correct?

Mr. REID. The Senator is correct.

It would seem to me the best way to handle this is to accept the two amendments. We, the minority, will accept, on a voice vote, the two amendments that have been filed, and then I think the fair thing would be to allow us to proceed on an amendment that has been filed. It is right here: Mr. KENNEDY, for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE submitted an amendment intended to be proposed by them to the bill, S. 2045, the Latino and Immigrant Fairness Act of 2000.

Mr. DASCHLE. Let me ask the assistant Democratic leader, I have to say for those who may not have watched the 106th Congress, we have established a new threshold. It used to be anytime a majority opposed an amendment, they would vote against it. They would perhaps make a motion to table an amendment, we would have the debate, they would vote, and the issue would be behind us. Oftentimes, the minority would lose. That is the way it used to be.

Then our colleagues on the other side of the aisle raised it another notch. They said: We don't think you ought to have the right to offer an amendment, so we will file cloture on a bill denying you the right to even offer an amendment. That was the new threshold.

We have gone through many, many of these—in fact, a record number. I have given presentations on the floor regarding the number of times our colleagues have actually filed cloture to deny us the right to offer an amendment.

This now reaches way beyond that. For the first time—maybe in history—our Republican colleague, without his even knowing it, has offered a Democratic amendment, has second-degreed that amendment, continued to file cloture, to say with even greater determination, we are not going to let you offer an amendment.

I ask the assistant Democratic leader in the time he has been in the Senate whether he can recall a time when we have ever seen the majority go to that length to deny Members the right to offer an amendment in the RECORD dealing with immigration or any other issue for that matter?

Mr. REID. I have not. I don't think anyone else has. I say to the leader and anyone else listening, all we want to do——

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada has the floor; does he yield for a parliamentary inquiry?

Mr. REID. I do not.

Mr. HATCH. Just this point.

Mr. REID. I am happy to yield to my friend, without losing the floor, Mr. President, or any of the time I might have. I ask unanimous consent the Senator from Utah be allowed to direct a parliamentary inquiry to the Chair without my losing the floor.

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

Mr. HATCH. My colleague is always gracious. I have heard this comment about this being the first time anybody has called up another person's amendment. Parliamentary inquiry: Is this the first time?

As I recall, last year Senator REID called up an amendment of Senator JEFFORDS.

Mr. REID. Would the Chair repeat the question?

The PRESIDING OFFICER. The question was, Is this the first time this has happened? Do you recall Senator REID calling up an amendment of Senator JEFFORDS? That was the question.

''Riddick's Rules of Procedure,'' on page 34, cites several examples.

Mr. HATCH. This isn't the first time.

Mr. REID. Reclaiming the floor, I say to my friend from Utah, there may have been other occasions, and the Chair certainly is right in indicating that it has been done before.

Mr. HATCH. Will the Senator allow the Chair to state the answer to my parliamentary inquiry?

Mr. REID. The Chair already stated the answer.

Mr. HATCH. I don't think so.

The PRESIDING OFFICER. The answer was on page 34 of Riddick's; there are several examples of that having happened.

Mr. DASCHLE. Would the assistant Democratic leader yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DASCHLE. Mr. President, I think the point I was trying to make, and I asked the response of the assistant Democratic leader, I don't know that I have ever seen the majority go to the extremes they have on so many of the levels I have described to deny Members the right to offer amendments.

Have there been precedents where the Senators have offered another Democrat or Republican amendment? Of course. But have they done so with all of the other layers of opposition, parliamentarily, that have been now shown to be the case here? Again, I argue, no, they have not. I think this is the most remarkable set of circumstances.

What is amazing to me is we have already offered a limit on time. All we want is a simple opportunity to debate the issue for a brief period so we can be on record with regard to fairness for these many millions of immigrants who are looking to us right now for relief. That is all they are doing. Whether they are Liberians, whether they are Latinos, we have a responsibility in this Congress to respond.

The President has said to me personally, and he has said in as many ways as he knows how, that he will demand this legislation be addressed before the end of the Congress. He has said that. If we don't do it on this, on what will we do it?

So I ask the assistant Democratic leader if he shares my conviction that, first, this extraordinarily unique set of circumstances again reflects the opposition on the part of the majority to basic fairness procedurally and basic fairness with regard to Latinos in this country today?

Mr. REID. I answer the leader's question as follows: First of all, it is very clear that the President will accept nothing short of this legislation. In fact, there is a letter. I don't think it is any secret. We have more than 40 signatures from the Democrats—we only needed 34—to the President, saying if, in fact, he does veto this, we will sustain that veto.

I also say to my friend, it is obvious the majority does not want this legislation to pass. They are trying to confuse it. The managing word is always ''illegal immigration.'' This is not about illegal immigration. It has everything to do with fairness in our immigration laws, and helping the American business community in essential fields where they cannot fill the jobs.

In Nevada, we have approximately 20,000 people who want to work—who want to go back to work. They have had their work cards withdrawn. They have had their mortgages foreclosed. They have had their cars repossessed. People in America who have children—wives, husbands, American citizens—all they want is a fair hearing. All they want is a fair hearing that would allow them to keep their families together. That is what this legislation is all about.

Mr. DASCHLE. If the Senator will yield for one last question, I also yield the Senator from Nevada 30 minutes of my time.

I hope the Latino community, the Liberian community, all of those communities concerned about this immigration language, understand why we are here. We are here in the last days of this session to make right the problem that has existed all too long. We want to make it right. The President wants to sign this legislation. Unfortunately, apparently with unanimity, every one of our Republican colleagues oppose this. We haven't heard one of them come to our position on this issue.

I hope the Latino community understands that. I hope those who are concerned about fairness at the end of this session understand that. I hope they will do all they can to reflect their feelings and their opinions before it is too late. We still have time to do this. We still should do it this week. We ought to do it on this bill. I hope our Republican colleagues will reconsider.

I thank the Senator for yielding.

Mr. REID. The Senator is a national leader as part of his responsibilities. The Senator from South Dakota is not doing this because there are a lot of minorities in South Dakota; in fact, there are very few. He is doing this because it is the right thing to do. It is fair to people who are in America and want the right to have their status adjusted or reviewed in a due process hearing. That doesn't sound too unreasonable to me.

Mrs. BOXER. Will my colleague yield for a question?

Mr. REID. I will be happy to yield for a question from my colleague from California without losing the floor.

Mrs. BOXER. I thank my friend. I thank him and Senator DASCHLE, our leadership team here, for what you are doing. The Senator from Utah asked, I thought, a very reasonable question when he said: What is this going to cost?

I say to my friend, on the issue of cost—and I think this is important—what happens to a family when the worker in that family is told to leave? Because if we do not pass this law—which is what our friends want; they do not want us to pass this law—that worker goes back to the country of origin and has to wait 10 years there, leaving behind—let us say it is a man in this case—a wife and children, children who are citizens of this country.

My friend from Utah says: Illegal.

Those are American children. If we do not act, their dad is going to be deported. For 10 years they will have to wait. What happens to the cost when a wage earner has to leave this country, perhaps for up to 10 years, leaving the children behind? The Senator pointed out the business community is without workers, so they are going to have to pay more to get fewer workers. That is a cost. But what is the cost if these people have to go on welfare, I say to my friend, because the breadwinner is summarily removed from this country because we have failed to act on this immigration fairness act?

Mr. HATCH. Will the distinguished assistant leader yield for another parliamentary inquiry?

Mr. REID. The cost here is very apparent. First of all, this person is being deported without a due process hearing.

Mrs. BOXER. Right.

Mr. REID. This person being deported leaves behind a job that is unfilled. That employer looks and looks to try to find somebody to fill that job. What is the cost of that, and then the cost, many times, to our welfare system, our criminal justice system, our education system.

Mrs. BOXER. Exactly.

Mr. REID. The costs are untold. I do not know what they would be, but we know they would be remarkably high. There are sociologists and mathematicians who could figure it out. That is why I say to my friend from California, we have dozens and dozens and dozens of groups of people and organizations that support doing something.

I said earlier, I say to my friend from California—I spoke yesterday to the National Restaurant Association. They

are desperate for people to work in their establishments. They are desperate for people to clean dishes, wait tables, cook food, serve food. I say to my friend from California, that job may not be very glamorous, one of those jobs I have described, but it is just as important to the individual who has it as the 420,000 high-tech jobs that we have allowed people from outside the U.S. to come here to fill, just as important.

Mr. HATCH. Will the assistant minority leader yield for a parliamentary inquiry?

Mrs. BOXER. When I am completed I am sure there will be time for others, but I do not want to lose my train of thought.

What my friend has said is when someone asks what is the cost of this immigration fairness act amendment, we are saying it is more costly not to act because of the impact on the business community and their ability to get help is huge. The impact on the family, when the breadwinner has to leave behind American citizen children and perhaps the mom has to go on welfare, is very high, not to mention the cost of splitting up families. My friend has been a leader on this, as has my friend from Utah as well. We know what happens when parents split up. We know the costs to society. We know what happens to the kids. We know what happens to people using alcohol to dull the pain and all those things, when a family is summarily split apart.

I do not hear my friends on the other side saying, ''change the law for Nicaraguans or Cubans.'' Good for them, we should allow those people to stay. What about the Salvadorans?

Mr. REID. I respond to my friend from California by saying she is absolutely right. But one cost we have not calculated is: What is the cost to a family that is broken up? I said on the floor yesterday, and I will repeat—I am sorry some will have to listen to it more than once—Secretary Richardson, now Secretary of Energy, was Ambassador to the United Nations. He came to Nevada. We had a good day visiting, doing work.

The last stop of the day was at a recreation center in an area of Las Vegas that is mostly Hispanic. As we were approaching, our staffs said: Let's take you in the back door because there is a big demonstration out front. We think you should not be disturbed. You can go in; we have people we have invited in and you could have a conversation.

We thought it over and we said, no, we are going to go in the front door. As we walked in the front door, we saw hundreds of people, many with brown faces—although I have to tell you there were many white faces as well and they were there to tell Secretary Richardson and I that what was happening was unfair. They qualified under the 1986 amnesty, but they had taken more than a year to file because the INS was not playing by the rules, and they were not entitled, under the 1996 provision that was tucked into the immigration reform bill, to a due process hearing. They were saying:

> I worked at Caesar's Palace. I was a cook. I made good money. I had a union job. I bought my own home. I have lost my home, I have lost my car, and now I am being asked to lose my family. That is unfair. I have American children. Here, do you want to see them? Here they are.

So I say to my friend from California, it is absolutely mandatory that we push this legislation. I am so grateful that Vice President GORE has stated publicly that he supports this legislation; not some different legislation, not trying to wiggle out of it—he supports this legislation.

I say to George W. Bush, I can't speak Spanish. I have three children who speak fluent Spanish. I can't speak Spanish. He shows off speaking the little bit of Spanish he knows. Let him speak English and come here and tell us he supports this legislation. That will show he supports the Hispanic community in America and their priorities.

Mr. HATCH. Will the Senator yield?

Mr. REID. I will yield for a question without losing the floor.

Mrs. BOXER. Mr. President, I ask to be added as cosponsor to this amendment, that is so important, to the Latino and Immigrant Fairness Act.

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

Mrs. BOXER. The last question I have is this: Our colleagues are up in arms about allowing us to have a vote on this, but they are bringing out amendments without even asking the authors if they want them attached to this particular bill. It amazes me.

I guess the final question I have for my assistant leader is this: If our friends on the other side do not like this bill, why do they not just vote against it? We are not asking to pass this without a vote. Are we not asking for the ability to put this on the Senate floor, debate it very briefly—or as long as they want? You yourself said, I think, you would take 10 minutes of debate and whatever the other side wants. Is it not their right to vote against this fairness legislation if they so desire?

Mr. REID. I say to my friend from California, as usual, you brought things down so it is very easy to portray what is going on here; that is, they do not want to vote.

Mrs. BOXER. That is it.

Mr. REID. They don't what to vote. They want to be able to go home and say they are for all this fairness and immigration. How can they prove it? Well, because they say so.

I say to my friend from California, the only way to prove this is to allow us to vote. This is a basic principle. If you don't like something, vote against it.

It appears to me that because the President and Vice President have been unflinching in this—they have said this legislation will pass or this Congress will not adjourn. We have enough votes to sustain a veto. I think we are in good shape.

Several Senators addressed the Chair.

Mr. REID. I am happy to yield to my friend from Vermont. My friend from Illinois indicated he had a question. I will be happy to yield to my friend from Illinois for a question without losing the floor.

Mr. LEAHY. And then, Mr. President, if he will yield to me for a question also?

Mr. DURBIN. I thank the Senator from Nevada for leading this debate. I think it is important from time to time, as we get into debate, if the Senator would respond, for us to recap where we are so those who are trying to follow the debate understand it.

The underlying bill, the H–1B visa bill, will allow companies in America to bring in skilled workers from overseas. They are telling us they cannot find those workers in America's labor pool. We decided under the H–1B visa, in 1998, to increase the number who could be brought in this fiscal year to 107,500. They are telling us that number is inadequate. They cannot find the workers in America to fill their needs and they do not want to move their companies overseas.

So the underlying bill—I ask the Senator from Nevada to confirm this—the underlying bill, at the request of businesses across America, would increase the number who can be brought in for these skilled labor jobs to 195,000 a year. Am I correct?

Mr. REID. Yes. I say to my friend from Illinois, that is part of the bill. There are other things included in it, but that is absolutely right.

Mr. DURBIN. So the idea behind the underlying bill is that, at the request of business, we will bring in these skilled workers so they can continue to thrive in this economy, continue to create more jobs, and not have to move their businesses overseas?

Mr. REID. I say to my friend from Illinois, we hear a hue and cry—and you and I have been doing some of the crying—about the businesses moving overseas. One reason they are doing that is, of course, there is cheap labor overseas. But the other is they can't find enough people to do the work here. So they throw their arms up and ask us to help them.

I believe it is so important we understand this legislation, of which the Senator from Illinois has been a constant supporter, and as a cosponsor of the amendment we have filed, this Latino and Immigrant Fairness Act of 2000.

Let's not confuse this. My friend from Utah raised the words: ''Illegal immigration. Aren't we supporting illegal immigration?'' Let the Record be spread with the fact this is not about illegal immigration. This has everything to do with fairness—fairness not

for some mystical people off on the horizon but for human beings who live in Las Vegas, who live in Winnemucca, or Chicago, and other places throughout America. All they want is a chance at the American dream. They are not asking for anything other than a fair hearing and the right to work as they know how.

Mr. DURBIN. If the Senator would further yield for a question, the underlying bill, at the request of the business interests in this Nation, will allow us to increase the number of skilled immigrants coming in on temporary visas to 195,000 a year.

The amendment which the Senator from Nevada, Mr. REID, the Senator from Massachusetts, Mr. KENNEDY, as well as the Senator from Rhode Island, Mr. REED, Senator LEAHY of Vermont, and I want to offer to this legislation even addresses it, I think, with more persuasion because the Latino and Immigrant Fairness Act, which we are pushing as an amendment to this bill, is supported not only by the U.S. Chamber of Commerce but by the AFL–CIO as well. Business groups and labor groups have come together and said: If you are going to address the issue of immigration, jobs, keeping the economy moving, don't stop with the H–1B, 195,000; deal with American workers who are here who need to be treated fairly.

Am I correct in saying to the Senator from Nevada, this is one of the rare examples I have seen on an immigration issue where business and labor have come together so strongly, saying to us this is the best thing for workers and their families and the economy, the amendment we are cosponsoring—the amendment being resisted by the Republican leadership, is it the same amendment?

Mr. REID. I say to my friend from Illinois—and I apologize for not answering the last question directly; the Senator from Illinois has projected what is absolutely the question before the Senate; and that is, we, the Democrats, have been willing to support bringing high-tech workers here. In fact, almost 500,000 of them have come here to work because the high-tech sector which is fueling our economy needs such workers.

All we want to do is make sure that other essential workers—which is how I refer to them—skilled and semi-skilled workers come here so that they are able to do the work at Ingersoll-Rand, at Harborside Healthcare Corporation, at Cracker Barrel Old Country Store, at Carlson Restaurants Worldwide and TGI Friday's, and at the Brickman Group, Ltd.

As the Senator has indicated, the American Federation of Labor, the American Chamber of Commerce—where else have we been able to see these two groups coming together pushing a single piece of legislation? I can tell you one other, and that is a Patients' Bill of Rights.

Mr. DURBIN. That is right.

If the Senator would yield for a further question?

Mr. REID. I am happy to yield without losing my right to the floor.

Mr. DURBIN. I think the distinction here on the H–1B visa question is, we are talking about bringing new workers, new skilled workers, in on a temporary basis to fill the needs of companies. The amendment, which we want to offer and which the Republicans are resisting, deals with workers already in America, many of whom are asking to be treated fairly under our immigration laws. Business and labor, as well, are saying they deserve to be treated fairly.

As an example, the Senator from Nevada has talked about those who came to this country, started families, started working, paid their taxes, never once committed a crime, building their communities and their neighborhoods, and are now caught in this snarl, this tangle, this bureaucratic nightmare of the Immigration and Naturalization Service. They are asking for their chance, as many of our parents and grandparents had, to become American citizens legally and finally.

It strikes me as odd that those of us in the Senate who understand how bad this immigration battle is for individuals and families would resist this amendment, the Latino and Immigrant Fairness Act.

In my office in Chicago, in my senatorial office, two-thirds of the casework is on immigration. We are in a constant battle with the INS. What our amendment seeks to do is to say these people deserve fair treatment. For goodness' sake, you can call yourself a compassionate conservative or a compassionate liberal or a compassionate moderate, but if you believe in compassion, how can you resist an amendment that is going to give to these families here in America—working hard, building our Nation—a chance to be treated fairly under the law?

Mr. REID. I respond to my distinguished friend from Illinois, all these people want is a fair hearing. Some of them, after they have a fair hearing, may not have merits to their case, and they may have to go back to their country of origin. But in America, shouldn't they at least be entitled to a fair hearing where they have due process? The obvious answer is yes.

I appreciate very much the leadership of the Senator from Illinois on this issue and his ability to articulate something that is so important. We all have the same situation in our offices, those of us who have large minority populations. In my office, I have two Spanish-speaking people working in my Las Vegas office, one in my Reno office, the purpose of which is to work on these very difficult cases. I think it is very good that the Senator from Illinois can condense an issue so understandably.

It is my understanding that the Senator from Vermont wishes me to yield.

Mr. LEAHY. Just for a question.

Mr. REID. I will yield without losing my right to the floor. But before yielding to my friend, without losing my right to the floor, I want to say to my friend from Vermont——

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. REID. I understand that. I have the floor. I am just making a statement.

I say to my friend from Vermont, I am so proud of you. I say that for this reason: I saw some statistics the other day about the State of Vermont. You have very few minorities in Vermont. For you to be the national leader on this issue that you have been takes a lot of political courage. It would be easy for you to be an ''immigrant basher,'' to talk about how bad illegal immigrants are and how bad it is to be dealing with this issue. But you, as the ranking Democrat on the Judiciary Committee, have stepped forward.

I say to my friend, the Senator from Vermont, you have stepped forward in a way that brings a sense of relief to this body because you have no dog in the fight, so to speak. You are here because you are trying to be a fair arbiter. You are the ranking Democrat on the Judiciary Committee. That is why we, the rest of the members of the minority, have followed you as a leader on matters relating to things that come through that very important Judiciary Committee.

I am happy to yield to my friend from Vermont for a question, without my losing the floor.

Mr. LEAHY. Mr. President, my friend the Senator from Nevada has given me more credit than I deserve, but I do strongly support the Latino and Immigrant Fairness Act, as just that, a matter of fairness, as something we should do. Whether we have a large immigrant population in our States or not, this is something where Senators are going to reflect the conscience of the Nation, as this body should.

My question is this. I was over at one of our latest investigation committee meetings. We tend to investigate rather than legislate in this body. I was at a meeting where the Senate decided to go ahead and investigate the Wen Ho Lee investigation and, thus, hold up the FBI, who were supposed to be debriefing Dr. Wen Ho Lee today under the court agreement. Instead, in the Senate we jumped in, feet first, to interfere with that. I had to be off the floor to serve as Ranking Democrat of Judiciary at that hearing. So I wonder if the Senator from Nevada could explain the parliamentary procedure in which we find ourselves. It seems somewhat of a strange one.

Mr. REID. I am happy to respond to my friend from Vermont. There will probably be chapters of books written about what has gone on today. It is going to take some political scientists and some academicians to figure out what went on here today.

As of now, Senator CONRAD from North Dakota filed an amendment, according to the unanimous consent

order that was in effect. The majority leader called up his amendment without notifying the Senator from North Dakota. Then Senator LOTT called Senator CONRAD's amendment and then offered a second-degree amendment to Senator CONRAD's amendment. It was very unusual.

The purpose, of course, is so we, the minority, once again, would be stymied from offering an amendment and how would that be so? Because the majority does not want to vote on amendments, whether it is an amendment on whether we should close the gun loophole as to whether emotionally disturbed people or criminals, may buy guns at gun shows or pawnshops. That doesn't sound too unreasonable to me. This is a loophole that should be closed. They won't let us vote on the Patients' Bill of Rights either.

Mr. HATCH. Will the Senator yield for a simple parliamentary inquiry?

Mr. REID. They won't let us vote on anything dealing with prescription drugs, school construction, or lowering class size, as well as on the very ''bad'' concept called the minimum wage. They don't allow us to vote on that because they don't want to be recorded. You know how they will vote; they will vote no.

Mr. HATCH. Will the Senator yield for a parliamentary inquiry?

Mr. REID. I say to my friend from Vermont, that is why we are in the position we are in.

Mr. HATCH. Will the Senator yield for a——

Mr. REID. Once again, we are prevented from moving forward. The Senate has worked a couple hundred years to vote on amendments. But recently we have a new style. If you don't vote on something, you are better off than if you do.

In fact, I saw something earlier today where the majority leader said ''that when the Republicans aren't here, their popularity goes up.'' But here is the quote:

> We were out of town two months and our approval rating went up 11 points.

That was from February 3, 2000, by the leader. I think they have just extended this a little bit. Not only when they are out of town does their approval rating go up, I think they learned that if they don't have to vote, their approval rating doesn't go down.

Mr. LEAHY. Will the Senator yield for a further question?

Mr. REID. I am happy to yield to my friend from Vermont, without losing my right to the floor.

Mr. HATCH. Will my friend yield for a parliamentary inquiry?

Mr. LEAHY. On this question, I have been here now with a number of distinguished majority leaders, all of whom have been friends of mine: the Senator from Montana, Mr. Mike Mansfield; the Senator from West Virginia, Mr. ROBERT C. BYRD; the Senator from Tennessee, Mr. Howard Baker; the Senator from Kansas, Mr. Robert Dole; the Senator from Maine, Mr. George Mitchell. During that time, I do not recall a case where a majority leader, even though they have the ability to call up an amendment, has ever done that without giving notice first to the Senator who sponsored the amendment. That is during my now almost 26 years with all these distinguished, both Democratic and Republican, majority leaders. Has it been the experience of the distinguished Democratic deputy leader that if the leader is going to call up another Senator's amendment, that they give the sponsor notice?

Mr. REID. I say to my friend from Vermont, there was an interesting discussion on the floor yesterday where a Senator mentioned another Senator's name on the floor without advising that Senator that he was going to be using his name. And the most senior Democrat disagreed with that. He said it was unfair to talk about another Senator when that Senator was not on the floor.

If we carry that logic to what the Senator just asked, I think it would also be improper if Senator LEAHY filed an amendment pursuant to an order that had been entered into the Senate and the Senator from Nevada, without saying a word to the Senator from Vermont, called it up.

Now, we have been told by the Parliamentarian that there have been times in the past when other Senators have called up other Senator's amendments. We all know that. I have called up amendments for you when you haven't been here.

Mr. LEAHY. With my permission.

Mr. REID. With your permission. And you have done the same for me. That is the way it works. But to do something where the Senator is over in his office waiting for a time to be able to offer his amendment and it is suddenly called up, I am not totally aware of this.

I say, through the Chair, to my friend from Utah, I would be happy to yield to my friend from Utah for a parliamentary inquiry, if I do not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. I have three or four parliamentary inquiries. I will make them very short.

It is my understanding, is it not, that the Latino fairness bill, amendment No. 4185, was just introduced on July 25 of this year; is that correct?

The PRESIDING OFFICER. The Chair does not have access to those dates.

Mr. LEAHY. Is that a parliamentary inquiry, Mr. President?

Mr. HATCH. Is it not true that the amendment called the Latino fairness bill is No. 4184 and that it is not germane because 94–3, Republicans and Democrats, have voted for cloture; is that correct?

The PRESIDING OFFICER. It is the opinion of the Chair that amendment No. 4184 is not germane.

Mr. HATCH. Parliamentary inquiry: Since the Senate voted 94–3, Democrats and Republicans, on a bipartisan way to limit debate, that amendment would be moved out of order; is that correct?

Mr. REID. I would say to the Chair——

Mr. HATCH. May I get an answer to my question?

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I would say to my friend, through the Chair, I have no problem with the Senator making these parliamentary inquiries. July 25, I don't know if that is right, but that is fine. I also think, as we say in the law, his inquiry is not at this time justiciable. The fact that the Parliamentarian, through the Chair, ruled that this amendment, if offered, would not be germane does not mean that that ruling is taking place now. There is no ruling at this stage.

The PRESIDING OFFICER. That is correct.

Mr. REID. Did the Senator have other parliamentary inquiries.

Mr. HATCH. Yes, parliamentary inquiry.

The PRESIDING OFFICER. Is there objection?

Mr. REID. As long as I don't lose the floor.

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

Mr. HATCH. As I understand it, the amendment, No. 4184, would not be germane.

Mr. REID. I am reclaiming the floor. I say to my friend from Utah, that question has already been answered.

The PRESIDING OFFICER. The Senator from Nevada can reclaim the floor.

Mr. REID. At an appropriate time, I hope we have the opportunity to offer this amendment. I came to the floor Friday and asked unanimous consent that we be allowed to proceed to this. What the minority is saying, is that there is no need to play any parliamentary games. What we want to do is to be able to have an up-or-down vote on amendment No. 4184, whether the underlying legislation was filed on July 25, February 1, or 2 minutes ago. We want a vote on the Latino and Immigrant Fairness Act of 2000. We want a vote. But, if the majority is going to come in here under some parliamentary guise and say that it is not germane, that is their right. But I want everyone to know—and I spread it across the record of this Senate—that is an obstacle that is unnecessary. They should allow us to vote on this if they believe that there should be fairness, as we have tried to outline here today, people who are already here, already working, or trying to work. We are not hauling in new people from outside the borders of the country. We want the people here to have a fair shot. That is all we want. If the majority does not want that, let them vote against it. I started out saying we would have an hour evenly divided. Then I said a half hour evenly divided. We are down to 10 minutes now, 5 minutes a side, that we would take on this.

We want an up-or-down vote. I think it is fair to have an up-or-down vote on this amendment.

Mr. LEAHY. Will the Senator yield for another question?

Mr. REID. Yes, without my losing my right to the floor.

Mr. LEAHY. Mr. President, the Senator from Nevada makes a compelling argument. Consider the extraordinary and, I believe, unprecedented procedure of the majority leader in calling up an amendment of a Democratic Senator who was not consulted. Note that the amendment is the amendment filed just before the amendment that we have been trying to have considered to provide Latino and immigration fairness, the one on which we are being denied consideration or a vote. The amendment on the Latino and Immigrant Fairness Act is something we ought to at least have the guts to stand up and vote up or down on and let the Latino population of this country know where we stand.

I say to my friend from Nevada, this exercise—to me, at least—appears to be an attempt to keep us from voting on something of significance to this country. Isn't this very similar to what we have seen on the question of judges, where anonymous holds from the Republican side have stopped us from voting up or down on judicial nominations for months and years in some cases; and anonymous holds from the Republican side are currently preventing Senate action on the Violence Against Women Act reauthorization; and anonymous holds from the Republican side have been preventing Senate action on the Bulletproof Vest Partnership Grant Act of 2000, a bill to help fund bulletproof vests to protect our State and local police officers; and anonymous holds on the Republican side have prevented passage of the visa waiver legislation; and anonymous holds on the Republican side are preventing the Senate from passing the Computer Crime Enforcement Act? Is there a pattern here? The majority appears not to want to allow the Senate to either vote for or against these measures. They should at least allow us to vote.

Mr. REID. Mr. President, I will respond to only one of the things he has listed because the obvious answer to every one is that he is right. About the bulletproof vests, that is very important to the people of Nevada. Why? Because some people believe that Nevada, is a State that is very rural in nature. That is not true. Nevada is the most urban State in America because 90 percent of the people live in the metropolitan Reno or Las Vegas areas. Ten percent live outside of Reno or Las Vegas. Those 10 percent, in Winnemucca and Lovelock, all through Nevada—those little police departments cannot afford bulletproof vests. As a result of that, we have people who are hurt and not able to do their work as well. Some of them have to buy their own vests and usually they are not very good.

What the legislation the Senator from Vermont has pushed, and we have gotten a little money on some of his legislation, we need to make sure that in rural America, rural Nevada, in places such as Ely and Pioche and police officers in these rural places in Nevada get the same protection against the criminal element that the people who are police officers in the big cities have. So the Senator from Vermont is absolutely right. We have a game being played here; they don't want to vote on tough issues. They have been pretty successful. And, I am sorry to say that they have been successful. We have spent little time debating issues and voting. We have spent a lot of time thinking about what we are going to do next, which is normally nothing.

My friend from Rhode Island has asked that I yield to him for a question, which I will do if I do not lose my right to the floor.

Mr. REED. Mr. President, like the Senator, I am frustrated because we are trying to simply recognize the reality that there are many, many individuals in the United States who have been here for years and who deserve an opportunity to become permanent residents, and it is not only within the Latino community but the Liberian community. These individuals from Liberia came over legally, under temporary protective status. That is one of the pieces of legislation also frustrated by this device to preclude amendments.

I wonder if the Senator might amplify the fact that, indeed, if we were successful to get a vote on this measure, we could also address the issue of 10,000 Liberians who are literally perhaps hours from being deported, except for administrative order, and it is a population that has contributed to our communities; and we should recognize that they deserve the opportunity to adjust to permanent status, and they are being ignored by these parliamentary maneuvers—worse than ignored.

Mr. REID. Mr. President, if there are ever any prizes given by a higher being to someone who cares about a group of people who have no one out there as their advocate or champion, JACK REED from Rhode Island will get one of those prizes. Nobody else has been as vocal a proponent for doing justice to those 10,000 individuals who have no other spokesperson. I congratulate the Senator for being very open and vocal. I have to tell him that but for him his amendment would not be part of this legislation about which we are speaking. I am very proud of the Senator from Rhode Island for the great work he has done.

I also respond in this way. Some of the people I am trying to help in Nevada have been there 30 years—not 30 days, 30 hours, 30 months, but 30 years. They want a fair hearing. When I first went to law school, I heard the words ''due process'' and really didn't know what that meant. I quickly came to learn in law school that it is the foundation of our system of justice. People who are here, no matter how they got here, should be entitled to basic fairness. So I thank my friend from Rhode Island for trying to help more than 10,000 Liberians get a fair hearing. That is basically what this is all about.

My friend from Florida has been on the floor now for a long period of time. He has indicated to me that he has a question. I am happy to yield for a question without my losing the floor.

Mr. GRAHAM. I thank the Senator.

Mr. President, Senator REED from Rhode Island has done an outstanding job of bringing to our attention the plight of those 10,000 Liberians, many of whom are his friends in Rhode Island. I want to talk about another group of about 10,000. That is a group of Haitians. There are many more than 10,000 Haitians who have come to the United States in the last decade, decade and a half, fleeing first the dictatorship of the Duvaliers, and then the military dictatorship that succeeded the Duvaliers. Most of those Haitians came by boat and most had no documentation. They had no papers of any type when they came into the country.

Under the immigration law we passed in 1998, subject to one additional complexity—which I will talk about at another time—which we are trying to get resolved with this legislation, they will be entitled to make their case for legal residence in the United States. I think at this point it is important we indicate that in virtually every instance we are talking about, we are not talking about granting a legal status and, certainly, not granting citizenship. What we are talking about is giving people a chance to apply, and that their application will be accepted and given appropriate due process and consideration. Without the kind of provisions we are trying to accomplish in this Latino and Immigrant Fairness Act, they can't even submit the papers to start the process.

Let me go back to the 10,000 Haitians who arrived by air. The irony is that they tended to be people who were under a particular threat of death or serious abuse and persecution. They felt the necessity not to be able to wait for a boat but to get out as quickly as possible. In order to get on the airplane, they had to go to somebody who counterfeits passports and other documentation that was required to get on the plane and get out of Haiti in the 1980s and early part of the 1990s. When they arrived in the United States they were not without documents. But they had false, counterfeit documents.

If you can believe it, under our current immigration law, we make a distinction between a person who is flying—and arguably in a severe case of persecution—with false documents and is denied the right to apply for legal status, whereas a person who comes with no documents at all is allowed.

This legislation will correct what I think is one of the most indefensible examples of unfairness to people who essentially are in the same condition

but have a minor technical differentiation—in this case, with no documents, OK; and, with false or counterfeit documents precluded from the opportunity to apply. We would eliminate that and allow both the no-document Haitians and the counterfeit-document Haitians the opportunity to submit their case and attempt to persuade the INS to justify granting some legal status in the United States.

They have 10,000—what are referred to as the ''airport Haitians''—immigrants with all of the characteristics that the Senator talked about before. They have lived here a long time. Many of them have established families. Either they have U.S. citizen children or they have become positive members of a community. They have all of the bases to be seriously considered for legal status, but they are being denied even the opportunity to apply because of this peculiarly perverse unfairness in our immigration law, which this legislation—if we had a chance to take it up, debate it, and vote on it—has the chance to rectify.

I appreciate my good friend, Senator REID, giving me this opportunity to ask him the question.

Does the Senator think we ought to seize this moment and correct the unfairness that Senator REED has pointed out with the Liberians—I suggest an equal number of Haitians—in this Nation?

Mr. REID. The Senator from Florida has been such a leader on immigration issues generally but more specifically this issue dealing with Haitians. The State of Florida has been greatly affected by Haitian immigrants. All we are saying is let these people have their status adjusted. If it doesn't work out, they will have to suffer whatever consequences. But don't deny them basic due process.

My friend from Louisiana asked that I yield to her for a question. I would be happy to do so without losing the right to the floor.

Mr. LOTT. Mr. President, before the Senator takes advantage of that time, I would like to make an inquiry.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. REID. I would be happy to yield to the majority leader without losing my right to the floor, which I lose in 5 minutes anyway.

Mr. LOTT. That is what I was going to inquire about. I believe we are scheduled to take a break in 5 minutes, at 12:30, for the respective party policy luncheons. I had hoped to be able to make some comments and respond to some of the things that were said. I know that Senator HATCH hoped to do that, too. In order to do that, if he is not going to have time yielded, I guess the only alternative would be for me to yield leader time and ask unanimous consent that we extend the time for 5 minutes beyond 12:30. Is that correct, Mr. President?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask a question of my good friend from Nevada. The Senator from Florida has raised some interesting questions about a particular group of people whom we, under our amendment, would seek to not give automatic citizenship to but the opportunity to apply. The Senator from Rhode Island has spoken eloquently about a fairly large group of applicants who are just seeking an opportunity to apply.

Does the Senator know that there is a very large group of people from Honduras that are living in the New Orleans area of Louisiana with families that will really be disrupted and separated if we don't provide some kind of response?

I wish the Senator could perhaps shed some light on how difficult it is going to be for me to have to go back to Louisiana and explain to my business leaders that I am trying to help them get visas for people to build the ships we need, to build powerplants to fuel this economy, and to bring people into this Nation, but yet I am not able to get our Senate to help us keep people who are already there employed and working in shipbuilding, running our hotels, and our hospitals.

The leader has done such a good job. I just wanted to come to the floor to say it is going to be very difficult for me to go back and say: While we gave you some help with visas for people to be brought in to help, we are taking people away from you who are already employed, and we weren't able to correct that.

Could the Senator shed some light for people who are following this debate on how it doesn't seem to make sense that on the one hand we are giving new visas to people to come into our country, and yet we are telling employers who are desperate for workers, particularly in my State of Louisiana in the New Orleans area, that we are going to actually take good workers away from them and ship them back to either Honduras or Guatemala or El Salvador?

Mr. REID. Mr. President, my friend from Louisiana is absolutely right. We know there was a promise made to Honduran immigrants in this country that their status would be adjusted the same as the Cubans and the Nicaraguans were adjusted. I was happy to recognize that the Cubans and Nicaraguans who are here deserve that. But for the Hondurans, this country has not lived up to the promise made to these people.

The Senator is absolutely right. That is why we have company after company and organization after organization supporting this legislation. Senator DURBIN has worked very hard on it, and the Senator from Louisiana has worked with him.

As has already been pointed out, supporters of the legislation include the Americans for Tax Reform, Empower American, AFL-CIO, Union of Needletrades and Industrial Textile Employees, Service Employees International Union, National Council of La Raza, League of United Latin American Citizens, Anti-Defamation League, Hadassah, The Women's Zionist Organization, Hebrew Immigrant Aid Society, Lutheran Immigration and Refugee Services, Jesuit Conference, American Bar Association, American Immigration Lawyers Association, Center for Equal Opportunity Club for Growth, Resort Recreation and Tourism Management, and the National School Transportation Association.

All we are saying is that these organizations are well-meaning. Why? Because their livelihoods depend on having people to do the work.

All we want to do is satisfy basic fairness. I think the way that we could have basic fairness is if the majority would allow us the right to vote on amendment No. 4184. It is as simple as that. I know my time is up.

Ms. LANDRIEU. I couldn't agree with the Senator more. I thank the Senator for yielding for that question.

Mr. LOTT. Mr. President, I yield myself a minute of leader time and allot the remainder of the time to Senator HATCH to comment on where we are and some of the things that have been said.

I know there is a lot of clarification and correcting that the RECORD needs.

With regard particularly to workers in shipbuilding, I believe we have plenty of people in my State of Mississippi who would be perfectly happy to fill any job that might be available in the shipyards in my State.

It is very clear what has happened. For weeks, for months, this bill has been delayed, stalled, by all kinds of demands for unrelated amendments, amendments of all kinds. That resistance still continues.

The high-tech industry indicates this is vital to them—big and small—this has to be done, and there is bipartisan support.

The time is here. We are going to see very clearly whether we want to extend these immigrants visas or not. All the delays to change the subject, deflect it, to demand votes on other things which could tangle up and cause problems for this bill will not work. We will file cloture. We are going to have successful cloture and we will either get this bill done or not.

Everybody needs to understand here and outside this Chamber that it is time we get to the issue at hand, that we have a vote, get this work done, and move on.

The Senators are entitled to make their case for other amendments. I thought we recognized last Friday in our exchange that there are other bills, there will be other venues where these amendments could possibly be considered, if that is the will of the House and the Senate and the Congress.

The point is, do we want to pass it or not? Time is running out. It is time to make that decision. We will have a clear vote on it before this week is out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have heard my friends on the other side talk about how important this is. Why didn't they file the bill before July 25 of this year if it is so darned important, if politics isn't being played here.

Secondly, why did they all vote for this? Forty-three Democrats voted for cloture. If they wanted this amendment, why did they vote for cloture? They understand the rule that, by gosh, we vote for cloture, end debate, so we can pass the bill.

The high-tech industry needs this bill, but it will be brought down if we can't get it passed. The Latino fairness bill has not even had 1 day of hearings. Yet they want to grant amnesty to illegal aliens of at least a half million, and some think up to 2 million people, without 1 day of hearings. Where are the amendments to increase the number of legal immigrants?

In 1996, we had a major debate on immigration and there was a serious effort to restrict the numbers of legal immigrants. I fought the fight to preserve the number of legal immigrants. That is Latino fairness. What my colleagues are advocating is a major amnesty program for illegal immigrants, without 1 day of hearing.

Let's just understand the 1982, 1986 situation. The fact is the bill before us, while termed ''Latino fairness,'' does nothing to increase or preserve the categories of illegal immigrants allowed in this country annually. If you listen to their arguments, why don't we just forget all our immigration laws and let everybody come in? There is an argument for everybody.

We all know what is going on: This is a doggone political game, stopping a very important bill that 94 people basically voted for today in voting to invoke cloture.

Their idea does nothing to shorten the long waiting period or the hurdles of persons waiting years to come to this country, playing by the rules to wait their turn. What we hear is an urgent call to grant broad amnesty to what could be more than a million to two million illegal aliens. Now, let's be clear about what is at issue here. Some refer to the fact that a certain class of persons that may have been entitled to amnesty in 1986, have been unfairly treated and should therefore be granted amnesty now. That is one issue, and I am certainly prepared to discuss—outside the context of S. 2045—what we might be able to do to help that class of persons. But that is not really what S. 2912 is about. Rather, this bill also covers that class plus hundreds of thousands, if not millions of illegal aliens who were never eligible for amnesty under the 1986 Act because that Act only went back to 1982.

This is a difficult issue, Mr. President, and one with major policy implications for the future. When we supported amnesty in 1986, it was not with the assumption that this was going to be a continuous process. What kind of signal does this send? On the one hand, our government spends millions each year to combat illegal immigration and deports thousands of persons each year who are here illegally. But—But if an illegal alien can manage to escape law enforcement for long enough, we reward that person with citizenship, or at least permanent resident status.

Finally, Mr. President, I hope that my colleagues are aware of the cost of this bill to American taxpayers. Specifically, a draft and preliminary CBO estimate indicates this bill comes with a price tag just short of $1.4 billion over 10 years.

The bottom line is that the Senate is not and should not be prepared to consider this bill at this time. It raises far-reaching questions concerning immigration policy, whose consequences have never been addressed by proponents.

Mr. REID. Mr. President, my final few minutes is time that has been given to me by the leader and that time that I claim for myself to deal with the pending legislation, the postcloture debate.

My friend from Utah indicated he was wondering why we didn't file our legislation prior to May of this year. I say to my friend from Utah, as he knows, we have been working on this legislation for more than 2 years, following the 1996 legislation, which has caused much of the controversy and consternation to immigrants. That is the reason this legislation is coming forward—one of the main reasons. Furthermore, one of the main components of the Latino and Immigrant Fairness Act would update the date of registry. I introduced legislation in August of 1999—last year—and updated legislation in April of this year, to change the date of registry. So, I respect this isn't something we just started working on. We have been fighting for these provisions for years.

We have talked about this. In fact, in May of this year, I wrote a letter to the majority leader urging him to move expeditiously to allow us time on the floor to consider the H–1B legislation. There have been no surprises. There has been adequate time for all the committees of jurisdiction to hear this legislation at great length. There have certainly been no surprises.

I repeat what was said earlier in this debate. The Democrats, by virtue of this record, support H–1B. We voted for cloture. We believe this legislation should move forward. But in the process of it moving forward, we think in fairness that the legislation about which we speak; namely, the Latino and Immigrant Fairness Act of 2000, should move forward also.

I repeat, if my friends on the other side of the aisle do not like the legislation, then they should vote against it. We are not trying to take up the valuable time of this Senate. But what we are doing is saying we want to move forward on this legislation, and we are not going to budge from this Congress until this legislation is passed.

We have a record that substantiates the statement I just made. No. 1, we moved Friday, we moved today, to proceed on this legislation. We have been denied that opportunity.

No. 2, we have letters signed by more than 40 Senators and we have more than 150 House Members who have signed a letter to the President, saying if he vetoes this legislation, we will certainly support his veto. Your veto will be based on the fact that the Latino and Immigrant Fairness Act of 2000 is not included in something coming out of this Congress.

What we are looking to, and the vehicle that should go forward, is the Commerce-Justice-State appropriations bill. But if there is some other area, we will also support the President's veto on that.

This legislation, among other things, seeks to provide permanent and legally defined groups of immigrants who are already here, already working, already contributing to the tax base and social fabric of our country, with a way to gain U.S. citizenship. They are people who are already here. They are working or have been working. The only reason they are now not working is because the Immigration and Naturalization Service slipped into the 1996 bill that these people, like the people in Nevada, are not entitled to due process. Some of my constituents in Nevada have not had the ability to have their work permits renewed. They have been rejected. Some have been taken away from them. People lost their homes, their cars, their jobs. I am sorry to say in some instances it has even caused divorce. It has caused domestic abuse, domestic violence. People who have been gainfully employed suddenly find themselves without a job. . .their families torn apart.

We want a vote, an up-or-down vote. As I have said, we don't want a lot of time. We will take 10 minutes, 5 minutes for the majority, 5 minutes by the minority: Vote on this bill. We will take it as it is written.

I think anything less than an up-or-down vote on this shows the majority, who in effect run this Senate, are unwilling to take what we do not believe is a hard vote. From their perspective, I guess it is a hard vote because they do not want to be on record voting against basic fairness for people who are here. Although we are willing to vote to bring 200,000 people to this country—we support that, too—we think in addition to the people who are coming here for high-tech jobs, the people who have skilled and semi-skilled jobs, who are badly needed in this country, also need the basic fairness that this legislation provides.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now

stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued the call of the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Oklahoma, objects.

Objection is heard.

The clerk will call the roll.

The assistant legislative clerk continued the call of the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MURKOWSKI. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the role.

The assistant legislative clerk continued the call of the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that Senator MCCAIN, Senator BREAUX, and Senator MURRAY be recognized to speak on the issue of pipeline safety for up to 15 minutes, followed by Senator REID for 9 minutes; Senator MURKOWSKI to be recognized to speak for 20 minutes on energy policy; Senator DURBIN for up to an hour on postcloture debate; and that all time be charged to the postcloture debate. Further, I ask unanimous consent that no action occur during the above described time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I say to my friend from Alaska we would like to proceed on the postcloture debate as rapidly as possible. We have a number of people who want to speak on that. I hope that this afternoon we can move along.

I also ask that the unanimous consent agreement be changed to allow Senator WELLSTONE 5 minutes for purposes of introduction of a bill. He would follow Senator MURKOWSKI.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The ranking member and the chairman of the committee also asked that following Senator WELLSTONE, Senator HATCH be recognized for 30 minutes and Senator KENNEDY be recognized for 30 minutes.

Mr. MURKOWSKI. I have another request that Senator THOMAS be recognized for 5 minutes in the order.

Mr. REID. Democrat, Republican; Democrat, Republican.

Mr. MURKOWSKI. That is fair enough to me.

Mr. REID. I ask, further, that Senator BIDEN be allowed 15 minutes. We would also say, if there is a Republican who wishes to stand in before that, or after Senator BIDEN, they be given 15 minutes.

Mr. MURKOWSKI. I wonder if I could ask the Presiding Officer—so we will have the clarification of the words—to indicate what the unanimous consent request is.

The PRESIDING OFFICER. The Chair would repeat the original unanimous consent request and add to that, Senator WELLSTONE for 5 minutes, Senator HATCH for 30 minutes, Senator KENNEDY for 30 minutes, Senator THOMAS for 5 minutes, Senator BIDEN for 15 minutes, and a Republican to be named later for 15 minutes, alternating from side to side.

That is the amended unanimous consent request.

Mr. MURKOWSKI. I believe Senator THOMAS wanted to follow Senator WELLSTONE with 5 minutes.

Mr. REID. That is fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. Mr. President, thank you.

PIPELINE SAFETY LEGISLATION

Mr. BREAUX. Mr. President, I want to take a few minutes to speak to my colleagues in this body as well as to our colleagues in the other body regarding the subject on which the Senate has spent a considerable amount of time; that is, pipeline safety, legislation which passed the Senate by a unanimous vote, with Republicans and Democrats supporting a unanimous consent request to pass this legislation without any dissent and without any arguments against it whatsoever.

On September 9, that bill passed the Senate and is now pending over in the other body where our House colleagues are taking a look at this legislation, trying to figure out what course they should take.

This legislation passed this body by unanimous consent because of the good work for over a year by colleagues in both parties. I particularly commend and thank the chairman, who I understand is coming over from the Commerce Committee, Senator MCCAIN, for his good work and for working with me as a member of the committee but also taking the rather unusual step of inviting other interested Senators to actually participate in the markup in the Commerce Committee.

I credit Senator MCCAIN for making it possible for Senator MURRAY of Washington to come over and actually sit in on the hearings, which is unusual for a Member, to take the time not only to attend to her duties in her own committee but to take time to listen to witnesses in another committee, which she did sitting at the podium with those of us on the Commerce Committee and also participating in asking questions.

It was a good combination between what Senator MCCAIN allowed, which was a little unusual, and what Senator MURRAY was able to participate in because of her strong interest and because of what has happened in her State with the recent tragic accident involving a pipeline which exploded, resulting in the tragic death of individuals from her State.

The result of those hearings was a compromise piece of legislation, which is a 100-percent improvement over the current situation with regard to how we look at the issue of pipeline safety. This is an issue that is extremely important to my State. We have over 40,000 miles of buried natural gas pipelines in the State of Louisiana.

If you look at a map of our State, it shows all of the buried pipelines. It looks like a map of spaghetti in an Italian restaurant because we have pipelines all over our State transporting the largest amount of natural gas coming from the offshore Gulf of Mexico as well as onshore pipelines that distribute gas not just to the constituents of my State but to constituents throughout the United States who depend upon Louisiana for a dependable source of natural gas. Pipelines in Louisiana are important not just to Louisianians but also to people from throughout this Nation.

The bill we have is one that requires periodic pipeline testing. It says if we can do it from an internal inspection, we will do it that way. If that is not possible, we have to do it with what we call a ''direct assessment'' of the lines, which actually means companies would have to dig them up and physically inspect the lines.

We require enhanced operator qualifications to make sure the people who are doing the work are trained and have a background in this particular area. We call for investments in technology to look at better ways of doing what is necessary to ensure their safety.

States would be given an increased role. But I have to say that the primary role would be the Federal Government's because these are interstate pipelines we are talking about under the pipeline safety area.

Communities would also be given increased involvement. I think it is important to let them know where the

lines are and that they are being inspected and also to hear their suggestions. They don't regulate the pipeline safety requirements, but they should be involved by being heard.

I think to the credit of everybody, particularly Senator MURRAY, this type of feature involving local community involvement is 100 percent better than it used to be because in the past there was very little involvement whatsoever.

The problem we take to the floor today to talk about is time. This is not rocket science. We don't have a lot of time to complete this bill. We hope our colleagues in the House who use this Senate vehicle will bring it to the floor in the other body and handle it in an expeditious fashion.

I repeat, this bill passed the Senate by a unanimous vote. It should not be controversial. It should be something that our friends and colleagues in the other body, Republican or Democrat, would be able to say we worked together with our Senate colleagues in an equal fashion and came to an agreement that this is good legislation.

It increases the safety of pipelines that are buried throughout the United States to help assure that we will not have some of the tragic events we have had in the past. The companies we have dealt with in my State support this measure. They want some improvements. They have been very helpful in making suggestions, as well as individuals and groups of concerned citizens who have made recommendations. We have taken all of them into consideration. We have a good piece of legislation that we hope our colleagues will be able to take up. Let's get it signed. If we let some of the details guide the actions in the other body, unfortunately, we may end up with nothing instead of a good bill.

I think we should recommend this to our colleagues and do so today.

Mrs. MURRAY. I thank my colleague from Louisiana for his efforts in making sure we pass a bill that will improve the safety of family and children who work or play near pipelines in this country. He is right; the House has an obligation now to take up the bill that we have passed in the Senate and move it forward. I thank him and I agree with his comments.

We have been joined by the chair of the Commerce Committee, Senator MCCAIN, who has done a tremendous job in moving this legislation forward. I personally thank him, as well.

It has been 16 months since a pipeline exploded in Bellingham, Washington and killed 3 young people. Back then, few Americans knew about the dangers of our Nation's aging pipelines. But in the past year—especially after the explosion in New Mexico last month—it became clear that this Congress had to do more to protect the public.

As my colleagues know, it is difficult to reform any major industry in just one year. But it was clear that we couldn't wait any longer to make pipelines safer. We in the Senate had a responsibility to protect the public, and I am pleased that the bill we passed earlier this month will go a long way to making pipelines safer. It is a dramatic improvement over the status quo.

That's why I've been so dismayed by what has happened in the House in recent weeks. The House of Representatives has not passed—or even marked up—any pipeline bill, but some Members have already called our bill inadequate. They also claim that they can pass a better bill this year—with just a few scheduled legislative days left in this Congress. I don't see it happening.

I have worked on this issue for over a year and that's why I want to address those claims—because they are based on three incorrect assumptions. The first fallacy is that the Senate bill will not improve safety. We worked long and hard over many months to pass a strong bill. And this bill will improve safety.

Let's look at some of the provisions.

Expanding the public's right to know about pipeline hazards;

Requiring pipeline operators to test their pipelines;

Requiring pipeline operators to certify their personnel;

Requiring smaller spills to be reported;

Raising the penalties for safety violators;

Investing in new technology to improve pipeline safety;

Protecting whistle blowers;

Increasing state oversight; and

Increasing funding for safety efforts.

These are clear improvements over the status quo and they will make pipelines safer. This is not a perfect bill, but we should not make the perfect the enemy of the good. Let's take the steps we can now to improve pipeline safety.

Some also suggest that the Senate bill relies on the Office of Pipeline Safety too much. Now it is clear that OPS has not done its job in the past. That is why this bill requires OPS to carry out congressional mandates. And we in Congress have a responsibility to hold OPS accountable for doing its job. I intend to remain vigilant in this area.

Our bill includes more resources for the agency. And today public scrutiny on the agency—especially after a report by the General Accounting Office and a report I requested from DOT's inspector general—have put the agency under a microscope. I am confident that OPS today has a renewed commitment to safety. And I am pleased our bill includes the right amount of new resources and tools to make pipelines safer.

Let me turn to another assumption that has been made by some.

They suggest this bill could be amended significantly this year. That's a long process even under normal circumstances. And this year there are only a few days left. I don't see how it could happen this year.

So some critics say—we'll start again next year—we'll do better next year. That means it will be at least a year—maybe longer before the issue is even brought up again.

And how can we have so much faith that we'll get anything stronger—or anything at all—under a new Congress and a new President?

Let me ask a simple question:

Would you take that bet if your family's safety depended on it? I wouldn't. And I don't think we can shirk our responsibility to protect the public this year.

Before I finish, I do want to say something about those who have raised concerns about the Senate bill. They are good people with good motives.

In some cases, they have paid too high a price. They want safer pipelines. That is exactly what I want. Unfortunately, here in Congress—their position ends up ''making the perfect the enemy of the good.'' And that means no reform at all.

Looking for some ''better bill'' really means no bill at all this year. Rejecting the Senate bill really means accepting the inadequate, unsafe status quo for at least another year. I don't want another American family to look at this Congress and say, ''why did you drop the ball when you were so much closer to improving safety?''

Passing the Senate bill means we will finally get on the road to making pipelines safer. Once we're on that road we can always make course corrections. But we've got to get on that road to start with and that's why I urge my colleagues in the House to pass the Senate bill immediately.

We've got a strong bill. Let's put it into law.

Let me make it clear: It is critical that the House take up this bill this year. Senator MCCAIN has done an outstanding job. We owe the people in my State, New Mexico, and other States that have had accidents, to do the right thing this year. I encourage this Congress to act.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. MCCAIN. Mr. President, before she leaves the floor, I thank Senator MURRAY. Without her unrelenting efforts and that of her colleague, Senator GORTON, I know we would not have passed the legislation through the Senate, and I know it would not have been as comprehensive nor as carefully done. I thank the Senator from Washington for her outstanding work, including that on behalf of the families who suffered in this terrible tragedy in her home State. I come to the floor today to once again bring to the attention of my colleagues the urgency of passing and sending to the President pipeline safety improvement legislation. While the Senate acted two weeks ago and passed S. 2438, the Pipeline Safety Improvement Act of 2000, the House has yet to take action on pipeline safety legislation. Despite the efforts of Mr. FRANKS, chairman of the

House Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, who has introduced pipeline safety legislation that is almost identical to S. 2438, the full House has not advanced a pipeline safety bill. Time is running out.

I thank our colleague from Louisiana, Senator BREAUX, for his active participation. His knowledge and expertise on this issue has been essential.

Mr. President, each day that passes without enactment of comprehensive pipeline safety legislation like that approved unanimously by the Senate places public safety at risk. As my colleagues may recall, just prior to Senate passage of the Pipeline Safety Improvement Act, a 12-inch propane pipeline exploded in Abilene Texas, after being ruptured by a bulldozer. That accident resulted in the fatality of a police officer. Sadly, that accident brings the total lives that have been lost in recent accidents to 16.

In Abilene, the victim was a 42-year-old police detective who just happened to pass by in his car as the propane exploded across State Highway 36. Just last month, 12 individuals lost their lives near Carlsbad, New Mexico, after the rupture of a natural gas transmission line. And we cannot forget about last year's tragic accident in Bellingham, Washington, that claimed the lives of three young men.

I repeat what I said two weeks ago during the Senate's consideration of the Pipeline Safety Improvement Act: we simply must act now to remedy identified safety problems and improve pipeline safety. To do less is a risk to public safety and will perhaps result in even more needless deaths.

It is my hope that I will not have to come to this floor again to implore our colleagues in the House to take action. It is not typical for me to urge the other body to take up a Senate bill without modification, but time is running out.

I also point out the strong support of our legislation by the administration.

I will quote from Secretary Slater's press release issued after Senate passage of S. 2438:

> I commend the U.S. Senate for taking swift and decisive action in passing the Pipeline Safety Improvement Act of 2000. This legislation is critical to make much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources.

I further want to point out my disappointment that some in the other body are willing to put safety at risk for what appears to be pure political gain.

I am aware of a series of ''Dear Colleagues'' transmitted by some in the House harshly criticizing the Senate bill. This same bill, unanimously approved by the Senate, is strongly supported by Secretary Slater for being a strong bill to advance safety. Therefore, I find the criticism by a handful of House Members quite revealing when one of those harshest critics only last year voted in support of moving a clean 2-year reauthorization of the Pipeline Safety Act out of the House Commerce Committee and the other critic has not taken any action that I have seen to advance pipeline safety during this session. They just don't want a bill because they are betting on being in charge next year. That is the kind of leadership the American people would reject.

I do not consider enacting S. 2438 to be the end of our work in this area. Indeed, I commit to our colleagues to continue our efforts to advance pipeline safety during the next Congress.

I am willing for the committee to continue to hold hearings on pipeline safety and will work to advance additional proposals that my colleagues submit to promote it. But little more can be done in the time remaining in the session. I don't see how it could be possible to move any other pipeline safety bill prior to adjournment. Therefore, it is urgent for the House to act now.

The time is long overdue for Congress and the President to take action to strengthen and improve pipeline safety. We simply cannot risk the loss of any more lives by lack of needed attention on our part. Therefore, I urge my colleagues in the House to join ranks and support passage of pipeline safety reform legislation immediately so we can send the bill on to the President for his signature. Lives are at risk if we don't act now.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, may I ask how much time I am allotted under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Alaska is provided up to 20 minutes.

ENERGY

Mr. MURKOWSKI. Mr. President, I rise to address the Energy bill which has been introduced by Senator LOTT. We have had a good deal of discussion about this country's continuing dependence on imported petroleum products, particularly crude oil, to the point that currently we are about 58-percent dependent.

As a consequence of the concern over the lack of adequate heating oil supplies, particularly in the eastern seaboard, the President, on the recommendation of the Vice President, made a determination to release about 30 million barrels from the Strategic Petroleum Reserve. That is a significant event.

I question the legality of that action. I question the meaning or significance of that action, but we can get into that a little later in my comments. I am also going to touch on our realization of the high price of natural gas, following our recognition of our dependence on imported oil.

Oftentimes, we do not see ourselves as others see us. I am going to read a paragraph from the New York Times article of September 26 called ''Candidate In The Balance.'' It is by Thomas L. Friedman.

I quote:

> Tokyo. It's interesting watching the American oil crisis/debate from here in Tokyo. The Japanese are cool as cucumbers today—no oil protests, no gas lines, no politicians making crazy promises. That's because Japan has been preparing for this day since the 1973 oil crisis by steadily introducing natural gas, nuclear power, high-speed mass transit and conservation, and thereby steadily reducing its dependence on foreign oil. And unlike the U.S., the Japanese never wavered from that goal by falling off the wagon and becoming addicted to S.U.V.'s—those they just make for the Americans.

I think there is a lot of truth to that. As we reflect on where we are today, I think we have had an acknowledgement at certain levels within the administration that they have been ''asleep at the wheel'' relative to our increasing dependence on imported oil.

This did not occur overnight. This has been coming on for some time. We can cite specifics over the last 7 or 8 years, and in every section, U.S. demand is outpacing U.S. supply.

We saw crude oil prices last week at a 10-year high—$37 a barrel—twice what they were at this time last year.

It is rather interesting to note the Vice President's comments the other day that the high price of oil was due to profiteering by big oil. That is certainly a convenient political twist, isn't it—profiteering by big oil. There was no mention that last year big oil was very generously making crude oil available at $10 a barrel. You think they did that out of generosity? Who sets the price of oil? Does Exxon? British Petroleum? Phillips?

Big oil isn't the culprit; it is our dependence on the supplier. Who is the supplier? The supplier is OPEC, Saudi Arabia, Venezuela, Mexico. They have it for sale. We are 58-percent dependent, so they set the price.

With crude oil at a 10-year high, gasoline prices are once again above $1.57, $1.59, in some areas $2 a gallon.

Natural gas—here is the culprit, here is what is coming, here is the train wreck—$5.25 to $5.30 for deliveries in the Midwest next month. What was it 9 months ago? It was $2.16. Think of that difference.

Utilities inventories are 15-percent below last winter's level. How many homes in America are dependent on natural gas for heating? The answer is 50 percent, a little over 50 percent; that is, 56 million homes are dependent on natural gas in this country. How many on fuel oil? Roughly 11 million.

What about our electric power generation? Fifteen percent of it currently comes from natural gas. What is the increasing demand for natural gas? We

are consuming 22 trillion cubic feet now. The projections are better than 30 trillion cubic feet by the year 2010.

The administration conveniently touts natural gas as its clean fuel for the future, but it will not allow us to go into the areas where we can produce more.

I remind my colleagues, I remind the Secretary of Energy, and I remind the Vice President and the President, there is no Strategic Petroleum Reserve for natural gas. You can't go out and bail this one out, Mr. President. The administration has placed Federal lands off limits to new natural gas exploration and production.

More than 50 percent of the overthrust belt—the Rocky Mountain area, Montana, Wyoming, Colorado—has been put off limits for exploration. We have a Forest Service roadless policy locking up an additional 40 million acres; a moratorium on OCS drilling until the year 2012. The Vice President said he would even consider canceling existing leases.

You have a situation with increased demand and no new supply. What does this add up to? Higher energy prices for consumers this winter—a train wreck. This is going to happen. Yet the administration sits idly by and hopes the election can take place before the voters read their fuel bills.

So there we are. We now have situations in California, in San Diego, of electricity price spikes. We have possible brownouts. The reason is, there is no new generation. You can't get permits for coal-fired plants.

It takes so long to get new generation on line.

Heating and fuel oil inventories, as I have indicated, are at the lowest level in decades, leaving us unprepared for winter. It is a lack of overall energy policy.

As to nuclear energy, 20 percent of the total power generated in this country comes from it. We can't address what to do about the waste. This body stands one vote short of a veto override to proceed with the commitments that we made to take that waste from the industry, waste that the consumers have been paying for the Federal Government to take for the last two decades.

Consumers have paid about $11 billion into that fund. The Federal Government was supposed to take the waste in 1998. It is in breach of its contract. The court has ruled that the industry can recover, and they can bypass anything but the Court of Claims. That is how far that has gone.

Let's look at crude oil and SPR.

With crude oil prices on the rise again, the administration has had to go back to OPEC time and time again to ask for more foreign oil. The assumption is, if they ask for 800,000 barrels, we get 800,000 barrels. We get 17 percent of that. That is about 130,000 barrels. That is our portion. Everybody gets some of OPEC's increased production.

Foreign imports into this country in June were 58 percent. Compare that with 36 percent during the 1973 Arab oil embargo. Recall the gasoline lines around the block at that time. The public was outraged. They blamed everybody, including Government. Sounds familiar, doesn't it?

Ask Tony Blair from Great Britain how he feels about the protests in England and everywhere else in Europe. It is threatening some governments.

To ensure we have a supply to fall back on, in 1973, 1974, 1975, we created the Strategic Petroleum Reserve or SPR. That was our response to the Arab oil embargo. We have about 571 million barrels of storage in SPR. SPR was set up to respond to a severe supply interruption, not to manipulate consumer price for a political effect.

We can only draw down about 4.1 million barrels per day from SPR. Remember something a lot of Americans, a lot of people in the media, do not understand: The Strategic Petroleum Reserve is not full of heating oil or gasoline or kerosene. It is full of crude oil. The crude oil has to be transported to a refinery. Our refineries are running at 96 percent of capacity.

The Vice President wants to release 30 million barrels from SPR to ''lower prices'' for consumers. I question the legality of that at this time because a drawdown can only occur if the President has found that a severe energy supply interruption has occurred. The Secretary released oil without any such finding. His excuse is that this is not a drawdown; it is a swap or an exchange.

This is the largest release of oil from SPR in its 25-year history, larger than during the gulf war.

Secretary Richardson stated today that the 30 million barrels of crude released from SPR may produce 3 to 5 million barrels of new heating oil. The U.S. uses 1 million barrels of heating oil per day.

So the obvious increase is 3, 4, 5 days' supply. That is not very much, is it? The Secretary's action regarding SPR may have an impact on price but may not have a significant impact on the supply of heating oil. That is just the harsh reality.

What about others? Well, Secretary of the Treasury Summers has indicated it is bad policy. He felt so strongly, he wrote a letter to Alan Greenspan. We have a copy of the memorandum that went from Mr. Summers, Secretary of the Treasury, to Alan Greenspan. I will refer to it in a moment.

Releasing SPR now weakens our ability to respond later to real supply emergencies. That is obvious to everyone. But I do want to enter into the RECORD this letter, a memorandum of September 13 from Lawrence H. Summers, Secretary of the Treasury, to the President. The memorandum is entitled ''Strategic Petroleum Reserve.'' Page 2, top paragraph:

> Using the SPR at this time would be seen as a radical departure from past practice and an attempt to manipulate prices. The SPR was created to respond to supply disruptions and has never been used simply to respond to high prices or a tight market.

I don't think there is any question about the intent of that statement. It is bad policy. Alan Greenspan has indicated an agreement, or at least that is the impression we get.

The action that I indicated was illegal is illegal because it requires a Presidential finding. It is contrary to the intent of the authority for the transfer. And besides, we have not reauthorized the Strategic Petroleum Reserve. It is held up in this body by a Senator on the other side who is objecting to the reauthorization of EPCA, which contains the reauthorization for the Strategic Petroleum Reserve. Releasing SPR oil now, as I indicated, weakens our ability to respond later to real supply emergencies.

Where were we 7 years ago with regard to SPR? We had an 86-day day supply of crude oil in SPR. Today, we have a 50-day supply. The administration has previously sold almost 28 million barrels. They sold it at a loss of $420 million, the theory being you buy high and you sell low. I guess the taxpayers foot the bill by making it up with the increased activity. I don't know what their logic has been, but that is the history.

Earlier this year, the Vice President stated: Opening SPR would be a compromise on our national energy security. He made that statement. Obviously, he has seen fit to change his mind. Everybody can change their minds, but nevertheless I think it represents an inconsistency. What we need is a real solution, reducing our reliance on foreign oil by increasing domestic production and using alternative fuels, incentives, conservation, weatherization. I could talk more on that later.

Also, it is interesting to note that the Vice President indicated his familiarization with SPR, that he was instrumental in the setting up of it. As we have noted, he was not in the Senate under the Ford administration when it was established. That is kind of interesting because it suggests that he is happy to get aboard on the issue and, again, may have had a significant role, but it is pretty hard to find the record showing him having an active role.

Another point is our increased dependence on Saddam Hussein and the threat to our national security in the sense that we are now importing about 750,000 barrels of oil from Iraq a day. Just before this administration, we carried out Desert Storm, in 1991–1992. We had 147 Americans killed, 460 wounded, 23 taken prisoner. We continued to enforce, and continue today to enforce, a no-fly zone; that is, an aerial blockade. We have had flown over 200,000 sorties since the end of Desert Storm. It is estimated to cost the American taxpayer about $50 million. Yet this administration appears to become more reliant on Iraqi oil.

What we have is a supply and demand issue. Domestic production has declined 17 percent; domestic demand has

gone up 14 percent. Iraq is the fastest growing source of U.S. foreign oil—as I said, 750,000 barrels a day, nearly 30 percent of all Iraq's exports. We have been unable to proceed with our U.N. inspections in Iraq. There is illegal oil trading underway with other Arab nations; we know about it. Profits go to development of weapons of mass destruction, training of the Republican Guard, developing missile delivery capabilities, biological capabilities.

This guy is up to no good; there is absolutely no question about it. The international community is critical of the sanctions towards Iraq. But consider this: Saddam Hussein is known to put Iraqi civilians in harm's way when we retaliate with aerial raids. Saddam has used chemical weapons against his own people in his own territory. He could have ended sanctions at any time—by turning over his weapons of mass destruction for inspection; that is all. Yet he rebuilds his capacity to produce more. He cares more about these weapons than he apparently cares about his own people. That he is able to dictate our energy future is a tragedy of great proportion. Still, the administration doesn't seem to get the pitch. Saddam gets more aggressive. His every speech ends with ''death to Israel.'' If there is any threat to Israel's security, it is Saddam Hussein.

He has a $14,000 bounty on each American plane shot down by his gunnery crews. He accuses Kuwait of stealing Iraqi oil—here we go again—the same activity before he invaded Kuwait in 1990. Saddam is willing to use oil to gain further concessions. The U.N. granted Kuwait $15 billion in gulf war compensation. Iraq has retaliated and said it will cut off exports. OPEC's spare capacity can't make up the difference.

He has the leverage. We really haven't focused in on that. The U.N. postpones compensation hearings until after U.S. elections for fear of the impact on the world market. He is dictating the terms and conditions. He says: You force me to pay Kuwait and I will reduce production. We can't stand that because that is the difference between roughly the world's capacity to produce oil and the world's demand for that oil. And Saddam Hussein holds that difference.

I ask unanimous consent to proceed for another 7 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

I will try this approach because I think it references our foreign policy. If I get this right, we send him our dollars, he sells us the oil, we put the oil in our airplanes and go bomb him. Have I got that right? We buy his oil, fill our planes, and go bomb him. What kind of a foreign policy is that? He has us over a barrel, and it is a barrel of oil.

Another issue that is conveniently forgotten is refinery supply. Supply of crude oil is not the only issue. Even if we had more, we don't currently have the capacity to refine it. That is what is wrong with releasing oil from SPR. We don't have the ability for our refineries to take more product currently. That is unfortunate, but it is a reality.

We had a hearing this morning. The industry said they are up to maximum capacity with refinery utilization at 96 percent. We haven't built a new refinery for nearly a quarter century. We have had 36 refineries closed in this country in the last 10 years. This is due to EPA regulations.

We have the issue of reformulated gas. We have nine different geographical reformulated gasolines in this country. The necessity of that is the dictate from EPA. I am not going to go into that, but fuels made for Oregon are not suitable for California; fuels made for Maryland can't be sold in Baltimore; Chicago fuels can't be sold in Detroit. We are making designer gasoline. The result: Refiners do not have the flexibility to move supplies around the country or respond to the shortages.

The administration's response? Well, it is pretty hard to identify. They are trying to duck responsibility, hoping this issue will go away before the election takes place and the voters get their winter fuel bills. They are trying to keep this ''train wreck'' from occurring on their watch. They blame ''big oil'' for profiteering.

Think this thing through. Big oil profiteering: Where was big oil when they gave it away at $10 a barrel last year? Who sets the price? Well, it is OPEC, Saudi Arabia, Venezuela, and Mexico, because they have the leverage; they have the supply. I think the American people are too smart to buy the issue of big oil profiteering. And the issue related to the industry is that during the time that we had $10 oil, we weren't drilling for any gas. We lost about 57,000 gas wells, and I think 136,000 oil wells were taken out of production. Many were small.

So if we look at the areas where we get our energy, it is pretty hard to assume that there is any support in the area of domestic production and exploration because there is a reluctance to open up public land.

We have seen 17 percent less production since Clinton-Gore took office. They oppose the use of plentiful American coal. EPA permits make it uneconomic. We haven't had a new coal-fired plant in this country in the last several years. They force the nuclear industry to choke on its own waste. Yet the U.S. Federal Court of Appeals now says the utilities with nuclear plants can sue the Federal Government because it won't store the waste. That could cost the taxpayer $40 billion to $80 billion. They threaten to tear down the hydroelectric dams and replace barge traffic on the river system by putting it on the highways. That is a tradeoff? They ignore electric reliability and supply concerns, price spikes in California, no new generation or transmission. They claim to support increased use of natural gas while restricting supply and preventing new exploration.

The Vice President indicated in a speech in Rye, NH, on October 21, 1999, he would oppose further offshore leasing and would even look to canceling some existing leases. Where are we headed? Downhill. It means higher natural gas prices, higher oil prices, higher gasoline and fuel oil prices, plus higher electricity prices. That equals, in my book, inflation.

We have been poking inflation in the ribs with higher energy prices, driving all consumer prices higher. One-third of our balance of payments is the cost of imported oil. We are a high-tech society. We use a lot of electricity for our activities—computer activities, e-mail, and everything else. All this boils down to the makings of a potential economic meltdown.

What we need is a national energy strategy which recognizes the need for a balanced approach to meeting our energy needs. We need all of the existing energy sources. We have the National Energy Security Act before us on this floor. We want to increase energy efficiency, maximize utilization of alternative fuels/renewables, and increase domestic oil supply and gas production. We want to reauthorize EPCA, reauthorize the Strategic Petroleum Reserve. Our bill would increase our domestic energy supplies of coal, oil, and natural gas by allowing frontier royalty relief, improving Federal oil/gas lease management, providing tax incentives for production, and assuring price certainty for small producers.

We want to allow new exploration. Twenty percent of the oil has come from my State of Alaska in the last two decades. We can open up the Arctic Coastal Plain safely, and everybody knows it. The reason is that we want to promote new clean coal technology, protect consumers against seasonal price spikes, and foster increased energy efficiency.

Regardless of how you say it, American consumers really need to understand that this train wreck is occurring and it is occurring now. We have to develop a balanced and comprehensive energy strategy, one that takes economic and environmental factors into account at the same time, and one that provides the prospect of a cleaner, more secure energy in the future.

We have this energy strategy. We have it proposed. It is on the floor of this body. This administration does not. They are just hoping the train wreck doesn't happen on their watch. The consequences of over 7 years of failed Clinton-Gore energy policies are now being felt in the pocketbooks of working American families. Mr. President, we deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 1 hour.

THE ENERGY CRISIS

Mr. DURBIN. Mr. President, I would be remiss, following the remarks of the Senator from Alaska, if I didn't comment on the whole energy issue, which is one of great concern to families, individuals, and businesses across America.

I have listened carefully as critics of the Clinton-Gore administration came out with statistics about the reason for our plight today. One that is often quoted, and was quoted again by the Senator from Alaska, is the fact that we have not built a new refinery in the United States for the last 24 years. I have heard this over and over again. There are two things worth noting. If I am not mistaken, during the last 24 years, in only 8 of those years have we had a Democratic administration. So if there has been any laxity or lack of diligence on the energy issue, I think that statement reflects on other administrations as much as, if not more than, the current administration.

Secondly, the people who make that statement hardly ever note that existing refineries have been expanded dramatically across the United States. That is the case in Illinois and in so many other States. I think it is worth noting that to say we have ignored the increased energy demands for our economy is not a complete statement. We have responded to them. The question, obviously, is whether we have responded enough.

There have also been statements made as to whether oil companies have been guilty of price gouging or profiteering. Those of us in the Midwest who, this spring, endured increases in gasoline prices of $1 a gallon, and more, in a very short period of time did not believe that market forces were at work. We believed what was at work was the forces of monopolies that virtually can dictate prices to American consumers. We were not alone in our belief. The Federal Trade Commission, after looking at the issue, could find no reasonable economic or market explanation for this increase in gasoline prices in Chicago or Milwaukee.

The other side would blame the Environmental Protection Agency and virtually everybody connected with the Clinton administration. Yet there was no evidence to back up those claims. As a consequence, the FTC is investigating oil companies to determine whether or not they did take advantage of consumers, businesses, and families across the Midwest. We believe it cost tens of millions of dollars to our local economy, and I believe if any fine is ultimately imposed on the oil companies, it should go to benefit the businesses and families who were the victims of these high gasoline prices by these oil companies.

The Senator from Alaska also made reference to the decision of this administration within the last few days to release oil on a swap basis from the Strategic Petroleum Reserve. It was a hot topic. Mr. Bush and Mr. GORE were involved in this debate for a long period of time. The question, obviously, is whether or not it is going to have any impact on our growing concern about the cost of fuel and energy, particularly the cost of heating oil. Well, we might be able to speculate for a long time, but we don't have to.

I call the attention of my colleagues in the Senate to this morning's Washington Post in the business section. The headline reads ''Price of Crude Oil Drops Below $32.'' Let me read from this article by Kenneth Bredemeier of the Washington Post:

> The price of oil fell to its lowest level in a month yesterday in the wake of the Clinton administration's announcement last week that it is releasing 30 million barrels of oil from the Strategic Petroleum Reserve to help ensure adequate supplies of home heating oil this winter.

He goes on:

> ''It was not unexpected,'' said John Lichtblau, chairman of the Petroleum Industry Research Foundation. ''It reflects the fact that inventories will be increased. This is not a sharp decline, but it is headed in the right direction. They could fall somewhat more.''
>
> Lichtblau said that while very recently there had been speculation about $40-a-gallon oil, ''now there's speculation that it will drop to below $30. The assumption has changed directionally.''

So those who would argue against Vice President GORE and President Clinton's position on the Strategic Petroleum Reserve, saying it won't help consumers and families and it won't help businesses, frankly, have been proven wrong by this morning's headline in the business section of the Washington Post. This is not a campaign publication, this is a report on the realities of the market. Of course, we can't stop with that effort. We have to continue to look for ways to reduce the cost of energy so that families and businesses can continue to profit in our strong economy.

But I think the suggestion of the Senator from Alaska embodied in this bill that we begin drilling for oil in the Arctic National Wildlife Refuge in his State is the wrong thing to do.

I recently ran into the CEO of a major oil company in Chicago. I asked him about this. How important is ANWR to the future of petroleum supplies in the United States? He said: From our company's point of view, it is a nonissue. There are plenty of sources of oil in the United States that are not environmentally dangerous situations. He believes—and I agree with it—that you do not have to turn to a wildlife refuge to start drilling oil in the arctic, nor do you have to drill offshore and run the risk of spills that will contaminate beaches for hundreds of miles. There are sources, he said, within the U.S. that are not environmentally sensitive that should be explored long before we are pushed to the limit of finding sources in these environmentally sensitive areas.

But the Senator from Alaska and many of our colleagues are quick to want to drill in these areas first. Their motive I can't say, but I will tell you that I don't believe it is necessary from an energy viewpoint. There are plenty of places for us to turn. But drilling for new oil energy sources is not the sole answer, nor should it be. We should be exploring alternative fuel situations.

They come to the floor regularly on the other side of the aisle and mock the suggestion of Vice President GORE in his book ''Earth In The Balance'' that we look beyond the fossil-fueled engine that we use today in our automobiles, trucks, and buses and start looking to other sources of fuel that do not create environmental problems. They think that is a pipedream; that it will never occur. Yet they ignore the reality that two Japanese car companies now have a car on the road that uses a combination of the gas-fired engine with electricity; with fossil-fueled engines, and those that do not rely only on fossil fuels to prove you can get high mileage without contaminating the atmosphere.

I am embarrassed to say again that the vehicles we are testing first come from other countries. But they are proving it might work. We should explore it. It seems an anathema to my friends on the other side of the aisle to consider other energy sources.

But if we can find, for example, a hydrogen-based fuel which does not contaminate the atmosphere and gives us the prospect of providing the energy needs of this country, why wouldn't we explore that? Why shouldn't we push for that research?

That is the point made by Vice President GORE. It is a forward visionary thing that, frankly, many people in the boardrooms of oil companies might not like to consider. But I think we owe it to our kids and future generations to take a look at that.

To go drilling in wildlife refuges and off the shores of our Nation with the possibility of contaminating beaches is hardly an alternative to sound research. I think we should look at that research and consider it as a real possibility.

H–1B VISA LEGISLATION

Mr. DURBIN. Mr. President, the reason for my rising today is to address the issue that is pending before us, which is the H–1B visa bill. This is a bill which addresses the issue of immigration.

Immigration has been important to the United States. But for the African Americans, many of whom were forced to come to the U.S. against their will in slavery, most of us, and our parents and grandparents before us, can trace our ancestry to immigrants who came to this country. I am one of those people.

In 1911, my grandmother got on a boat in Germany and came across the ocean from Lithuania landing in Baltimore, MD, and taking a train to East St. Louis, IL. She came to the United

States with three of her children. Not one of them spoke English. I am amazed when I think about that—that she would get on that boat and come over here not knowing what she was headed to, not being able to speak the language, unaware of the culture, and taking that leap of faith as millions have throughout the course of American history.

What brought her here? A chance for a better life—economic opportunity, a better job for her husband, and for her family, but also the freedoms that this country had to offer. She brought with her a little prayer book that meant so much to her and her Catholic church in Lithuania. It was printed in Lithuanian. It was banned by Russian officials who controlled her country. This woman who could barely read brought this prayer book, considered contraband, because it meant so much to her. She knew once she crossed the shores and came into America that freedom of religion would guarantee that she could practice her religion as she believed.

She came, as millions did, in the course of our history—providing the workers and the skills and the potential for the growth of this economy and this Nation.

As we look back on our history, we find that many of these newcomers to America were not greeted with open arms. Signs were out: ''Irish Need Not Apply.'' People were giving speeches about ''mongrelizing the races in America.'' All sorts of hateful rhetoric was printed and spoken throughout our history. In fact, you can still find it today in many despicable Internet sites. That has created a political controversy around the issue of immigration, which still lingers.

It wasn't that long ago that a Republican Governor of California led a kind of crusade against Hispanic immigration to his State. I am sure it had some popularity with some people. But, in the long run, the Republican Party has even rejected that approach to immigration.

The H–1B visa issue is one that really is a challenge to all of us because what we are saying is that we want to expand the opportunity for people with skills to come to the United States and find jobs on a temporary basis. We are being importuned by industry leaders and people in Silicon Valley who say: You know, we just can't find enough skilled workers in the United States to fill jobs.

We ask permission from Congress, through the laws, to increase the number of H–1B visas that can be granted each year to those coming to our shores to work and to be part of these growing industrial and economic opportunities.

Historically, we have capped those who could be granted H–1B visas—115,000 in fiscal year 1999 and fiscal year 2000, and 107,500 in fiscal year 2001. The bill we are debating today would increase the number of people who could be brought in under these visas to 195,000 per year.

I think it is a good idea to do this. I say that with some reluctance because I am sorry to report that we don't have the skilled employees we need in the United States. Surely we are at a point of record employment with 22 million jobs created over the last 8 years. But we also understand that some of the jobs that need to be filled can't be filled because the workers are not there with the skills. We find not worker shortages in this country but skill shortages in this country.

I think there are two things we ought to consider as part of this debate. First, what are we going to do about the skill shortage in America? Are we going to give up on American workers and say, well, since you cannot come up with the skills to work in the computer and technology industry we will just keep bringing in people from overseas? I certainly hope not.

I think it is our responsibility to do just the opposite—to say to ourselves and to others involved in education and training that there are things we can do to increase and improve our labor pool.

The second issue I want to address in the few moments that I have before us, is the whole question of immigration and fairness.

Many of us on the Democratic side believe that if we are going to address the issue of immigration that we should address it with amendments that deal with problems which we can identify.

I came to the floor earlier and suggested to my colleagues that in my Chicago office, two-thirds of our casework of people calling and asking for help have immigration problems. I spend most of my time dealing with the Immigration and Naturalization Service. Sometimes they come through like champions. Many times they do not. People are frustrated by the delays in their administrative decisions; frustrated by some of the laws they are enforcing; and frustrated by some of the treatment that they receive by INS employees.

What we hope to do in the course of this bill is not only address the need of the high-tech industry for additional H–1B visas and jobs, but also the need for fairness when it comes to immigration in our country.

In the midst of our lively and sometimes fractious debates in the Senate, I hope we can all at least take a moment to step back and reflect on our very good fortune. We are truly living in remarkable times. The economy has been expanding at a record pace over the last 8 or 10 years. A few years ago we were embroiled in a debate on the Senate floor about the deficits and the growing debt in this country. We now find that the national topic for debate is the surplus and what we can do with it. What a dramatic turnaround has occurred in such a short period of time. It has occurred because more Americans are going to work and more people are making more money. As they are more generous in their contributions to charities and as they are paying more in taxes at the State and Federal level, we are finding surpluses that are emerging in this country. That, of course, is the topic of discussion.

Unemployment is at a historic low. So are poverty rates. Our crime rates are coming down. Household incomes have reached new heights. Our massive Federal debt—an albatross around the neck of the entire Nation—has all but vanished, replaced by surpluses that have inspired more than a bit of economic giddiness.

We have a need in this country for many high-skilled technology workers. We are all witnesses to this incredible technological revolution, the Internet revolution that is unfolding at a pace almost too rapid for the imagination to absorb. Indeed, in many respects it has been a revolution in modern information technology that has revolutionized the fields of business, medicine, biology, entertainment, and helped to spur our robust economy.

When I visit the classrooms across Illinois, particularly the grade school classrooms, I ask the kids in the classroom if they can imagine living in a world without computers. They shake their heads in disbelief. I remember those days, and I bet a lot of people can, too. It was not that long ago. Technology has transformed our lives. These two phenomena, a vibrant economy and an amazing technology, have combined to create an unprecedented level of need in American industry for skilled technology workers, for men and women to design the systems, write the software, create the innovations, and fix the bugs for all the marvelous technology that sits on our desktops or rides in our shirt pockets.

The Information Technology Association of America reports the industry will need an additional 1.6 million workers to fill information technology positions this year. A little more than half of these jobs will go unfilled due to a shortfall of qualified workers. Mr. President, 1.6 million workers are needed; with only 800,000 people we cannot fill the jobs.

Another trend marks our modern age, the trend towards economic globalization. The other day, we passed the legislation for permanent normal trade relations with China. It is not surprising that our industries are looking for highly skilled workers in the United States. When they can't find them here, they start looking in other countries.

Why should workers in another country want to uproot themselves, leave their homes and families, and make the long journey here? The same reason that my grandparents did, and their parents might have before them. They made the journey because for thousands, America is the fairest, freest, greatest country there is. It is a land like no other, a land of real opportunity, a land where hard work and

good values pay off, a land where innovation, creativity, and hard work are cherished and rewarded, a land where anyone, whether a long-time resident whose family goes back to the Revolutionary War, or a brand-new immigrant clutching a visa that grants them a right to work, can achieve this American dream.

We have before the Senate this bill to open the door for that dream to greater numbers of high-tech workers, workers the information technology industry needs to stay vital and healthy. It is a good idea to open that door wider. I support it. It is the right thing to do. We can do it in the right manner. We can meet the demanding needs of the technology situation and create a win-win situation for all American workers, no matter what their craft or what their skills, while avoiding the pitfalls that a carelessly crafted high-tech visa program would create.

To do it the right way, we have to consider the following: First, we must make available to industry an ample number of high-tech worker visas through a program that is streamlined and responsive enough to work in ''Internet time.''

At the same time, we must set appropriate criteria for granting these high-tech visas. There is a temptation to hire foreign workers for no other reason than to replace perfectly qualified American workers. Perhaps it is because foreign workers are deemed more likely to be compliant in the workplace for fear of losing their visa privileges or because they are willing to work for lower wages, or because they are less expectant of good work benefits.

Whatever the perception, we must be on guard against any misuse of the visa program. There must be a true need, a type of specialty that is so much in demand that there is a true shortage of qualified workers.

We must also bear in mind that we have not just one, but two principal goals that must be held in balance. The first goal is to fulfill a short-term need by granting high-tech visas. The second, and ultimately more important goal, is to meet our long-term need for a highly skilled workforce by making sure there are ample educational opportunities for students and workers here at home. A proposal to address this need will receive strong support if it embraces the goal of training our domestic workforce for the future demands of the technology industry and provides the mechanisms and revenue to reach that goal.

It is interesting that in every political poll that I have read, at virtually every level, when asking families across America the No. 1 issue that they are concerned with, inevitably it is education. I have thought about that and it has a lot to do with families with kids in school, but it also has a lot to do with the belief that most of us have in America—that education was our ticket to opportunity and success. We want future generations to have that same opportunity.

I see my friend, Senator WELLSTONE from Minnesota. He has taught for many years and is an expert in the field of education. I will not try to steal his thunder on this issue. But I will state that as I read about the history of education in America, there are several things we should learn, not the least of which is the fact that at the turn of the last century, between the 19th and 20th century, there was a phenomena taking place in America that really distinguished us from the rest of the world.

This is what it was: Between 1890 and 1918, we built on average in the United States of America one new high school every single day. This wasn't a Federal mandate. It was a decision, community by community, and State by State, that we were going to expand something that no other country had even thought of expanding—education beyond the eighth grade. We started with the premise that high schools would be open to everyone: Immigrants and those who have been in this country for many years. It is true that high schools for many years were segregated in part of America until the mid-1950s and 1960s, but the fact is we were doing something no other country was considering.

We were democratizing and popularizing education. We were saying to kids: Don't stop at eighth grade; continue in school. My wife and I marvel at the fact that none of our parents—we may be a little unusual in this regard, or at least distinctive —went beyond the eighth grade. That was not uncommon. If you could find a good job out of the eighth grade on a farm or in town, many students didn't go on.

Around 1900, when 3 percent of the 17-year-olds graduated from high school, we started seeing the numbers growing over the years. Today 80 or 90 percent of eligible high school students do graduate.

What did this mean for America? It meant that we were expanding education for the masses, for all of our citizenry, at a time when many other countries would not. They kept their education elite, only for those wealthiest enough or in the right classes; we democratized it. We said: We believe in public education; we believe it should be available for all Americans. What did it mean? It meant that in a short period of time we developed the most skilled workforce in the world.

We went from the Tin Lizzies of Henry Ford to Silicon Valley. We went from Kitty Hawk to Cape Canaveral. In the meantime, in the 1940s, when Europe was at war fighting Hitler and fascism, it was the United States and its workforce that generated the products that fought the war not only for our allies but ultimately for ourselves, successfully.

That is what made the 20th century the American century. We were there with the people. We invested in America. Education meant something to everybody. People went beyond high school to college and to professional degrees. With that workforce and the GI bill after World War II, America became a symbol for what can happen when a country devotes itself to education.

Now we come into the 21st century and some people are resting on their laurels saying: We proved how we can do it. There is no need to look to new solutions. I think they are wrong. I think they are very wrong. Frankly, we face new challenges as great as any faced by those coming into the early days of the 20th century. We may not be facing a war, thank God, but we are facing a global economy where real competition is a matter of course in today's business.

We understand as we debate this H–1B visa bill, if we are not developing the workers with the skills to fill the jobs, then we are remiss in our obligation to this country. Yes, we can pass an H–1B visa as a stopgap measure to keep the economy rolling forward, but if we don't also address the underlying need to come to the rescue of the skill shortage, I don't think we are meeting our obligation in the Senate.

(Mr. GORTON assumed the chair.)

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield to my colleague from Minnesota.

H–1B VISAS

Mr. WELLSTONE. I wanted to ask the Senator—I know Illinois is an agricultural State, as is mine. Many of our rural citizens, for example, desperately want what I think most people in the country want, which is to be able to earn a decent living and be able to support their families. At the same time we have our information technology companies telling us—I hear this all the time; I am sure the Senator from Illinois hears this—listen, we need skilled workers; we don't have enough skilled workers; and we pay good wages with good fringe benefits. Is the Senator aware we have people in rural America who are saying: Give us the opportunity to develop these skills? Give us the opportunity to be trained. Give us the opportunity to telework. With this new technology, we can actually stay in our rural communities. We don't have to leave.

Is the Senator aware there are so many men and women, for example, in rural America—just to talk about rural America—who are ready to really do this work, take advantage of and be a part of this new economy, but they don't have the opportunity to develop the skills and to have the training? Is that what the Senator is speaking to?

Mr. DURBIN. The Senator is right. I am sure he finds the same thing that I do in rural Illinois when he goes through Minnesota. There are towns

literally hanging on by their fingernails, trying to survive in this changing economy, and some of them are responding in creative ways. In Peoria, they have create a tech center downtown, jointly sponsored by the Chamber of Commerce, the local community, and the community college, where they are literally bringing in people, some our ages and older, introducing them to computers and what they can learn from them. So they are developing skills within their community, the lifelong learning that I mentioned earlier.

Down in Benton, IL, which is a small town that has been wracked by the end of the coal mining industry, for the most part, in our State, they have decided in downtown Benton not to worry about flowers planted on the streets but rather to wire the entire downtown so they will be able to accommodate the high-tech businesses that might be attracted there. They are trying to think ahead of the curve.

I am not prepared to give up on American workers. I know Senator WELLSTONE is not, either. We need to address the need for more training and education in rural and urban areas alike.

Mr. WELLSTONE. Could I ask the Senator one other question? I am in complete agreement with what the Senator is saying. I had hoped to introduce an amendment to the H–1B bill that dealt with the whole issue of telework. I think we could have gotten a huge vote for it because this is so important to what we call greater Minnesota.

I wish to pick up on something the Senator said earlier. He talked about his own background. The last thing I am going to do is to go against immigrants and all they have done for our country. I am the son of an immigrant. I have a similar background to that of my colleague, but I wanted to give one poignant example. I think we both tend to draw some energy just from people we meet.

On Sunday, the chairman of the Federal Communications Commission—and I give Chairman Kennard all the credit in the world—came out to Minnesota to do a 3-day work session with Native Americans. When we talk about Native Americans, we are talking about first Americans, correct?

Mr. DURBIN. Yes.

Mr. WELLSTONE. Do you know what they are saying? They are saying: In our reservations, we have 50-percent-plus poverty. In fact, they are saying it is not only the Internet; they still don't have phone service for many. What they are saying is they want to be part of this new economy. They want the opportunity for the training, the infrastructure, the technology infrastructure.

Yet another example: I am all for guest workers and immigrants coming in. But at the same time we have first Americans, Native Americans—I see my colleague from Maryland is here. We talk about the digital divide—who are way on the other side of the digital divide. There is another example which I think we have to speak to in legislation at this time.

Mr. DURBIN. I agree with Senator WELLSTONE. As he was making those comments, I thought to myself, that is right up Senator MIKULSKI's alley, and I looked over my shoulder and there in the well of the Senate she is. Senator MIKULSKI addressed this issue of providing opportunities to cross the digital divide so everybody has this right to access. I invite the Senator to join us at this point. We were talking about the H–1B bill that addresses an immediate need but doesn't address the needs of the skill shortage which she raised at our caucus luncheon, or the digital divide. I would like to invite a question or comment from the Senator from Maryland on those subjects.

Ms. MIKULSKI. I thank the Senator for his advocacy on this issue.

First of all, I acknowledge the validity of the high-tech community's concerns about the availability of a high-tech workforce. The proposal here is to solve the problem by importing the people with the skills. I am not going to dispute that as a short-term, short-range solution. But what I do dispute is that we are precluded from offering amendments to create a farm team of tech workers. This is what I want to do if I would have the right to offer an amendment.

We do not have a worker shortage in the United States of America. I say to the Senator, and to my colleagues, we have a skill shortage in the United States of America. We have to make sure the people who want to work, who have the ability to work, have access to learning the technology so they can work in this new economy.

The digital divide means the difference between those who have access to technology and know how to use technology. If you are on one side of the divide, your future as a person or a country is great. If you are on the wrong side, you could be obsolete.

I do not want to mandate obsolescence for the American people who do not want to be left out or left behind. That is why I want to do two things: No. 1, have community tech centers—1,000 of them—where adults could learn by the day and kids could learn in structured afterschool activities in the afternoon. Then, also, to increase the funding for teacher training for K–12, where we would have a national goal that every child in America be computer literal by the time they finish the eighth grade. And maybe they then will not drop out.

That is what we want to be able to do. I do not understand. Why is it that farm teams are OK for baseball but they are not OK for technology workers, which is our K–12?

I share with the Senator a very touching story. A retail clerk I encounter every week in the course of taking care of my own needs was a minimum wage earner. I encouraged her to get her GED and look at tech training at a local community college. She did that. In all probability she is going to be working for the great Johns Hopkins University sometime within the month. She will double her income, she will have health insurance benefits, and it will enable enough of an income for her husband to take a breather and also get new tech skills.

But they have to pay tuition. They could do those things. I think we need to have amendments to address the skill shortage in the United States of America.

Mr. DURBIN. I thank the Senator from Maryland. She has been a real leader on this whole question of the digital divide. She caught it before a lot of us caught on. Now she is asking for an opportunity to offer an amendment on this bill. Unfortunately, it has been the decision of the leadership in this Chamber that we will not be able to amend this bill. We can provide additional visas for these workers to come in from overseas on a temporary basis, but they are unwilling to give us an opportunity to offer amendments to provide the skills for American workers to fill these jobs in the years to come.

Alan Greenspan comes to Capitol Hill about every 3 or 4 weeks. Every breath he takes is monitored by the press to find out what is going to happen next at the Federal Reserve. On September 23, he gave an unusual speech for the Chairman of the Federal Reserve. He called on Federal lawmakers to make math and science education a national priority. Who would have guessed this economist from the Federal Reserve, the Chairman, would come and give a speech about education, but he did. He called on Congress:

> . . . to boost math and science education in the schools.
>
> He said it was ''crucial for the future of our nation'' in an increasingly technological society.
>
> He noted 100 years ago—the time I mentioned, when we started building high schools in this country at such a rapid rate—only about 1 in 10 workers was in a professional or technical job, but by 1970 the number had doubled. Today those jobs account for nearly one-third of the workforce.
>
> Greenspan said just as the education system in the early 20th century helped transform the country from a primarily agricultural, rural society to one concentrated in manufacturing in urban areas, schools today must prepare workers to use ever-changing high-technology devices such as computers and the Internet. . . .
>
> ''The new jobs that have been created by the surge in innovation require that the workers who fill them use more of their intellectual potential,'' Greenspan said. . . .'' This process of stretching toward our human intellectual capacity is not likely to end any time soon.''

If we acknowledge that education and training is a national problem and a national challenge, why isn't this Congress doing something about it?

Sadly, this Congress has a long agenda of missed opportunities and unfinished business. This is certainly one of them. For the first time in more than

two decades, we will fail to enact an Elementary and Secondary Education Act. At a time when education is the highest priority in this country, it appears that the Senate cannot even bring this matter to the floor to debate it, to complete the debate, and pass it into law.

It is an indictment on the leadership of the House and the Senate that we will not come forward with any significant education or training legislation in this Congress.

We will come forward with stopgap measures such as H–1B visas to help businesses, but we will not come forward to help the workers develop the skills they need to earn the income they need to realize the American dream.

I remember back in the 1950s, when I was a kid just finishing up in grade school, that the Russians launched the satellite, Sputnik. It scared us to death. We didn't believe that the Russians, under their Communist regime, and under their totalitarian leadership, could ever come up with this kind of technology, and they beat us to the punch. They put the first satellite into space.

Congress panicked and said: We have to catch up with the Russians. We have to get ahead of them, as a matter of fact. So we passed the National Defense Education Act, which was the first decision by Congress to provide direct assistance to college students across America. I am glad that Congress did it because I received part of that money. I borrowed money from the Federal Government, finished college and law school, and paid it back. And thousands like me were able to see their lives open up before them.

It was a decision which led to a stronger America in many ways. It led to the decision by President Kennedy to create the National Aeronautics and Space Administration, putting a man on the moon and, of course, the rest, as they say, is history.

Why aren't we doing the same thing today? Why aren't we talking about creating a National Security Education Act? Senator KENNEDY has a proposal along those lines. I would like to add to his proposal lifetime learning so that workers who are currently employed, as Senator WELLSTONE said, have a chance to go to these tech centers that Senator MIKULSKI described, to community colleges, and to other places, to develop the skills they need to fill these jobs that we are now going to fill with those coming in from overseas.

Make no mistake—I will repeat it for the RECORD—I have no objection to immigration. As the son of an immigrant, I value my mother's naturalization certificate. It hangs over my desk in my office as a reminder of where I come from. But I do believe we have an obligation to a lot of workers in the U.S. today who are looking for a chance to succeed. Unfortuantely, we are not going to have that debate. The decision has been made by the leadership that we just don't have time for it.

Those who are watching this debate can look around the Chamber and see that there are not many people here other than Senator WELLSTONE and myself. There has not been a huge cry and clamor from the Members of the Senate to come to the floor today. The fact is, we have a lot of time and a lot of opportunity to consider a lot of issues, and one of those should be education.

I might address an issue that Senator WELLSTONE raised earlier, as well as Senator MIKULSKI. How will workers pay for this additional training? How can they pay for the tuition and fees of community colleges or universities? It is a real concern.

In my State, in the last 20 years, the cost of higher education has gone up between 200 and 400 percent, depending on the school. A lot of people worry about the debt they would incur. I am glad to be part of an effort to create the deductibility of college education expenses and lifetime learning expenses. I think if you are going to talk about tax relief—and I am for that—you should focus on things that families care about the most and mean the most to the country.

What could mean more to a family than to see their son or daughter get into a school or college? And then they have to worry about how they are going to pay for it. If they can deduct tuition and fees, it means we will give them a helping hand in the Tax Code to the tune of $2,000 or $3,000 a year to help pay for college education.

I think that is a good tax cut. I think that is a good targeted tax cut, consistent with keeping our economy moving forward, by creating the workforce of the future. It is certainly consistent with Alan Greenspan's advice to Congress, as he looks ahead and says, if we want to keep this economy moving, we have to do it in a fashion that is responsive to the demands of the workplace. Many Members have spoken today, and certainly over the last several months, of the importance of skills training.

Robert Kuttner, who is an economist for Business Week, wrote:

> . . . what's holding back even faster economic growth is the low skill level of millions of potential workers.

I think that is obvious. As I said earlier, in visiting businesses, it is the No. 1 item of concern. The successful businesses in Illinois, when I ask them, What is your major problem? they don't say taxes or regulations—although they probably mention those—but the No. 1 concern is, they can't find skilled workers to fill the jobs, good-paying jobs. It really falls on our shoulders to respond to this need across America.

The sad truth is, we have allowed this wonderful revolution to pass many of our people by. We have to do something about American education. It is imperative that we look to our long-term needs, expanding opportunities in our workforce.

This means providing opportunities in schools, but also it means after-school programs, programs during the summer, worker retraining programs, public-private partnerships, and grants to communities to give the workforce of the future a variety of ways to become the workers of the 21st century.

As far as this is concerned, I say, let a thousand flowers bloom, let communities come forward to give us their most creative, innovative ideas on how they can educate their workforce and students to really address these needs.

We have to improve K-through-12 education. I will bet, if I gave a quiz to people across America, and asked—What percentage of the Federal budget do you think we spend on education K through 12? Most people would guess, oh, 15, 20, 25 percent. The answer is 1 percent of our Federal budget. One percent is spent on K-through-12 education.

Think about the opportunities we are missing, when we realize that if we are going to have more scientists and engineers, you don't announce at high school graduation that the doors are open at college for new scientists and engineers.

Many times, you have to reach down, as Senator WELLSTONE has said, to make sure that the teachers are trained so that they know how to introduce these students to the new science and the new technology so that they can be successful as well. That is part of mentoring for new teachers. It is teacher training for those who have been professionals and want to upgrade their skills.

I would like to bring that to the Senate floor in debate. I would like to offer an amendment to improve it. But no, we can't. Under this bill, all we have is the H–1B visa. Bring in the workers from overseas; don't talk about the needs of education and training in America.

In addition to improving K-through-12 education, we also have to look to the fact that science and math education in K-through-12 levels really will require some afterschool work as well.

It has been suggested to me by people who are in this field that one of the most encouraging things they went through was many times a summer class that was offered at a community college or university, where the best students in science and math came together from grade schools and junior highs and high schools to get together and realize there are other kids of like mind and like appetite to develop their skills. I think that should be part of any program.

The most recent National Assessment of Educational Progress has noted that we are doing better when it comes to the number of students who are taking science courses. We are doing better when it comes to SAT scores in science and math. But clearly we are not going to meet the needs of the 21st century unless we make a dramatic improvement.

Teacher training, as I mentioned, is certainly a priority. In 1998, the National Science Foundation found that 2 percent of elementary schoolteachers had a science degree—2 percent in 1998; 1 percent had a math degree; an additional 6 percent had majored or minored in science or math education in college. In middle schools, about 17 percent of science teachers held a science degree, 7 percent of math teachers had a degree in mathematics; 63 percent of high school science teachers had some type of science degree; and 41 percent of math teachers in high school had a degree in that subject.

It is a sad commentary, but a fact of life. In the town I was born in, my original hometown, East St. Louis, IL, I once talked to a leader in a school system there. It is a poor school system that struggles every day.

He said, he'd allow any teacher to teach math or science if they express a willingness to try, because they couldn't attract anyone to come teach with a math and science degree. We can improve on that. We can do better. There are lots of ways to do that, to encourage people to teach in areas of teacher shortages and skill shortages, by offering scholarships to those who will use them, by forgiving their loans if they will come and teach in certain school districts, by trying to provide incentives for them to perhaps work in the private sector and spend some time working in the schools. All of these things should be tried. At least they should be debated, should they not, on the floor of the Senate? And we are not going to get that chance. Instead, we will just limit this debate to the very narrow subject of the HB visa.

We also need to reach out to minorities. When it comes to developing science and engineering degrees, we certainly have to encourage those who are underrepresented in these degree programs. The National Science Foundation reports that African Americans, Hispanics, and Native Americans comprise 23 percent of our population but earn 13 percent of bachelor's degrees, 7 percent of master's degrees, and 4.5 percent of doctorate degrees in science and engineering.

Recruiting young people in the high-tech field will require initiatives to not only improve the quality of math and science education but also to spark kids' interest. I talked about the summer programs in which we can be involved, but there are many others as well. The National Defense Education Act should be a template, a model, as the GI bill was, for us to follow. It really was a declaration by our Government and by our people that the security of the Nation at that time required the fullest development of the mental resources and technical skills of its young men and women. That was said almost 50 years ago. It is still true today. The time is now for the Congress to step up to the plate and reaffirm our commitment to education.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Approximately 13 minutes.

Mr. DURBIN. I thank the Chair.

Let me close by addressing another critically important amendment which is not being allowed with this bill. It is one of which I am a cosponsor with Senators KENNEDY and JACK REED of Rhode Island and HARRY REID of Nevada. It is entitled the Latino and Immigrant Fairness Act. There are many issues which come to the floor of the Senate, but there are few that enjoy the endorsement and support of both the AFL–CIO and the national Chamber of Commerce. This bill is one of them.

What we wanted to propose as an amendment was a change in our immigration laws to deal with some issues that are truly unfair. While we look to address the needs of the tech industry, we should not do it with blinders on. There are many other sectors of this robust economy—perhaps not as glamorous as the latest ''dot-com'' company but still very much in need of able and energetic workers—that have difficulty finding workers they need in the domestic workforce. Oddly enough, many of these workers are already here. They are on the job. They are raising families. They are contributing to their communities. They are paying taxes. But they are reluctant to step forward.

I am speaking now of immigrants who come to this country in search of a better life. Many immigrants left their homelands against their will. They left because of the appallingly brutal conditions they encountered, whether at the hands of despotic Central American death squads or in the chaotic collapse of much of Eastern Europe. To stay there in those countries meant death for themselves and their families.

I am reminded of those immortal words of Emma Lazarus on our Statue of Liberty: Give me your tired, your poor.

Maybe some of these immigrants are tired. Who could blame them? Many of them are poor. I can tell you this: Whether people come from other lands to work in high-tech jobs, as the H–1B visa bill addresses, or clean the offices, wash the dishes, care for our children, care for our grandparents and parents in nursing homes, these are some of the hardest working people you will ever see. As Jesse Jackson said in a great speech at the San Francisco Democratic Convention: They get up and go to work every single day.

Here they are in this new land, looking to make the best new start they possibly can. But for many of these immigrants, we require them to make that effort with one hand, and maybe even both hands, tied behind their backs. I am afraid our current immigration laws are so cumbersome, so complex, and so inherently unfair that thousands of immigrants to this country are afraid to become fully integrated into the workforce, afraid because our laws, our regulations, and sometimes the unpredictable policies of the INS have created a climate of uncertainty and fear.

Employers are looking for workers. The workers are looking for jobs. But they are afraid to step forward. There are thousands upon thousands of people in this country, this great country of ours, who are being treated unfairly—people who have lived here now for years, sometimes decades, but are still forced to live in the shadows, where they are loathe to get a Social Security number, respond to a census form, or open a bank account. People who are an essential component of this thriving economy—everybody knows this. People who are doing jobs that most other people simply do not want to do. Yet we refuse them the basic rights and the opportunities that should belong to all of us.

There is no other way to say it: This is simply a matter of an unfair system, created by our own hands here on Capitol Hill, that is ruining lives, tearing families apart, and keeping too many people in poverty and fear. We have the means at hand to change this. With an amendment to this bill, we can rally the forces in the Senate to change the immigration laws and make them fairer. My good colleagues, Senators KENNEDY and REED, and I have made a vigorous effort to bring these issues to the floor. We have been stopped at every turn in the road. We want to have a vote on the bill, the Latino and Immigrant Fairness Act.

I can't go back to my constituents in Illinois and tell them, yes, we made it easy to bring in thousands of high-tech workers because Silicon Valley had their representatives walking through the Halls of Congress and on the floor of the Senate and the House, but we couldn't address your needs because you couldn't afford a well paid lobbyist. No, we have to do the very best we can to be fair to all. That is a message that will inspire confidence in the work we do in the Senate.

Let me tell you briefly what this bill does. This bill, the Latino and Immigrant Fairness Act, supported by both organized labor and the Chamber of Commerce, establishes parity; that is, equal treatment for immigrants from Central America and, I would add, from some other countries, such as Liberia, where Senator REED of Rhode Island has told us that literally thousands of Liberians who fled that country in fear of their lives, by October 1 may be forced to return to perilous circumstances unless we change the law; where those who have come from Haiti, Honduras, Guatemala, El Salvador, Eastern Europe, and other countries, who are here because of their refugee status seeking asylum, may see the end of that status come because the Congress failed to act. We will have their future in our hands and in our hearts. I hope the Senate and Congress can respond by passing this reform legislation.

We also have decided, since 1921, from time to time to give those who have

been in the United States for a period of time, sometimes 14 years, and have established themselves in the community, have good jobs, have started families, pay their taxes, don't commit crime, do things that are important for America—to give them a chance to apply for citizenship. It is known as registry status. The last registry status that we enacted was in 1986, dating back to 1972. We think this should be reenacted and updated so there will be an opportunity for another generation.

Finally, restoring section 245(i) of the Immigration Act, a provision of the immigration law that sensibly allowed people in the United States who were on the verge of gaining their immigration status to remain here while completing the process. This upside down idea has to be changed—that people have to return to their country of birth while they wait for the final months of the INS decision process on becoming a citizen. It is terrible to tear these families apart and to impose this financial burden on them.

I hope we will pass as part of H–1B visa this Latino and Immigrant Fairness Act. It really speaks to what we are all about in the Congress, the House of Representatives and the Senate.

Many people have said they are compassionate in this political campaign. There are many tests of compassion as far as I am concerned. Some of these tests might come down to what you are willing to vote for. I think the test of compassion for thousands of families ensnared in the bureaucratic tangle of the INS is not in hollow campaign promises. The test of compassion for thousands from El Salvador, Guatemala, Honduras, and Haiti refugees asking for equal treatment is not in being able to speak a few words of Spanish. The test of compassion for hard-working people in our country who are forced to leave their families to comply with INS requirements is not whether a public official is willing to pose for a picture with people of color.

The test is whether you are willing to actively support legislation that brings real fairness to our immigration laws. That is why I am a cosponsor of this effort for the 6 million immigrants in the U.S. who are not yet citizens, who are only asking for a chance to have their ability to reach out for the American dream, a chance which so many of us have had in the past.

These immigrants add about $10 billion each year to the U.S. economy and pay at least $133 billion in taxes, according to a 1998 study. Immigrants pay $25 billion to $30 billion more in taxes each year than they receive in public services. Immigrant businesses are a source of substantial economic and fiscal gain for the U.S. citizenry, adding at least another $29 billion to the total amount of taxes paid.

In a study of real hourly earnings of illegal immigrants between 1988, when they were undocumented, and 1992 when legalized, showed that real hourly earnings increased by 15 percent for men and 21 percent for women. Many of these hard-working people are being exploited because they are not allowed to achieve legal status. The state of the situation on the floor of the Senate is that we are giving speeches instead of offering amendments. It is a sad commentary on this great body that has deliberated some of the most important issues facing America.

Those watching this debate who are witnessing this proceeding in the Senate Chamber must wonder why the Senate isn't filled with Members on both sides of the aisle actively debating the important issues of education and training and reform of our immigration laws. Sadly, this is nothing new. For the past year, this Congress has done little or nothing.

When we see all of the agenda items before us, whether it is education, dealing with health care, a prescription drug benefit under Medicare, the Patients' Bill of Rights for individuals and families to be treated fairly by health insurance companies, this Congress has fallen down time and time again. It is a sad commentary when men and women have been entrusted with the responsibility and the opportunity and have not risen to the challenge. This bill pending today is further evidence that this Congress is not willing to grapple with the important issues that America's families really care about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 3110 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

H–IB VISAS

Mr. WELLSTONE. Mr. President, I would like to also speak now about the H–1B bill on the floor.

I ask unanimous consent that I have 10 minutes to speak on that legislation.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. I will not speak a long time. But I want to raise a couple of issues that other colleagues have spoken to as well.

I come from a State with a very sophisticated high-tech industry. I come from a State that has an explosion of information technology companies. I come from a State that has a great medical device industry. I come from a State that is leading the way.

I am very sympathetic to the call on the part of business communities to be able to get more help from skilled labor, including skilled workers from other countries. I am more than sympathetic to what the business community is saying. I certainly believe that immigrants—men and women from other countries who help businesses and work, who stay in our country—make our country a richer and better country.

I am the son of a Jewish immigrant who was born in Ukraine and who fled persecution from Russia. But I also believe that it is a crying shame that we do not have the opportunity—again, this is the greatness of the Senate—to be able to introduce some amendments: an amendment that would focus on education and job training and skill development for Americans who could take some of these jobs; an amendment that deals with telework that is so important to rural America, and so important to rural Minnesota.

I hope there is some way I can get this amendment and this piece of legislation passed, which basically would employ people in rural communities, such as some of the farmers who lost their farms, who have a great work ethic, who want to work, and who want to have a chance to develop their skills for the technology companies that say they need skilled workers. They can telework. They can do it from home or satellite offices. It is a marriage made in heaven. I am hoping to somehow still pass that legislation. I hope it will be an amendment on this bill because, again, it would enable these Americans to have a chance.

My colleague from New Mexico is one of the strongest advocates for Native Americans. This was such an interesting meeting this past Sunday in Minnesota. I give FCC Chairman Kennard a lot of credit for holding a 3-day workshop for people in Indian country who not only don't have access to the Internet but who still don't have phones. They were talking about guest workers and others coming to our country. These were the first Americans. They were saying: we want to be a part of this new economy; we want to have a chance to learn the skills. We want to be wired. We want to have the infrastructure.

I hope there can be an amendment that speaks to the concerns and circumstances of people in Indian country.

Finally, I think the Latino and Immigrant Fairness Act is important for not only the Latino community but also for the Liberian community. I am worried about the thousands of Liberians in Minnesota who at the end of the month maybe will have to leave this country if we don't have some kind of change. This legislation calls for permanent residency status for them. But I am terribly worried they are going to be forced to go back. It would be very dangerous for them and their families. I certainly think there is a powerful, moral, and ethical plan for the Latino and Latina community

in this legislation. We had hoped that would be an amendment. Again, it doesn't look as if we are going to have an opportunity to present this amendment. I don't think that is the Senate at its best.

I will vote for cloture on a bill that I actually think is a good piece of legislation but not without the opportunity for us to consider some of these amendments. They could have time limits where we could try to improve this bill. We can make sure this is good for the business community and good for the people in our country who want to have a chance to be a part of this new economy, as well as bringing in skilled workers from other countries. I think we could do all of it. It could be a win-win-win.

The Senate is at its best when we can bring these amendments to the floor and therefore have an opportunity to represent people in our States and be legislators. But when we are shut down and closed out, then I think Senators have every right to say we can't support this. That is certainly going to be my position.

I yield the floor.

HEALTH CARE LEGISLATION PROVISIONS

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

Mr. DOMENICI. Mr. President, I note the presence of Senator KENNEDY on the floor. I want to say to Senator KENNEDY and to Senator FRIST—who is not on the floor, but I have seen him personally—that I thank both of them for their marvelous efforts in having included in the health care bill, which was recently reported out, SAMSHA, and about five or six provisions contained in a Domenici-Kennedy bill regarding the needs of those in our country who have serious impairment from mental illness.

We did not expect to get those accomplished this year. We thank them for it. We know that we will have to work together in the future to get them funded. But when we present them to the appropriators, they will understand how important they are.

I thank the Senator.

ENERGY POLICY

Mr. DOMENICI. Mr. President, I spoke yesterday for a bit and in the Energy Committee today for a bit about energy policy. I guess I believe so strongly about this issue that I want to speak again perhaps from a little different vantage point.

I would like to talk today about the ''invisible priority'' that has existed in the United States for practically the last 8 years. The ''invisible priority'' has been the supply of reliable affordable energy for the American people.

Let me say unequivocally that we have no energy policy because the Interior Department, the Environmental Protection Agency, and the Energy Department all have ideological priorities that leave the American consumer of energy out in the cold.

Making sure that Americans have a supply of reliable and affordable energy, and taking actions to move us in that direction, is the ''invisible priority.'' And that is giving the administration the benefit of the doubt.

''Not my job'' is the response that the Interior Department of the United States gives to the energy crisis and to America's ever-growing dependence upon foreign oil and, yes, I might say ever-growing dependence upon natural gas. The other alternatives, such as coal, nuclear, or other—''not my job.''

It is also the response that the Environmental Protection Agency gives when it takes actions, promulgates rules, and regulations. Their overall record suggests—let me repeat— ''not my job,'' says the Environmental Protection Agency.

The Interior Department, making drilling for oil and natural gas as difficult as possible, says, ''Don't bother us.''

''It is not my job'', says the Department of Interior. The Environmental Protection Agency's job is to get a good environmental policy based on sound science and be the enemy of an ideologically pure environmental policy at the expense of providing energy that we need.

My last observation: In summary, the ''Energy Department'' is an oxymoron. It is anti-nuclear but pro-windmills. I know many Americans ask: what is the Senator talking about? Nuclear power is 20 percent of America's electricity. At least it was about 6 months ago. We have an Energy Department for this great land with the greatest technology people, scientists and engineers, that is pro-windmills and anti-nuclear.

I will say, parenthetically, as the chairman of the Energy and Water Subcommittee on Appropriations, the last 3 years we put in a tiny bit of money for nuclear energy research and have signed it into law as part of the entire appropriation, and we do have a tiny piece of money to look into the future in terms of nuclear power. It is no longer nothing going on, but it is a little bit.

Boy, do we produce windmills in the United States. The Department of Energy likes renewables. All of us like them. The question is, How will they relieve the United States from the problem we have today? I guess even this administration and even the Vice President, who is running for President, says maybe we have a crisis. Of course we have a crisis. The Federal Government spent $102 million on solar energy, $33 million on wind, but only $36.5 million on nuclear research, which obviously is the cleanest of any approach to producing large quantities of electricity.

Sooner or later, even though we have been kept from doing this by a small vocal minority, even America will look back to its early days of scientific prowess in this area as we wonder how France is doing it with 87 percent of their energy produced by nuclear powerplants.

With all we hear about nuclear power from those opposed, who wouldn't concede that France exists with 87 percent or 85 percent of its energy coming from nuclear powerplants? They do, and their atmosphere is clean. Their ambient air is demonstrably the best of all developed countries because it produces no pollution.

We have an administration that, so long as we had cheap oil, said everything was OK, and we couldn't even seek a place to put the residue from our nuclear powerplants, the waste product. We couldn't even find a place to put it. We got vetoes and objections from the administration. Yet there are countries such as France, Japan, and others that have no difficulty with this problem; it is not a major problem to store spent fuel.

Let me move on to wind versus nuclear. Nuclear produced 200 times more electricity than wind and 2,000 times more than solar. As I indicated, solar research gets three times more funding than nuclear research and development.

The wind towers—we have seen them by the thousands in parts of California and other States, awfully strange looking things. They are not the old windmills that used to grace the western prairie. They have only two prongs. They look strange.

We are finding wind towers kill birds, based on current bird kill rates. Replacing the electric market with wind would kill 4.4 million birds. I am sure nobody expects either of those to happen. However, more eagles were killed in California wind farms than were killed in the *Exxon Valdez* oil spill.

The Energy Department calls wind a renewable energy policy, and the Sierra Club calls wind towers the Cuisinart of the air.

I will discuss the SPR selloff. For almost 8 years, energy has been the ''invisible priority'' for the U.S. Government led by Bill Clinton and the current Vice President.

Incidentally, the Vice President, who is running for President, had much to do with this ''invisible priority;'' he was the administration's gatekeeper on almost all matters that dealt with the Environmental Protection Agency and almost all matters that dealt with the Department of the Interior in terms of the production of energy on public land.

Let me talk about the SPR selloff for a minute. Treasury Secretary Summers warned President Clinton that the administration's proposal—now decision—to drive down energy prices by opening the energy reserve would be ''a major and substantial policy mistake.'' He wrote the President, and Chairman

Greenspan agreed, that using the SPR to manipulate prices, rather than adhering to its original purpose of responding to a supply disruption, is a dangerous precedent. Summers added that the move would expose us to valid charges of naivete, using a very blunt tool to address heating oil prices.

American refineries today have to make so many different kinds of fuel because of environmental protection rules that no one would believe they would be capable of doing. They were running at 95 percent of capacity last week. We have not built a new refinery in almost 20 years.

What has happened: America builds no energy, no refining capacity, because it is too tough environmentally to do that and live up to our rules and regulations. Yet you can build them in many other countries, and people are surviving and glad to have them—at least, new ones—because they are doing a great job for their economy and producing the various kinds of products that come from crude oil. Yet America, the biggest user in this area, has built none.

If we take the supply of SPR out of SPR, it will still need to be refined into heating oil. I have just indicated there is hardly any room because there is hardly any capacity.

The invisible policies wait ominously on the horizon, boding serious problems. We have found that natural gas produced in America, drilled for by Americans, offshore and onshore, is the fuel of choice. Now we are not even building any powerplants that use coal as the energy that drives them because it is too expensive, too environmentally rigorous, and nobody dares build them. They build them elsewhere in the world but not in America.

We use natural gas, the purest of all, and say fill your energy needs for electricity using natural gas. Guess what happened. The price has gone to $3.35 per cubic feet; 6 months ago it was $2.16. And the next price increase is when the consumers of America get the bills in October, November, and December for the natural gas that heats their house and runs their gas stove because we have chosen not to use any other source but natural gas to build our electric generating tower when hardly any other country in the world chooses that resource. They choose coal or some other product rather than this rarity of natural gas.

Now 50 percent of the homes in America are dependent upon natural gas. The companies that deliver it are already putting articles in the newspaper: Don't blame us; the price is going up.

Who do you blame? I think you blame an administration that had no energy policy and for whom energy was an ''invisible priority.'' It was an ''invisible priority'' because the solutions lay within EPA, the Interior Department, and an Energy Department that was paralyzed by an attitude of anti-production of real energy. That is the way they were left by Hazel O'Leary, the first Secretary of Energy under this President, and Mr. Pena; and Bill Richardson is left with that residue.

Fifty percent of homes are heated by natural gas. I predict the bills will be skyrocketing because we are using more and more of it because we have no energy policy, and American homeowners are the ones who will see that in their bills. When they start writing the checks with those increases, they are going to be mighty mad at someone.

Don't get fooled. The candidate on the Democratic side, if the election is not over by the time that happens, will blame those who produce natural gas for they are related to oil and gas production. Would you believe, as we stand here today, 18 percent of the electricity generated in America is produced by natural gas? Oh, what a predicament we have gotten ourselves into because we have an invisible energy policy ruled over by an Environmental Protection Agency that never asked a question about energy and an Interior Department that takes property and land of the United States out of production.

I want to tell you a couple of facts. As compared to 1983, 60 percent more Federal land is now off limits to drilling. On October 22, 1999, Vice President GORE, in Rye, NH, said:

> I will do everything in my power to make sure there is no new drilling.

Then we have ANWR. It is off limits.

Offshore drilling is off limits. We could double our domestic oil supply if we opened offshore drilling. Yet we will have more and more transports hauling in refined and crude oil products, creating more and more risk for our ports where they are bringing it in. Yet we maintain we cannot do any more drilling because it is too dangerous.

The multiple-use concept in our public domain is, for all intents and purposes, practically dead. We have 15 sets of new EPA regulations. Not one new refinery has been built since 1976. Now we have soaring gasoline prices. I understand my time is up.

Would Senator KENNEDY mind if I take 1 more minute? I will wrap it up.

I will close with one more fact, and I will put the others in the RECORD. Californians usually spend about $7 billion a year in electricity. The price spikes were so dramatic that they spent $3.6 billion in 1 month, the month of July—half of what they annually spend was spent in 1 month.

Why? California is a big electricity importer. There is growing demand. Silicon Valley companies are big energy users. Demand is up 20 percent in the San Francisco area over last year but no new capacity has been built.

Environmental regulations make building a new plant nearly impossible in California. I predicted exorbitant home heating bills this coming winter even while we were experiencing the gasoline price spikes in the Midwest.

It used to be that one type of gasoline was suitable for the entire country. There are now at least 62 different products. One eastern pipeline handles 38 different grades of gasoline, 7 grades of kerosene, 16 grades of home heating oil and diesel. Four different gasoline mixtures are required between Chicago and St. Louis—a 300 mile distance. As a result of these Federal/local requirements, the industry has less flexibility to respond to local or regional shortages.

We have 15 sets of new environmental regulations: Tier II gasoline sulfur, California MTBE phaseout; blue ribbon panel recommendations; regional haze regs; on-road diesel; off road diesel; gasoline air toxics; refinery MACT II; section 126 petitions; gasoline air toxics; new source review enforcement initiative; climate change; urban air toxics; residual risk.

The MTBE groundwater contamination issue is going to make the gasoline supply issue even more complicated and reduce industry's flexibility to meet demand.

S. 2962 includes a wide array of new gasoline requirements that are both irrelevant and detrimental to millions of American motorists. Legislation mandates the use of ethanol in motor fuel. This would cut revenues to the highway trust fund by more than $2 billion a year.

The U.S. Department of Energy has projected that S. 2962 would increase the consumption of ethanol in the Northeast from zero to approximately 565 million gallons annually.

Frankly, Mr. President, no energy policy is better than this administration's energy policy.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senator from Utah was to be recognized.

Mr. KENNEDY addressed the Chair.

Mr. GORTON. Mr. President, I am authorized to yield myself time from the time reserved for the Senator from Utah.

Mr. KENNEDY. Reserving the right to object, I have been allocated, I believe, 30 minutes. I was supposed to go after the Senator from Utah. Generally, we go from one side to the other, in terms of fairness in recognition. I have waited my turn. The Senator from Utah is not here. I am on that list. I have requested time.

The PRESIDING OFFICER. The Senator is correct. Under Senator HATCH's time, there was an order agreed to that there were two Republicans and then Senator KENNEDY for 30 minutes.

Mr. KENNEDY. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is asking, as I understand it, unanimous consent to speak under the time of the Senator from Utah. Is there objection?

Mr. KENNEDY. Mr. President, I object to that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are trying to be accommodating here. We have had one Senator from that side. I understand if Senator HATCH was going to be here I would have to wait my turn, but I am here. I have been waiting. Under the fairness of recognition, I object. But I certainly do not object to the Senator speaking after my time.

The PRESIDING OFFICER. The Senator from Massachusetts has a right to object.

Mr. KENNEDY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. GORTON. Parliamentary inquiry.

Mr. KENNEDY. Mr. President, I do not yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

H–1B VISAS

Mr. KENNEDY. Mr. President, for months, Democrats and Republicans have offered their unequivocal support for the H–1B high tech visa legislation. In addition, Democrats have tried—without Republican support—to offer the Latino and Immigrant Fairness Act.

Democrats have worked tirelessly to reach an agreement with the Republicans to bring both of these bills to the floor for a vote. In fact, 2 weeks ago, Democrats were prepared to debate and vote on this legislation as part of their high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. And last Friday, Senator REID asked Senator LOTT for consent to offer the Latino and Immigrant Fairness bill and the Majority Leader objected. No matter what Democrats have done, the Republican leadership has been determined to avoid this issue and prevent a vote.

Our Republican friends tell us the Latino and Immigrant Fairness Act is a poison pill—that it will undermine the H–1B high tech visa legislation currently before the Senate. But, if Republicans are truly supportive of the Latino legislative agenda, that cannot possibly be true.

If they support the reunification of immigrant families as well as the immigration agenda set by the high tech community, we should be able to pass both bills and send them to the President's desk for signature.

I have three letters from children who wrote to the President about the significance of the Latino and Immigrant Fairness Act to families. I will read them quickly for the Senate.

Dear Bill Clinton.

My mom is a member of late amnesty.

That is the provision under which they would have received the amnesty. Then the INS put out rules and regulations so they were unable to make the application. Then they went to court and found out later they had legitimate rights and interests; they should have received amnesty. Nonetheless, their rights were effectively eliminated by the 1996 act. So now they are in serious risk of deportation.

Dear Bill Clinton.

My mom is a member of late amnesty. The Immigration wants to report my mom. They don't want her here. She should have permission to stay here because I was born here. Please don't take her away from me and my brothers. I'll trade you my best toy for my mom. Like my bike and my little collections of cars. Don't take her away from me! Please.

Signed Ernesto

Here is another:

Dear President Clinton,

Please don't take my parents away from me. I love them very much and my sisters too. We have been together for a lot of years and I don't want to be separated now so please don't separate us.

Signed Larry.

Hi. My name is Blanca. I'm 8 years old. I feel bad for my parents. I want my parents to have their work permit back so that they could work hard as they used to work to overcome our lives in Los Angeles. I am willing to give you, Mr. President, Bill Clinton, my favorite doll for my parents' work permit.

Thank you!

Blanca

These are real situations. We are talking about families who ought to be here as a matter of right under the 1986 immigration bill. Their cause has been upheld by the courts.

The 1996 act, intentionally or not, effectively wiped out those rights, and those individuals are subject to deportation. The children of these individuals are American citizens, born in this country, but the parents are subject to deportation and live in fear of this.

The 1986 act was a result of a series of studies done by the Hesburgh Commission, of which I was a member and so was the Senator from Wyoming, Mr. Simpson. There were a number of provisions in that act. Included in that act was an amnesty provision for people who had been here for some period of time, who had worked hard and were part of a community, trying to provide for their families. These letters are examples of individuals who are now at risk, and we are attempting to resolve their family situation. The Latino and Immigrant Fairness Act is a family value issue.

I suggest, that if we are talking about families and about keeping families together, that this particular provision is a powerful one.

The Chamber of Commerce and a long list of organizations including, the AFL–CIO, the Anti-Defamation League, Americans for Tax Reform, and various religious organizations, support this legislation and have pointed out the importance of it to the economy and the importance of it to keeping families together. They have been strong supporters for these different provisions.

There were other amendments we hoped to offer as well. They dealt with the training of Americans for jobs that would otherwise be filled by H–1B visa applicants. The average income for these jobs is $49,000. These jobs require important skills. There are Americans who are ready and willing to work but do not have the skills to work in these particular areas. We wanted an opportunity to offer amendments to deal with this. This would not have required additional expenditures. We were going to have a modest fee of some $2,000 per application that would have created a sum of about $280 million that would have been used for skill training and work training programs, and it also would have provided assistance to the National Science Foundation in developing programs, particularly in outreach to women and minorities, who are under-represented in the IT workforce.

There was some allocation of resources to reduce the digital divide, and others to expedite the consideration of these visas and make them more timely, which are both important. That was a rather balanced program. Members can argue about the size and the allocation of resources in those areas, but nonetheless, it appears those provisions are relevant to the H–1B legislation. But we were prohibited under the action taken to even bring up these matters.

These issues can be resolved quickly. Under the proposal that was made by Senator DASCHLE, we would have 1 hour of debate on the issue of skill training, which is enormously important. I personally believe we have to understand that education is going to be a continuing life experience. And for those who are in the job market, training and education is going to be a life experience if they are to continue to get good jobs and enhance their skills.

These are all related to the subject at hand, but we have been denied the opportunity to offer them. Instead, we have been virtually free of any serious work on the floor of the Senate since 10:15 this morning. Another day has passed. Under the deadline that was established by the two leaders, the Senate will recess at the end of next week. Meanwhile, another day has passed and we continue to be denied the opportunity to remedy a fundamental injustice. We continue to be denied the opportunity to bring up the Latino and Immigrant Fairness Act, and the opportunity to debate and reach a conclusion on these matters.

We are ending another day, but I wonder what the intention is and why we continue to have this circus, so to speak. Americans are wondering. We are in the last 2 weeks of this Congress, and we have passed two appropriations bills. What is happening on the floor of the U.S. Congress? What Americans have seen today is a long period of quorum calls and the denial of Members to offer amendments in a timely way to reach a resolution of matters of importance, such as the H–1B legislation and the Latino and Immigration Fairness Act.

I thought when we were elected to the Senate, it was a question of priorities and choices. When I first came to the Senate, I heard this would be a great job if you didn't have to vote. I laughed when I first heard that. Now it is back. It is a great job if you don't have to vote. Now we are prohibited from voting and indicating our priorities on H–1B and the Latino and Immigrant Fairness Act. It is unfortunate that this is the case.

I am going to print in the RECORD a number of the letters that have been sent to me in support of these provisions. Some of the most moving ones have been from some of the religious organizations.

I want to be notified by the Chair when I have 10 minutes remaining.

I have a letter from the Lutheran Immigration and Refugee Service, one of the very best refugee services. I have followed their work over a long period of time. They are first rate. Here is what they wrote:

> We understand and appreciate the needs of our country's high-tech industries and universities for highly skilled employees. We also feel, however, that legislation to benefit the most advanced sectors of our society should be balanced with relief for equally deserving immigrants who fled persecution and political strife, seek to remain with close family members or long worked equally hard in perhaps less glamourous jobs. A comprehensive bill would be a stronger bill vindicating both economic and humanitarian concerns.

They have it just about right.

I have another letter from the Jesuit Conference that says:

> As you aim to make our immigration policy more consonant with U.S. reality, we ask you to recognize the present situation of thousands of immigrants from El Salvador, Guatemala, Honduras, and Haiti who fled political and economic turmoil in their countries years ago and are now living and working in the United States without permanent immigration status. Many of those immigrants have built families here and have strengthened the U.S. economy by providing services to the manufacturing industry with the essential low-wage workers they need. Congress has already acknowledged the need to ameliorate the harsh effects of the 1996 immigration law. In 1997, it passed the Nicaraguan Adjustment and Central American Relief Act that allowed Cubans and Nicaraguans to become permanent residents, but gave Salvadorans and Guatemalans limited opportunities to do so.
>
> Haitians and Hondurans were completely excluded from the 1997 law. In 1997, Haitians were given hope for equal treatment and fairness by passage of the Haitian Relief Act, but the spirit of the legislation was ultimately thwarted by messy and slow lawmaking. It is time to remedy the unequal treatment received by Central Americans and Caribbeans once and for all.

The list goes on with group after group representing the great face of this nation pointing out the moral issues involved. Evidently they are not of sufficient and compelling nature that we are permitted to get a vote in the Senate. We are denied that opportunity, even though there is support from a long list of groups that understand the economic importance of this to certain industries. But the moral reasons, the family reasons, the sense of justice which are underlined by members of the religious faith I find compelling.

I believe deeply that by failing to act, we are denying ourselves a great opportunity to remedy a great injustice.

HATE CRIMES

Mr. KENNEDY. Mr. President, last Friday night, an armed man walked into a gay bar in Roanoke, VA and opened fire wounding six gay men and killing another. According to news reports, the gunman asked for directions to the closest gay bar and confessed that he was shooting them because they were gay. This vicious shooting was clearly a crime motivated by hate. The victims were targeted solely because of their sexual orientation. The message of hate against the gay community was clear.

Hate crimes are a national disgrace. They are an attack on everything this country stands for. They send a poisonous message that some Americans are second class citizens because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. We need to take a strong and unequivocal stand against these despicable crimes whenever and wherever they happen.

This Congress has a real opportunity to make a difference in the fight against hate-motivated violence. Two months ago, as an amendment to the Defense Authorization Bill, a strong bipartisan majority of the Senate voted in favor of hate crimes legislation that will close the loopholes in current law. I pay tribute to the Presiding Officer for his strong support of this endeavor. The House of Representatives has also demonstrated its strong bipartisan support for passing this important legislation on the defense bill.

Despite this unique opportunity, the Republican leadership in the Senate and the House continue to oppose including the hate crimes provisions in the conference report on the Defense Authorization Bill. By removing hate crimes legislation from the bill, the Republican leadership will send a disturbing message about its lack of commitment to equal protection of the law and to civil rights for all Americans.

I urge Majority Leader LOTT, Speaker HASTERT, and the conferees on the Defense Bill to do the right thing. Both the House and the Senate strongly favor action this year against hate crimes. Now is the time for the Congress to act by sending a clear and unmistakable signal to the American people that the federal government will do all it can to see that these despicable offenses are punished with the full force of the law.

Just last Friday night, one of the most horrendous and horrific kinds of crimes was committed by an armed man walking into a gay bar in Roanoke, VA. Interestingly, Virginia has hate crimes legislation, but it is not based upon sexual orientation. So that is a major opening in that law.

The legislation, which has passed in the Senate, would be able to address this issue. We should have the opportunity to vote on it. It was included in the defense authorization bill. It was strongly supported on the instructions by the House of Representatives. That conference is still open. I am a member of that conference. It is one of the last remaining items. It ought to be included. If we need a reminder of why it is important to pass this legislation, we have that tragic circumstance.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds.

Mr. KENNEDY. I thought I asked for a 10-minute warning.

The PRESIDING OFFICER. That is 1 minute 20 seconds prior to the 10 minutes.

Mr. KENNEDY. I thank the Chair.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I raise one other item of priority, and that is the failure to take action on the Elementary and Secondary Education Act.

If we don't take action, this will be the first time in 35 years where the Senate has failed to take action on the Elementary and Secondary Education Act. I, again, bring to the attention of our colleagues the commitment that was made by the majority leader going back to 1999.

On January 6, 1999, he said:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

On January 29, 1999:

> But education is going to have a lot of attention, and it's not going to just be words. . . .

On June 22, 1999:

> Education is number one on the agenda for Republicans in the Congress this year. . . .

On February 1, 2000:

> We're going to work very hard on education. I have emphasized that every year I've been Majority Leader. . . . And Republicans are committed to doing that.

On February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Here we are in May of 2000:

> . . . I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

The PRESIDING OFFICER. The Senator now has 10 minutes.

Mr. KENNEDY. I thank the Chair.

I ask the Chair to let me know when I have 2 minutes remaining.

Final statement, July 25:

We will keep trying to find a way to get back to this legislation this year and get it completed.

We have not been able to do that. We have been unable to do it. The basic reason that we have been unable to do it is because those on this side wanted to offer a series of amendments—on smaller class size; well-trained teachers in every classroom in America; help and assistance in the construction of schools, in the modernization of schools; afterschool programs; assurance that we are going to have tough accountability; that we are also going to reduce the digital divide; and access for continuing education programs; but we also wanted to make sure that we were going to take the necessary steps to help make the schools safe and secure—and once that became evident, then there was a different mood around here. Then that bill was effectively pulled by the majority. We do not yield on the issue of making sure we do everything we possibly can to make sure that schools are going to be safe and secure.

I draw attention to the tragic situation today in the Carter Woodson Middle School in New Orleans, LA. Two teenage boys have been involved in another school shooting. Someone passed a gun in through a fence, and a young child used it. That child shot another child, and then he dropped the gun. Another child picked up the gun and shot the initial shooter. Both children are critically injured and in surgery. School has been canceled for 3 days.

We have pressing education issues to address. We have pressing needs to try to make our communities safer and more secure and to remove the opportunities for children to acquire the weapons of destruction that end up taking other children's lives. But we are denied that. As a result, we will not have the chance to reauthorize.

I say that because we heard from the majority leader that we are not going to take up education because we are not going to consider gun legislation, in spite of the fact that in 1994, our majority leader co-sponsored gun legislation that was proposed by a Republican Senator. They didn't complain then and say it was inappropriate or irrelevant at that time. It is relevant to make sure that schools are safe and secure.

I heard a great deal in the last few days about what is happening in the schools of this country. All of us understand that we have challenges that exist in our inner-city schools and many of our rural schools. We understand that. But I am kind of tired of people just tearing down the public school system. That has become rather fashionable. We have heard that in part of the national debate. I am just going to bring some matters to the attention of the Senate.

First are the number of students who are taking advanced math and science classes—this is from 1990 to 2000. On precalculus, the number of students went from 31 to 44 percent; on calculus, from 19 percent to 24 percent; on physics from 44 percent to 49 percent—a very significant increase in the number of children who are taking more challenging courses in our high schools, according to the College Board.

On this chart we see the growth in the percent of students who are taking the scholastic aptitude tests. This went from 33 percent in 1980, to 40 percent in 1990, and up to 44 percent. The trend lines are moving up. It is not an enormous amount of progress from 40 percent to 44 percent, but nonetheless it is showing an enhancement of the total number of children who are taking those tests.

Here are the SAT math scores. They are the highest in 30 years. This is important because we have many more children taking them.

It is one thing that we have a small number of children taking the test, now we have expanded the number of children who are taking the test nationwide. And what do we see? The SAT math scores are the highest in 30 years. They have been moving up now consistently over the last few years. Actually, in the early years, in terms of minorities, the difference has actually diminished.

What we are saying is that there are some very important indicators that are going in the right way. I was quite interested in hearing the Governor of Texas talk about how our schools are in all kinds of trouble and how it happens to be the Vice President's fault. But meanwhile the States themselves have 93 cents out of every dollar to spend. They are the ones who have the prime responsibility to spend on education. So the question comes down to, if they are the ones who have the prime responsibility, is it fair enough to ask what these Governors have been doing over this period of time?

Federal participation has been targeted on the neediest children. They are the toughest ones to try and bring educational enhancement and academic achievement to; they are the ones who are targeted. Nonetheless, we see what has been enhanced. There have been some very notable kinds of improvements. I think the State of North Carolina, under Governor Hunt, has been one of the outstanding examples of total improvement in how they have been dealing with troubled schools—those schools that have been facing challenges. Instead of the proposal that is offered by Governor Bush in this particular instance, which would draw money from it and effectively close down that school, we find out how they are handling that with Governor Hunt in North Carolina. In North Carolina they send in teams to help restructure both the personnel and the curriculum. What is happening is major achievements and accomplishments.

Those are the kinds of ideas we ought to be embracing, the ones that have been tried and tested and have been effective.

I want to show, finally, where we are going over a long period of time in terms of enrollment. It will continue to rise over the next century. We are failing in this Congress to have a debate and a conclusion on the Elementary and Secondary Education Act. We had 6 days of discussion on the Elementary and Secondary Education Act; 2 days for debate only. Then we had eight votes—one vote was a voice vote; three were virtually unanimous. So we had four votes.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. We have not had the full debate and discussion of what American parents want. The fact is, projected over the next years, we are going to see virtually a doubling of the number of children, up to 94 million. The children in this country and the parents deserve a debate and discussion in the Senate on education. They have been denied that. For the first time in the history of the Elementary and Secondary Education Act, the Senate has failed to meet its commitment in this area.

I regret that, Mr. President. I wish we were debating that instead of having long quorum calls or lengthy speeches on the floor of the Senate.

I retain the remainder of my time under cloture.

The PRESIDING OFFICER. The Senator from Texas.

H–1B VISAS

Mr. GRAMM. Mr. President, I am tempted to jump into the debate about education. The problem is not people taking courses. It is learning something from the courses you are taking.

I remind my colleagues that the SAT test changed several years ago so that the minimum requirements to play football in division 1 went up from 700 to 840. You might think: Rejoice, we have raised academic standards in athletics in college. The truth is, the test was recentered so that everybody's score was raised by 140 points at that level. I do not look at Senator KENNEDY's test scores and rejoice that we now have achieved the level we had in 1961. Can you imagine any other debate in America where people say: We have great success; we have equaled what America did in 1961.

I don't call that success. I call that failure. I call that failure because with all the resources we are spending, the fact that we have yet to achieve what we had achieved in 1961 is the greatest indictment of our education bureaucracy and a failed system that believes that Federal control and Federal money is the answer.

But I am not going to discuss that right now. I want to remind people of what has happened all day today here in the Senate. Our Democrat colleagues say they are for the H–1B program. They say they want to allow high-tech workers to come into the country to help us continue to dominate the world in high-tech jobs so that

we can continue to have economic growth. They go out to Silicon Valley and say: We are with you. We are for the H–1B program. Yet they have spent all day filibustering it.

I don't understand it. You are either for it or you are against it. Now they say: Well, we are for it, but you have to pass a whole bunch of bills doing other things before we are going to let you adopt it.

I think it is time for those who need this bill to say to our Democrat colleagues: If you are for the bill, let us vote on it.

We have all heard the cliche, ''if you have friends like that, you don't need enemies.'' The point I want to remind people about is that all day long, the Democrats have been filibustering the H–1B program. So if anybody thinks they are for it, the next time they stand up and say they are for the program, I think the obvious thing to ask is, if you are for it, why are you holding it up?

We need this bill because we want to keep America growing. I believe our Democrat colleagues are putting politics in front of people. This bill is important to maintain economic growth. It is important to maintain our technical superiority.

I want people to know, with all the thousands of issues that have found their way to the floor of the Senate this afternoon, that what this debate is about is that our Democrat colleagues say they are for the H–1B program, but they are preventing us from voting on it. If you are for it, let us vote on it then. If you are for it, end all these extraneous debates. If you want to debate giving amnesty to people who violated America's law, then offer that somewhere else. Propose a bill, but let us vote on the H–1B program.

Why do we need it? We need it because we want to maintain the economic expansion that is pulling people out of poverty. We want to maintain our technological edge. But we can't do those things if the Democrats don't let us pass this bill.

If you are following this debate, don't be confused. They say they are for H–1B, the passage of this bill, but they are working every day to throw up roadblocks, to stop it, and to demand some payment for letting us pass it.

Let me make it clear, no tribute is going to be paid on this bill. There is not going to be a deal where they get paid off to pass this bill. They go to California and to Texas and other places and say: We are for the high-tech industry. We are for the H–1B program. But the cold reality is that on the floor of the Senate today, we did not get to vote on it. We did not get to pass it. We did not make it law. We did not do what we need to do to maintain this economic prosperity and to maintain our edge in the high-tech area because the Democrats are filibustering H–1B. They say they are for it, but when it gets right down to it, actions speak louder than words.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

H–1B AND H–2A VISA LEGISLATION

Mr. SMITH of Oregon. Mr. President, I have listened to the debating back and forth on the issue of whether we do H–2A or H–1B.

I would like the American people to know that I think there is a lot going on behind the scenes. I think there is a lot that needs to happen behind the scenes, and quickly because both of these issues are legitimate issues. I believe America needs to make up its mind whether we want the high-tech industry to remain an American industry. It is vital to our economic good, and we are all proud of it. We all want to encourage it. We need to help the high-tech industry by raising the H–1B visas temporarily. Otherwise, this is an industry that is prepared to move to other shores. I would rather they remain on our shores because I think it does us an enormous amount of good.

In my State, and in the State of the Senator from Nevada, and so many States, we are seeing small businesses thrive with the development of this new technology.

But I also want to speak to the need that we not abandon the cause of the Hispanic and Latino workers. There are many proposals right now addressing their needs.

I happen to be a cosponsor of a bill, being argued by many on the other side of the aisle, which help these workers.

I think it is a crying shame that we have people living in the shadows of our society right now. These are people who are here; yes, many of them illegally, probably well over a million, and maybe as many as 2 million people who are working primarily in agricultural industries. These illegal workers have infiltrated many other industries as well. They have been here for a decade and more. Many people worry that if Congress addresses the worker shortage in agriculture, more illegal workers will come. I have news for them. They have already come. They are here. They live among us and contribute to our economy. They are contributing to our tax rolls, frankly, without the benefit of law.

I believe Republicans and Democrats ought to find a way as human beings to reach out to the illegal farm worker community. If it isn't with amnesty, there are ways we can allow them to be here legally.

A lot of people say we have no worker shortage in agriculture. I tell you that we don't if you include all the illegals. But we owe something better to these workers and something better to their employers than an illegal system.

It is a crying shame, and we ought to be ashamed of it in the Senate, and do something about.

I know Speaker HASTERT is working on this issue in the House. I believe our Senate leadership is working on it here.

But I am in a dilemma. I will admit it right here on the floor of the Senate. I want to help the high-tech industry by providing them with highly skilled temporary workers, but I also want to help the workers in the agricultural industry who contribute to our economy and deserve our attention as well.

I hope that our leadership will respond quickly to the needs of the agricultural industry, as well as the dignity its workers deserve.

I see our leader is on the floor. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator from Oregon for his time in the Chair, for his commitments, and for the leadership that he provides in the Senate.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 109

Mr. LOTT. Mr. President, I understand that Senator REID is here. I ask unanimous consent that notwithstanding rule XXII, at 9:30 a.m. on Thursday, September 28, the Senate proceed to the continuing resolution, H.J. Res. 109; that the joint resolution be immediately advanced to third reading and no amendments or motions be in order; that there be up to 7 hours for final debate to be divided as follows: 6 hours under the control of Senator BYRD, and 1 hour under the control of Senator STEVENS.

Finally, I ask unanimous consent that the resolution be placed on the calendar when received from the House.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOTICE OF INTENTION TO SUSPEND RULE XXII

Mr. DASCHLE. Mr. President, pursuant to rule V, I hereby give notice in writing of my intention to move to suspend rule XXII to permit the consideration of amendment No. 4184 to S. 2045.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Continued

Mr. LOTT. Mr. President, I am pleased that the Senate has voted 94–3 to invoke cloture with respect to H–1B legislation.

As Members know, cloture limits debate and restrains amendments to germane amendments only.

With that in mind, I want all Senators to know that the Senate is going to conduct a final vote on this legislation. We are committed to that, and we will get to that point even if it takes some more time. I hope my colleagues on both sides of the aisle will allow this bill to be voted on in the Senate. We have worked on it for months trying to get agreements to find a way to get conclusion. But it is time that we get to the conclusion and have a vote. I predict that the final vote on this bill will be somewhat like the vote we had on the FAA reauthorization bill some 4 years ago. There was a lot of resistance. It took a week to get to a final conclusion. The final vote was something like 97–3. I suspect that when we get to a final vote here it will be 90–10, if we can ever get a vote on the substance.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending first-degree amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending first-degree amendment (No. 4177) to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Spencer Abraham, Kay Bailey Hutchison of Texas, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending committee substitute.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee substitute amendment to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, Jeff Sessions, and Don Nickles.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII of the Standing Rules of the Senate, the chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Gordon Smith, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith, Spencer Abraham, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

Mr. LOTT. Mr. President, I would be happy to vitiate the cloture votes on this bill if the Democrats would agree to that. I think we could get a time agreement and have germane amendments that could be offered, and we could complete it in a reasonable period of time. Perhaps we should have gone through a procedural effort different from what we wound up with, but I really thought that once we had the cloture vote this morning, we would be able to get some sort of reasonable time agreement—6 hours or more if necessary—and get to a conclusion so that we could move on to other issues. I am still open to that. I know Senator REID has put a lot of time on it and had some remarks today. I certainly understand that. The issue or issues that have been raised, I think, could be or would be considered on other bills and other venues. I hope we can work together to find a way to complete this important legislation.

Failing that, I had no alternative but to go this route.

Mr. REID. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. REID. Mr. President, I don't really understand because I haven't been there, but I have some idea of the burden that the Senator bears. I really do. It hurts me—I care a great deal about the Senator as a person—to delay what I know the Senator believes is extremely important.

However, I believe we should resolve this quickly. We could have a vote in the morning on H–1B. We, the minority, don't oppose H–1B. As I have said today, we want a vote on the amendment filed which we have been talking about all day. We will take 5 or 10 minutes a side and vote. We could be done with this legislation tomorrow at 2 o'clock in the afternoon or 10 o'clock in the morning, whatever the leader decided.

The debate we have had today has been constructive but, in a sense, unnecessary. I hope the majority leader, the man who has the burden of controlling what goes on here, especially in his waning days of this Congress, will meet with the caucus or make the decision unilaterally, or whatever it takes, and move on. Take care of the high tech people. Also, take care of the restaurant workers and other people who also need to be taken care of.

Again, we will take as little as 5 minutes on this amendment and have a vote and go about our business.

Mr. LOTT. Mr. President, if I might respond to Senator REID, I think he knows an effort was made a few days ago to see if we couldn't clear a limited number of amendments—and either without identifying what those amendments would be or identifying them—and we are not able to clear it. We couldn't clear it on this side.

We had Senators on this side that wanted to offer other issues, too, including the H–2A issue, involving how we deal with visas for agricultural workers. There are some Members who think we ought to do that. There are others who didn't think we ought to do it on this bill. While I understand what the Senator is saying, I have not been able to clear that, and therefore I had to move forward to try to get the bill to conclusion.

I always enjoy working with the Senator from Nevada. He has been unfailingly fair and has worked with us to move a lot of issues. I appreciate that. I regret we couldn't get this cleared. I did try to, but I couldn't get it done. So now we need to get to a conclusion on the underlying.

Mr. BIDEN. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. BIDEN. I realize the leader, as Senator REID said, has a lot of burdens. But today the House passed, by a vote of 415–3, the Violence Against Women Act—24 Republicans and all Democrats. Seventy-one cosponsored the Violence Against Women Act.

I wonder if the leader would be willing to agree to a 10-minute time agreement and we could vote on the Violence Against Women Act tomorrow or some day?

Mr. LOTT. Mr. President, let me say we are going to try to clear that bill so we can get it into conference with the House. If we run into problems, whatever they may be, it is my intent that legislation will be on a bill that is signed into law before the end of this session. It is our intent to get it done. We will try a variety of ways to achieve that. We will want to put it on a bill that we hope will be signed into law. We are not going to try to put it on something that might not be. We will also be taking cognizance of what the House has done.

Mr. BIDEN. If the Senator will allow me a moment, it may be helpful for consideration to know I spoke with Republican leadership in the House on this issue, as well as here, and I am confident we can arrive at a bill that wouldn't require a conference.

So if the leader concludes at some point—and I take the leader at his word and he always keeps it—the intention is to bring this up, I think it may be possible we could literally pass a bill that would not require a conference. I raise that possibility.

Mr. LOTT. We will be working on that. I have had other bills that I thought would zip right through'', no problem. We have one from the Finance Committee, the FSC issue, which is very important to compliance with the WTO decision. I am concerned now we may not be able to get that cleared.

We are trying to get appropriations bills considered by the Senate. We are trying to get an agreement to take up the District of Columbia, and we ran into a problem. I think maybe we are fixing that problem, but I am saying to the Senator at this point it is hard to get clearances. We did get one worked on regarding the water resources development bill, and we are doing other issues.

This is a bill we will find a way to get done before this session is over. We will see what happens when we get it together and try to work through it.

Mr. BIDEN. Mr. President, I thank the majority leader. As I indicated to the majority leader, this may be a unique bill not unlike the one my friend, the Presiding Officer, has on sex trafficking on which he has worked so hard. This doesn't even have those problems. This has 415 Members of the House voting for it; 3 voting against it; 71 cosponsors in the Senate. I am willing to predict, if we can agree to bring it up without amendment, we will get 85 to 95 votes. This is in the category of a no brainer. HENRY HYDE is a sponsor of it. It is the Biden-Hatch bill.

The only point I make, and I will be brief, time is running out. The Violence Against Women Act expires this Sunday, September 30. It took me 8 years to get this thing done. It took 3 years after it was written just to get it considered. It took that long to get it passed. It has been in place for 5 years. There are no additional taxes required to pay for this bill because there is a trust fund that uses the salaries that were being paid to Federal officials who no longer work for the Federal Government; it goes into that fund.

As I said, if there was ever a no brainer, this one is it. Democrats like it; Republicans like it. As Senator Herman Talmadge from Georgia, said to me one night regarding another issue when I walked into the Senate dining room: What's the problem, JOE? I guess I looked down. He was chairman of the Agriculture Committee. I said: I'm having problems with such and such an issue. He said: What is the problem, son? I repeated; I thought he didn't hear me. He said: No, you don't understand. Republicans like it; Democrats like it. So just go and do it.

Well, that is where we are tonight. Democrats like the bill; Republicans like the bill; the House likes the bill; the Senate likes the bill; women like the bill; men like the bill, business likes the bill; labor likes the bill. So why don't we have the bill? And I have been hollering about this for 2 years now.

Hopefully, in light of what the majority leader said, maybe we will get to it. I was beginning to get a little despondent. I was even thinking of attaching the bill to the Presiding Officer's bill to make sure we get it done.

Today the Washington Post, in an editorial entitled ''Inexplicable Neglect,'' noted: ''There seems to be no good reason, practical or substantive, to oppose the reauthorization of the Violence Against Women Act.''

I ask unanimous consent the totality of that editorial be printed in the RECORD.

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

INEXPLICABLE NEGLECT

There seem to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act. Originally passed in 1994, the act provides money to state and local institutions to help combat domestic violence. It is set to expire at the end of the month. Its reauthorization has overwhelming bipartisan support. But House and Senate leaders have yet to schedule a vote.

Versions of the bill have been favorably reported by the judiciary committees of both chambers. Both would expand programs that during the past five years have helped create an infrastructure capable of prosecuting domestic violence cases and providing services to battered women. Since the original act was passed, Congress has devoted $1.5 billion to programs created by it. The House and Senate bills differ, but both would authorize more than $3 billion in further support during the next five years. There is room to debate the proper funding level relative to other priorities, a matter which will be determined later by appropriators; and the programs won't end immediately if the act lapses, because funds have been approved for the coming year. But failing to reauthorize would send the wrong message on an important issue and, more important, could threaten future appropriations.

With time in the 106th Congress running out, the Violence Against Women Act may become a casualty for neglect rather than of active opposition. But that's no comfort. Congress ought to find the time to pass it before leaving town.

Mr. BIDEN. The act of 1994 signaled the beginning of a national—and, I argue, historic—commitment to women and children in this country victimized by family violence and sexual assault.

The act is making a real difference in the lives of millions of women. The legislation changed our laws, strengthened criminal penalties, and facilitated enforcement of protection orders.

I see my friend from California is here. When she was in the House of Representatives, she was one of the few people, man or woman, on either side that fought for 2 years to get this passed. I say to the Senator, the majority leader indicated he plans on making sure that this gets voted on this year. ''This year'' means the next couple of days or weeks. He says he wants to attach it to another bill.

I have been making the case, I say to my friend from California, that based on the vote in the House, 415–3 and 71 Senators cosponsoring the Biden-Hatch bill here in the Senate, we should bring this up free-standing. I was presumptuous enough to speak for you and others and say we would agree to a 5-minute time agreement on the bill.

Mrs. BOXER. Will my friend yield for just a couple of quick questions, and then I will allow him to, of course, finish his statement.

First, I really came over to the floor when I saw the Senator took time to speak on the floor about the Violence Against Women Act. It was my great honor when I was in the House that he asked me to carry that bill those many years ago. I remember what a struggle it was. We couldn't get that House at that time to recognize this problem.

I have heard my friend say many times, even the words ''domestic violence'' indicate something that is different about this particular kind of violence; there is something that is domesticated about it. It is violence; it is anger; it is rape; it is hard to even describe what women, particularly women—although it does happen to men—go through.

So I took to the floor just to ask a couple of questions. In light of the House passage with the kind of vote you rarely see over there—my goodness, we hardly ever see a vote like that—and the fact it was freestanding, wasn't attached to any other bill, doesn't my friend believe we should bring this up—I agree with him—with a short time agreement, 2 minutes a side? It doesn't matter to me. We have talked enough about this over the years.

Doesn't my friend agree it would be much better to just bring it up freestanding instead of attaching it to another bill that some people may have problems with? Why would we want to take this idea, this incredibly important idea that the Senator pushed through this Congress, and attach it to another bill that may be controversial?

Mr. BIDEN. In response to the question of the Senator, I fully agree with her. I indicated that to the majority leader. To give the majority leader the benefit of the doubt, which I am prepared to do, I am not sure he understands how much support this has. When I indicated it should be freestanding, he cited other bills he thought were going to go through and they didn't go through and that was what he was worried about.

He had to leave here necessarily and so didn't hear my response, which is, this is not like any other bill. I have not heard of any problem. If any staff is listening—staffs of all one hundred Senators listen to proceedings. They are assigned to listen to them. I ask anybody in the Senate who has any problem with the Biden-Hatch bill to please come and let us know, to debate it. I do not know anybody who is even willing to debate it, to say they are not for it.

I would be dumbfounded, when in fact we bring this up, if we bring it up freestanding, if it didn't get everyone in the Senate voting for it. I would be astounded if it got fewer than 85 or 90

votes. I would not at all be surprised if it got 100 votes. But I am not sure the majority leader understands that.

Frankly, what the Senator from California and I could do with Senators HATCH and SPECTER and others who are supportive of this bill—maybe we can go see the majority leader tomorrow and lay out for him why we are so certain he will not get himself in a traffic jam if he brings this bill up and why he doesn't need to attach it to anything else.

Mrs. BOXER. Right. I say to my friend, since we are strategizing here in front of the world——

Mr. BIDEN. The whole world.

Mrs. BOXER. We might want to see if we could get some signatures on a letter asking him to bring it up freestanding because it seems to me to be the best thing to do.

Almost everything else we do, as my friend has pointed out, is controversial. But when you have a bill that has worked to increase the funding for shelters and train judges and doctors and the rest, and as a result we have seen a 21-percent decline in this kind of violence, it ought to breeze through here.

But I really came to the floor to thank my friend for his leadership here and his continued focus on this issue. A lot of us, as we get older, start thinking: What have I done that I am really proud of? I know my friend can truly say—and I can say it because I was fortunate he involved me in this early on—this is one of the good things, one of the great things.

I thank my friend and hope we can prevail on the majority leader to bring this up freestanding. I thank my colleague for yielding.

Mr. BIDEN. I thank the Senator. I will follow onto that.

History will judge—and even that is a presumptuous thing, to think history will even take the time to judge, but some folks will judge whether or not my career in the Senate accomplished anything. I know for me, the single most important thing I have ever been involved in, and have ever done, and I care more about than anything I have ever been involved in, is this legislation. The thing I am most proud of is that it has become a national consensus. It is not a Democratic issue; it is not a Republican issue; it is not a women's issue, not a men's issue. We have taken that dirty little secret of domestic violence out of the closet.

Mrs. BOXER. That is right.

Mr. BIDEN. We have freed up, as a consequence of that, not only the bodies but the souls of millions of people and thousands and thousands of women.

As the Senator well knows, the hotline that she and Senator KENNEDY, Senator SPECTER, and others have worked so hard to put in place, that hotline has received literally hundreds of thousands of calls—300,000 all told—tens of thousands of calls over the years since we passed this, saying: Help me, help me. I am trapped.

I say to men who say: Gee, whiz, why don't women just walk away; Why don't they just walk away from this abuse they get; There are a lot of reasons they don't, from being physically intimidated, to being psychologically intimidated, to having no place to go and no financial resources.

Mrs. BOXER. Will my friend yield on this point?

Mr. BIDEN. Yes.

Mrs. BOXER. I think also—and I know he is so aware of this—another reason they do not walk away is their kids.

Mr. BIDEN. Absolutely.

Mrs. BOXER. They fear for their kids. With all of the attention we have paid to the entertainment industry—and the Chair has taken a lead on this—to call to everyone's attention the excess of violence and the marketing of too many R-rated films to kids, we know for sure, I say to Senator BIDEN, there is only one proven predictor that violence will be passed on to the next generation, and that is when the child sees a parent beat the other parent. We know that 60 percent or more of those kids are going to grow up in the same fashion.

I was going to leave now, but every time the Senator starts to bring up another point, it is so interesting, I am kind of spellbound. But the bottom line is, with this bill we are helping women and children and families. We are standing for the values that I thought we all mean when we say ''family values.'' Again, my thanks.

Mr. BIDEN. I thank my colleague.

Mr. President, I will not go through the whole of my statement. Let me just make a few other points.

I must say I compliment the Chair for his work and his, not only intellectual dedication but, it seems to me, passionate commitment to do something about the international sex trafficking occurs. This is a women's issue internationally.

I suspect he feels the same way I feel about this legislation. I suspect he believes there is probably not much more that he has done that is as tangible and might affect the lives of people, that you could look to, you could count, you could touch, you could see. When I said there are a lot of calls, literally over half a million women, over 500,000 women have picked up the phone and called, probably huddled in the dark in the corner of their closet or their room, hoping their husband or significant other is not around, and said in a whisper, ''Help me, help me''—given their name and address and said, ''Help me.''

Think of that. Think of that. A half a million women have picked up the phone. How many more have not picked up the phone?

The thing we should be aware of—and I know the Chair knows this—it is counterintuitive to think a child who watches his mother being beaten to a pulp would then beat his wife or girlfriend later. That is counterintuitive. Wouldn't you think that would be the last thing a child would do? But the psychologists tell us it is the first thing. They learn violence is a readily available and acceptable means of resolving power disputes.

You know, as the Chair I am sure knows—I am not being solicitous because of his work in this generic field—about 60 percent of the people in prison today have been abused or were in families where they witnessed abuse. This is not rocket science. I hope we get on with it.

There are a few things I want to mention. This bill does not merely reauthorize what we have done. I made a commitment, when I wrote this bill and we finally got it passed as part of the Biden crime bill, that I would go back and look at it—and others have, too, but personally since I was so involved in it—and the parts that were working I would try to beef up; the parts that were weak and did not make sense, I would jettison. In the reauthorization, I would get rid of them.

I hope my colleagues will see we have kept that commitment. We take the parts we found were lacking in our first bill and we, in fact, beefed them up. We kept the police training, the court training, and all those issues. We kept the violent crime reduction trust fund which, by the way, gets about $6.1 billion a year from paychecks that are not going to Federal employees anymore and go into this trust fund. It trains attorneys general and the rest.

What it does beyond all it has already been doing is it provides for transitional housing for women. We have over 300,000, in large part thanks to Senator SPECTER from Pennsylvania, who has been so dedicated in his appropriations subcommittee to this. We have built all these new shelters. We do not send women to shantytowns. This is decent housing with anonymity, giving them an opportunity to get out from under the male fist abusing them, and they can bring their children with them.

Seventy percent of children on the street are homeless because their mothers are on the street, a victim of domestic violence. We realized there is a gap here because there are so many women knocking down the door to get into these shelters to get out of abusive circumstances. We can only keep them there for 30 days, 60 days, sometimes longer. They cannot go back home because their husband has either trashed the home or tried to sell the home or they have to move back in with the husband. We tried to find some transitional housing that takes them down the road for the next couple of years and gives them some hope.

We also beef up cross-State protection orders. For example: God forbid there is a woman staffer in ear shot and she lives in Virginia or Maryland or a nearby State and she went to the court and said: Look, my husband or my boyfriend or this man has harassed me or beaten me, and I want him to

stay away from me. The court issues what they call stay-away orders, victim protection orders.

That woman may work in the District of Columbia. Now she crosses the line from Virginia or Maryland into D.C., and she gets harassed. The man violates the order, and she goes to a D.C. cop or D.C. court. They do not have any record of it. There is no record or they do not honor it. I am not talking about D.C. particularly. One State does not honor another State.

What we have done is beefed up the requirement that States honor these stay-away orders when women cross the line, literally cross a State line, cross a jurisdictional line.

There is a very well-known reporter at the Washington Post—although he has written about this, I am not going to take the liberty of using his name without his permission. His daughter was in a similar situation in Massachusetts. She was abused by someone. A stay-away order was issued. She was in Massachusetts. She was in a different county. The man, in fact, violated the order. They went into a local court. The local court, because there were not computerized records, did not know there was a State stay-away order.

By the way, the stay-away order says if you violate the order, you go to jail. If a man follows a woman into a different jurisdiction and the jurisdiction knows that order exists and he violates the order, they can arrest him and send him to jail on the spot because it is part of the probation, in effect, to stay away. It is part of the sentence, if you will; not literally a sentence. They can put him in jail.

George's daughter said: This guy has an order. He is not supposed to be near me.

The judge said: We have no record of that order because they are not computerized for interchange of these records.

They walked outside the courtroom, and this man shot her dead. He shot dead on the spot the daughter of this famous Washington reporter because there was not the honoring, even within the State, of these orders. We beefed that up.

By the way, in my State of Delaware, which has a relatively low murder rate, 60 percent of all the people murdered in the last 2 years were women murdered by their husband or their boyfriend. Did my colleagues hear what I just said? Murdered by their husband or boyfriend. The vast majority of women who are murdered in America are murdered by a significant other or their husband. This is not a game.

We are now in a position where there is, in fact, no authorization for the continuation of this law for which we worked so hard. Come October 1, which is what, how many days? Today is the 26th. The point is, in less than a week, this law is out of business.

I have much more to say about this, but I will not take the time of the Senate now. I am encouraged, I am heartened by what the House did. I am encouraged by what Senator LOTT said to me today on the floor, and I look forward to the opportunity to convince the leader to bring this up in whatever form that will allow us to pass it because, again, this is not a Republican or Democratic issue. This literally affects the lives of thousands and thousands of women.

SUPPORTING DEMOCRACY IN SERBIA

Mr. BIDEN. Mr. President, on another matter which relates to another form of human rights, I wish to speak to the legislation we are going to bring up tomorrow, the Serbian Democratization Act of 2000. I am an original cosponsor of this legislation. I am told that tomorrow we are going to get a chance to deal with this issue.

As everyone knows, Slobodan Milosevic is on the ropes. Despite Milosevic's massive systematic effort to steal Sunday's Yugoslav Presidential election, his state election commission had to admit that the opposition candidate Vojislav Kostunica won at least the plurality of the votes already counted; 48.22 percent to be exact.

According to opposition poll watchers, Kostunica in all probability actually won about 55 percent of the vote, which would have obviated the need for a two-candidate second-round runoff with Milosevic, which now seems likely.

It is still unclear whether the democratic opposition will go along with this semi-rigged, desperation plan of Milosevic's to hang on by rigging the runoff. Even if Milosevic loses the runoff and is forced to recognize the results of the election, he may still attempt to hold on to the levers of power through his control of the federal parliament and of the Socialist Party with its network of political cronies and corrupt businessmen.

He may use the classic tactic of provoking a foreign crisis by trying to unseat the democratically elected, pro-Western government in Montenegro, a move I warned against on this floor several months ago.

We will have to wait and see for a few days before knowing exactly how the situation in Yugoslavia is going to develop, but there is no doubt whatsoever as to who the primary villain in this drama is. It was, it is, and it continues to be Slobodan Milosevic, one of the most despicable men I have personally met, and, as everyone in this Chamber knows, a man who has been indicted by The Hague Tribunal for war crimes and is the chief obstacle to peace and stability in the Balkans. Therefore, it should be—and has been—a primary goal of U.S. foreign policy to isolate Milosevic and his cronies, and to assist the Serbian democratic opposition in toppling him.

Earlier this year, with this goal in mind, the Serbian Democratization Act of 2000 was drafted in a bipartisan effort. It is particularly timely that the Senate consider this legislation tomorrow, precisely at the moment when the Serbian people have courageously voted against Milosevic's tyranny that has so thoroughly ruined their country during the last decade.

I would like to review the main provisions of the legislation we will be voting on tomorrow and then propose alternative strategies for our relations with Serbia, depending upon the outcome of the elections.

The act supports the democratic opposition by authorizing $50 million for fiscal year 2001 to promote democracy and civil society in Serbia and $55 million to assist the Government of Montenegro in its ongoing political and economic reform efforts. It also authorizes increasing Voice of America and Radio Free Europe broadcasting to Yugoslavia in both the Serbo-Croatian and Albanian languages.

Second, the act prescribes assistance to the victims of Serbian oppression by authorizing the President of the United States to use authorities in the Foreign Assistance Act of 1961 to provide humanitarian assistance to individuals living in Kosovo for relief, rehabilitation, and reconstruction, and to refugees and persons displaced by the conflict.

Third, the act we will vote on tomorrow codifies the so-called ''outer wall'' of sanctions by multilateral organizations, including the international financial institutions.

I talked about this with Senator VOINOVICH of Ohio, and we agreed that we have to give the President more flexibility in this area.

Fourth, it authorizes other measures against Yugoslavia, including blocking Yugoslavia's assets in the United States; prohibits the issuance of visas and admission into the United States of any alien who holds a position in the senior leadership of the Government of Yugoslavia of Slobodan Milosevic or the Government of Serbia and to members of their families; and prohibits strategic exports to Yugoslavia, on private loans and investments and on military-to-military cooperation.

The act also grants exceptions on export restrictions for humanitarian assistance to Kosovo and on visa prohibitions to senior officials of the Government of Montenegro, unless that Government changes its current policy of respect for international norms.

The act contains a national interest waiver for the President. The President may also waive the act's provision if he certifies that ''significant progress has been made in Yugoslavia in establishing a government based upon democratic principles and the rule of law, and that respects internationally recognized human rights.''

Clearly, if the democratic opposition triumphs in the current elections, the chances will increase dramatically that the President will exercise this waiver option.

We, the Congress, are saying to the people of Serbia that they are our friends, not our enemies. It is their Government, it is Slobodan Milosevic that is the problem, not the Serbian people.

Today in the Committee on Foreign Relations, we discussed at length with Madeleine Albright what we should be doing about Serbia. I have discussed it as well with Senator VOINOVICH.

I see the Senator from Iowa is on the floor. He may be here for other reasons, but I know his keen interest in Serbia, the Serbian people, and the need for us to render assistance if they, in fact, move in the direction of democracy.

The act calls for Serbia to cooperate with the International Criminal Tribunal for the former Yugoslavia.

It also contains two important Sense of the Congress provisions. The first is that the President should condemn the harassment, threats, and intimidation against any ethnic group in Yugoslavia, but in particular against such persecution of the ethnic Hungarian minority in the Serbian province of Vojvodina.

The second voices support for a fair and equitable disposition of the ownership and use of the former Yugoslavia's diplomatic and consular properties in the United States.

Finally, in a move to facilitate the transition to democracy in the Federal Republic of Yugoslavia, Congress authorizes the President to furnish assistance to Yugoslavia if he determines and certifies to the appropriate congressional committees that a post-Milosevic Government of Yugoslavia is ''committed to democratic principles and the rule of law, and that respects internationally recognized human rights.''

Mr. President, the Serbia Democratization Act offers the President ample flexibility in dealing with Serbia. If Milosevic should succeed in frustrating the will of the Serbian people by stealing this election, the act will give the President of the United States a complete kit of peaceful tools to continue to try to undermine his oppressive regime.

If, on the other hand, the democratic opposition led by Mr. Kostunica manages to make its electoral victory stick, then the final provision of the act becomes the operative one in which we open up the spigot of increased assistance to a democratic Serbia. Obviously, this would be the preferred option.

Unfortunately, however, foreign policy is rarely so black and white. The apparent winner of the election, Mr. Kostunica, is vastly preferable to Milosevic, but this may be a case of damning by faint praise. As many of my colleagues have heard me say on other occasions, I met Milosevic in Belgrade during the Bosnian war and called him a war criminal to his face. Not only is he a war criminal, but he is thoroughly corrupt and anti-democratic.

Mr. Kostunica, by all accounts, is honest and democratic, a dissident in Communist times and a man with a reputation for probity. He seems, however, to represent a democratic, honest variant of a rather extreme Serbian nationalism.

His language describing NATO's Operation Allied Force has been strident. Like Milosevic—and most other Serbian politicians—he calls for the return of Kosovo to Belgrade's rule. But I am prepared to have an open mind on what he said. I can understand why, in running for President, being labeled by Mr. Milosevic as the ''dupe of the West'' and ''a puppet of the United States,'' he would feel the need to openly condemn the United States.

I also do not have a problem with the fact that he may have used tough language with regard to Kosovo. There is a difference between words and his actions. So I will have great problems with him if, in fact, he tries to again suppress the Kosovars, who, if he comes to power will probably increase their agitation for independence.

Moreover, Kostunica has repeatedly said that if he is elected he would refuse to hand over The Hague those Serbs indicted by the International War Crimes Tribunal.

To a large extent Kostunica's criticism of Milosevic's policies toward non-Serbs in the old Yugoslavia—Slovenes, Croats, Bosniaks, and Kosovars—is that those policies resulted in four failed wars. There is no indication, for example, that Kostunica would cut off Belgrade's support for the radical Bosnian Serbs who on a daily basis are trying to undermine the Dayton Agreement.

Of course, as I have indicated earlier, Kostunica's policies must be seen in the context of an electoral campaign. Nonetheless, they do reflect what the traffic will bear. In other words, they reflect his view of contemporary Serbian society.

During the Bosnian war and after it, I often stated publicly that in my opinion Croatian President Franjo Tudjman was cut from the same cloth as Milosevic—an aggressive, anti-democratic leader. The only reason I advocated helping to rebuild his army was because, unlike Serbia, Croatia did not represent a major threat to the region. In fact, in the summer of 1995 the reorganized Croatian Army provided the Bosnian Army and the Bosnian Croat militia the support necessary to rout the Bosnian Serbs and bring all parties to the negotiating table.

Since Tudjman's death, Croatia has proven that beneath the surface of Tudjman's authoritarianism a genuine, Western-style democratic body politic survived. The newly elected government of President Stipe Mesic and Prime Minister Ivica Racan has utilized this mandate not only to enact domestic democratic reforms, but also to cut off support for the radical Herzegovina Croats who have done everything in their power to undo Dayton. The government has also taken the much less popular step of handing over to The Hague Tribunal several high-ranking Croats who were indicted for alleged war crimes.

The United States has a great deal invested in a democratic, multiethnic Bosnia, and if Serbia and the rest of the world is lucky enough to be rid of Slobodan Milosevic, we should not give him an ex post facto victory by applying a looser standard of behavior on his successor than we have to Tudjman's successors in Croatia. To be blunt: respect for Dayton and cooperation with The Hague Tribunal must be litmus tests for any democratic government in Serbia.

I fervently hope that Mr. Kostunica emerges victorious in the Yugoslav elections. If he does, the United States should immediately extend to him a sincere hand of friendship, with the assistance outlined in the pending legislation.

We should make clear to him that if he chooses to cooperate with us, a ''win-win'' situation would result, with tangible benefits for the long-suffering and isolated Serbian people who, we should never forget, were this country's allies in two world wars during the twentieth century.

If, on the other hand, Mr. Kostunica comes to power and thinks that his undeniable and praiseworthy democratic credentials will enable him to pursue an aggressive Serbian nationalist policy with a kinder face, then we must disabuse him of this notion.

Should our West European allies choose to embrace a post-Milosevic, democratically elected, but ultra-nationalistic Serbia, then I would say to them ''good luck; we'll concentrate our policy in the former Yugoslavia on preparing democratic and prosperous Slovenia for the next round of NATO enlargement, on continuing to help reconstruct Bosnia and Kosovo, and on supporting the democratic governments in Macedonia, Croatia, and Montenegro.''

Mr. President, the long-frozen, icy situation in Serbia appears finally to be breaking up. I genuinely hope that Serbia is on the verge of democracy. I urge my colleagues to support the Serbia Democratization Act of 2000 in order to enable our government peacefully to deal with any eventuality in that country.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. BIDEN. I yield to the Senator from Iowa.

THE VIOLENCE AGAINST WOMEN ACT AND THE NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, I want to engage in a small colloquy with the Senator. I tell my friend from Washington, I meant to get to the floor before the Senator finished speaking on the Violence Against Women Act.

Mr. BIDEN. Yes.

Mr. HARKIN. I know you switched from that to talk about our mutual enemy, Milosevic. But I wanted to, again, thank the Senator for his remarks and his strong support for the Violence Against Women Act. Hopefully, we will get it over here from the House and pass in due course.

But I want to ask the Senator this question. The Senator knows the person who heads the Violence Against Women Office in the Department of Justice, the former attorney general of the State of Iowa, Bonnie Campbell. She is the first and only person to head this office in all these years. She has done a great job. I think both sides recognize that.

I ask the Senator from Delaware, not only is it important to pass the Violence Against Women Act, to get it reauthorized, but isn't it also equally important to get people on the Federal bench who understand this issue, who have worked on this issue, like Bonnie Campbell, whose nomination is now pending before the Judiciary Committee?

I ask the Senator, wouldn't it be a good thing for this country to have someone with Bonnie Campbell's experience and her background and leadership in that office on the Eighth Circuit Court of Appeals? We have had the hearings. She has been approved. We have had all the hearings. She is supported by the bar association, and by the Iowa Police Association. She has broad-based support from both sides of the aisle.

I ask the Senator, wouldn't her confirmation be good for this country? Wouldn't it be good to have someone in the Eighth Circuit like Bonnie Campbell to make sure that the Violence Against Women Act was thoroughly enforced and upheld in our courts?

Mr. BIDEN. In response to my friend, the answer is absolutely yes. I will tell him that because I was the one who authored that act. The President was very gracious in calling me and asking me who I would like to see be the one to oversee that office. I recommended one, and only one person, the former attorney general of the State of Iowa who helped me write the act in the first instance, Bonnie Campbell.

I cannot tell you how disappointed, dismayed, and angry, quite frankly, I have been, as a member of the Judiciary Committee, about the fact that—I will be blunt about it—our Republican colleagues in the committee and here will not allow this woman to have a vote on the floor of the Senate. The ABA rates her highly. As you said, everyone I know in the Midwest who knows her, everyone, Republican and Democrat, likes her.

I see my friend SLADE GORTON on the floor. He knows a little bit about the process of picking judges. I am confident he and others, as my other colleagues in this room, would agree that qualified judges should not be kept from being on the bench for politics.

People say: Well, this is the usual thing. We hold up these judges all the time near the end of a session when there is going to be a Presidential election.

That is flat malarkey. Ask the Senator from Texas, Mr. GRAMM, who is a good friend of mine. He and I are on opposite ends of the political spectrum. I was chairman of the Judiciary Committee. My friend from Iowa may remember this. We went into a caucus in the last 2 days when President Bush was the President of the United States. We were about to go out of session, as we say in the Senate, and adjourn sine die. What happened? We walked out onto the floor of the Senate. The Senator from Texas said he had several qualified judges in Texas, Republicans, and why were we holding them up.

I went to our caucus and said: We should pass those judges. Several in our caucus, two who are no longer here, said they opposed this. I said: Well, you are going to have to oppose me to do it. On the floor of the Senate, the last day, the last hour, the last session, we passed those Texas judges.

I will never forget, the reason I love him so much, the Senator from Texas, Mr. GRAMM—who I kiddingly call ''Barbwire'' GRAMM; we kid each other—he walked up on the floor and put his hand out to me and he said: JOE, I want to thank you. You are one of the nicest guys here—that is not true—but he said: You are one of the nicest guys here. I want you to know one thing: I would never do it for you.

That is literally a true story, and he will repeat that story for you. The truth is, it is not good politics. It is not good justice. It is not good anything, just to hold up somebody.

By the way, it has been held up for a year. It is not as if they have held up this woman for the last 10 minutes, the last 10 days.

Mr. HARKIN. She has been in since earlier this year.

Mr. BIDEN. I think the long answer to a very short question is, this is an outrage. It is an outrage that she is not on the bench now. And I would hope that sanity would prevail.

Mr. HARKIN. I ask the Senator further, I had been hearing that one of the reasons that it might be hard to get Bonnie Campbell through was, well, this is a circuit court and it is right before an election. You have to understand that in an election year, we don't confirm very many circuit court judges. And so I looked back in the records. I wonder if the Senator can attest to this, since he is on the Judiciary Committee.

Mr. BIDEN. I was chairman for every one of these people. I can probably give you the names of all nine of these people.

Mr. HARKIN. In 1992, an election year, your committee confirmed nine circuit court judges.

Mr. BIDEN. That is right.

Mr. HARKIN. Under a Republican President.

Mr. BIDEN. This is in the waning hours. This last one, we were literally going out of session. I mean, we could have shut this place down easily and walked away and pretended to have a clear conscience and said: We have done the Nation's work.

To be fair about it, there were three members of our caucus who ripped me a new ear in the caucus for doing this, three of them. Two are gone; one is still around. No, we shouldn't do this. But this is an example of what happens.

I have been here since 1972. It started in October of the 1972 election. I wasn't here in the 1972 election. Then in the 1976 election, they started to hold up judges. They started holding up judges somewhere around September. And then it moved; by the 1980 election, they were being held up in July. This year, our Republican friends started 18 months ago to hold these folks up.

This is what I am worried is going to happen, and I will end with this. I am worried if we take back this place, we are going to have a lot of new women and men in this place say: Hey, the Republicans did that. Mark my words. You will have a bunch of Democratic Senators who have no institutional memory out here—if we have a Republican President and a Democratic Senate—holding up Republican judges a year out. This is bad, bad, bad precedent. This is not a good thing to do.

Mr. HARKIN. I ask the Senator further, is it true that we have only had one circuit judge that was nominated this year, approved?

Mr. BIDEN. Best of my knowledge. I don't do it day to day as I did before. Coincidentally, he was from Delaware.

Mr. HARKIN. The other reason I have heard that they had had trouble with Bonnie Campbell is that she wasn't nominated until early this year.

I did some further research. Again, I ask the Senator, he has a lot of institutional knowledge. I looked up the circuit court judges in 1992, to find out when they were nominated and when they were confirmed. If we look, here is one who was nominated in January of 1992, confirmed in September. Here is another one, January of 1992, confirmed in February of 1992. We come clear down here, there is one here, Timothy K. Lewis, nominated in September of 1992, hearing in September, confirmed in October, right before the election, nominated by a Republican President.

Mr. BIDEN. Look at Norm Stahl. Norm Stahl is in the first circuit, a New Hampshire judge. Norm Stahl was nominated in March. I held the hearing in June, and in June of that year, 1992, election year, we confirmed him. Justin Wilson didn't make it. There were reasons that that occurred, by the way. I can understand a political party saying: Hey, look, this nominee you have sent up is just not palatable to us. We in the majority will not vote for that person. We are flat not going to. I got that. I understand that.

The deal I made honestly, straight up with President Bush—if he were here,

he would acknowledge it, and my Republican colleagues on the committee will tell you—I said: Here is what I will do. If there is someone who is absolutely, positively going to be a fire storm, if they are brought up, I will flag that person as soon as you name him, tell you what the problem is, and tell you there is going to be a fight. And you can decide whether you want to go forward or not go forward.

That is not the case with Bonnie Campbell. I ask the Senator a question: Has anyone come to him and said, the reason I am against Bonnie Campbell is she is incompetent, or the reason I am against Bonnie Campbell is because she doesn't have a judicial temperament, or the reason I am against Bonnie Campbell is she is just not a mainstream person? I mean, I haven't heard anybody tell me why they are against Bonnie Campbell. Have you?

Mr. HARKIN. I can tell the Senator, no one has ever said that to me. In fact, Republicans in Iowa ask me why she is being held up. Why isn't she going through? Mainstream Republicans are asking me that. Editorials are being written in Iowa papers saying the Senate ought to move on this nominee and not hold her up. No, not one person has come up to me and said she is not qualified, not one person. When you were chairman and we had a Republican President and a Democratic Senate, we had just the opposite of what we have now. Nine circuit court judges were nominated in 1992 who were confirmed the same year.

Mr. BIDEN. In fairness, 5 of those 14 judges were not confirmed. We laid out why, and there was a great controversy about it. We debated it and we laid out why.

Again, I never question the right of the Senate or an individual Senator to say, I do not want so-and-so on the bench and I will tell you why and I will fight it.

I got that. I got that. I understand that. That is what the advise and consent clause is about. But what I don't get is: Hey, you know, she is a Democrat, we are Republicans. We may win so we will not confirm anybody until we determine whether we win.

Mr. HARKIN. I don't have all the memory the Senator has.

Mr. BIDEN. I have too much of it, unfortunately.

Mr. HARKIN. I am not on the Judiciary Committee. I had my staff look this up. I did remember Mr. Carnes, who was highly controversial, a very conservative assistant attorney general who was nominated that year, a lot of civil rights groups opposed him because he was considered one of the nation's best attorneys in arguing for the death penalty. There was talk about him being insensitive to civil rights, regarding the death penalty. Even with all of that, we brought him out on the floor and he passed in September of 1992. This was a controversial candidate. But, Bonnie Campbell has bipartisan support. Senator GRASSLEY and I have been calling for a Senate vote on her confirmation. She also has the bipartisan support from Democrats and Republicans from my state of Iowa who worked with her when she served as Iowa attorney general.

(Mr. L. CHAFEE assumed the chair.)

Mr. BIDEN. The point that is important to make for people who may be listening is that we Democrats controlled the committee. I remember this case explicitly because I got walloped. I ran for the Senate because of civil rights, and I got walloped because I held a hearing. Every liberal group in the country castigated me for holding the hearing. And then we referred Judge Carnes to the Senate—get this—in September of the election year; we confirmed a very controversial judge.

So, again, I understand the point the Senator is making. I just think this is a terrible precedent that we are continuing to pile on here. I think there is going to be a day when the nature of this place—as my Republican friends told me: What goes around comes around. That is a nice political axiom, but it is not good for the courts. We have a fiduciary responsibility under the Constitution to deal with the third coequal branch of the Government. We are not doing it responsibly. What the Senator hasn't mentioned and won't go into because the floor staff wants me to make a request here—but that doesn't even count. The District Court judges, where there are serious emergencies that exist because they cannot try the civil cases because the criminal cases are so backed up, we have held up for over a year.

Mr. HARKIN. I thank the Senator for yielding. I apologize to my friend from Washington who wants to speak. I did want to engage in this colloquy because of the history of the circuit judges. But, more specifically, everybody is now talking about the Violence Against Women Act and how it needs to be reauthorized. That must be done. Yet everybody is falling all over themselves. The House passed it today with 415 votes in the House.

Mr. BIDEN. Isn't that amazing—415 votes? You only get that on resolutions, say, for motherhood and the flag.

Mr. HARKIN. You know what 415 votes says to me? It says that the House has given Bonnie Campbell an A-plus for her job in implementing the provisions of the Violence Against Women's Act, since it became law in 1994. If you had somebody who had done a terrible job and given a bad impression of what the law was about, no, you would not have had 415 votes. It is obvious to all that Bonnie Campbell has run that office in an exemplary fashion, in a professional manner, and has brought honor to the judiciary, to the Department of Justice, and to this law that we passed here. Yet people are falling all over themselves today talking about how the Violence Against Women Act needs to be reauthorized. It makes sense to put someone on the federal bench who understands this important law because she helped write it and implement it.

Mr. BIDEN. When she was attorney general, she helped write it.

Mr. HARKIN. She can help make sure that the law lives, that the Violence Against Women Act is enforced by the courts by being on the Eighth Circuit. Yet she is being held up here. I will tell you, it is not right. I hope when we take up the Violence Against Women Act, which I hope we do shortly, I will have more to say about this sort of split personality that we see here. They say: Yes, we are for the Violence Against Women Act, but, no, don't put a woman on the circuit court who is widely supported, who has headed this office and did it in an exemplary fashion.

I thank the Senator.

Mr. BIDEN. Mr. President, I understand the passion the Senator feels. It is particularly difficult to go through this kind of thing when it is someone from your home State being so shabbily treated. I empathize with him. I might say parenthetically, Bonnie Campbell—and we are not being colloquial calling her Bonnie. People might be listening and saying, well, if this were a male, would they call him Johnny Campbell? Bonnie Campbell is what she is known as. So we are not making up pet names here. This is Bonnie Campbell.

This is a woman who has been an incredible lawyer, a first-rate attorney general in one of the States of the United States. She has run an office that, at its inception, didn't have a single employee, didn't have a single guideline, didn't have a single penny when she came in. She has done it in a fashion, as the Senator said, that the ABA thinks she is first rate. Coincidentally, this will cause controversy, but we seem to hold up people of color and women for the circuit court. They tend to get slowed up more than others around here. It simply is not right. This is a woman who is as mainstream as they come, who is well educated. If anybody has a judicial temperament, this person has it.

Mr. HARKIN. Absolutely.

Mr. BIDEN. Mr. President, I will join the Senator in whatever way he wants, as many times as he wants. I can't say enough good about Attorney General Campbell, and I have known her for a long time.

MEASURE READ THE FIRST TIME—S. 3107

Mr. BIDEN. Mr. President, I understand that S. 3107, introduced earlier today by Senator GRAHAM of Florida, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3107) to amend title 18 of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare Program.

Mr. BIDEN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. BIDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. S. 2045.

Mr. GORTON. Mr. President, I ask unanimous consent to speak as in morning business, using such time as I may consume.

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

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. GORTON. Mr. President, earlier this afternoon, the distinguished chairman of the Commerce Committee, Senator MCCAIN, and my distinguished colleague, Senator MURRAY, and I believe others on both sides of the partisan divide, came to the floor to speak about the Pipeline Safety Improvement Act of 2000. That bill was passed by the Senate unanimously. It resulted from a broad, bipartisan coalition that worked over a period of more than 1 year here in the Senate. It was sparked by my colleague and myself as a result of a terrible tragedy—an explosion in a gasoline pipeline in Bellingham, WA, that snuffed out the lives of three wonderful young men, destroyed a magnificent park, and left physical damage that will be years in repair.

No individual involved in this debate got every single element in that bill that he or she wished. Liquid and natural gas pipelines are vitally important to the Nation and the transportation of fuels.

Some thought renewal of the act would be somewhat weaker than the present statutes. Others, myself included, wanted considerable strengthening, particularly with respect to local input into the way in which such pipelines are managed in communities near homes, schools, parks, and the like.

The net result, however, is a pipeline safety renewal that is a considerable and significant improvement over the present act. There will be more notice. There will be more severe penalties. There will be greater opportunities for local comment and local participation.

But in spite of all of this work, in spite of the passage of this bill, little is happening in the House of Representatives.

The Bellingham Herald, the daily newspaper in the community subjected to this tragedy, pointed out just a little bit more than a week ago that the passage of the Senate bill means nothing if it is not passed by the House.

Almost immediately, however, after the passage of the Senate bill, a number of Members of the House of Representatives began to place roadblocks in the way of the passage of the Senate bill, claiming it wasn't strong enough and it didn't do this, or it didn't do that, or it didn't do something else.

The House of Representatives has had exactly the same opportunity to deal with this issue as the Senate.

After a brief hearing a month or so after the accident took place, literally nothing at all took place in the House of Representatives. Many of us here were led to believe that if the Senate bill were passed in its ultimate form, it would be taken up and easily passed in the House of Representatives—until these last-minute critics began to point out what they consider to be the facts.

Talk is cheap. But talk doesn't create safer pipelines in the United States. Those who oppose this bill have proposed nothing with the remotest chance of passage by the House of Representatives, much less the Senate of the United States.

We have only a short time left. Those who criticize the bill as being too weak would do far better to pass the reforms that we have and attempt to build on them later than to destroy a bill which, if it does not pass within the next few weeks, will have to begin its process all over again next year, with highly questionable prospects.

Believing that accomplishment is better than demagoguery and that a bill beats oratory any day, I come here to join with both Republican and Democratic colleagues to plead with the Members of the House of Representatives to take up the Senate bill, to debate it to the extent the House wishes to do so, and to pass it so we can get it signed by the President and enacted—which, incidentally, I am confident would take place if the House were to pass the bill.

PRESCRIPTION DRUGS

Mr. GORTON. Mr. President, I wish to speak on a subject in a happy vein.

Yesterday, the President sent a letter to the Speaker and to our majority leader on the subject of prescription drugs. In that letter he said:

> I urge you to send me the Senate legislation to let wholesalers and pharmacists bring affordable prescription drugs to the neighborhoods where our seniors live.

That proposal was passed by the Senate a couple of months ago as an amendment to the appropriations bill for the Department of Agriculture. It was sponsored by my colleague from Vermont, Senator JEFFORDS, and by Senator DORGAN of North Dakota on the other side of the aisle, others, and myself. It is one of two or three ways that I have determined to be appropriate to reduce the cost of prescription drugs—not just to some Americans, not just to seniors, not just to low-income seniors, but to all Americans—by ending, or at least arresting, the outrageous discrimination that is being practiced by American pharmaceutical manufacturing concerns that are benefiting from American research and development aspects, benefiting from the research paid for by the people of the United States through the National Institutes of Health, but still discriminating against American purchasers by charging them far more—sometimes more than twice as much—for prescription drugs than they do for the identical prescription drugs in Canada, in the United Kingdom, in Germany, New Mexico, and elsewhere around the world.

The proposal by Senator JEFFORDS and others to which the President referred at least allows our pharmacies and drugstores to purchase these drugs in Canada or elsewhere when they can find identical prescription drugs at lower prices than the American manufacturers will sell them for to these American pharmacists, and to reimport them into the United States and pass those savings on to our American citizens.

I don't often find myself in agreement with President Clinton, but I do in this case. I believe he is entirely right to urge the Speaker and the majority leader to include this proposal in the appropriations bill for the Department of Agriculture or, for that matter, any other bill going through the Senate and the House of Representatives, so that we can take this major step forward to slow down, at least, this unjustified discrimination in the cost of prescription drugs to all Americans.

In this case, I join with the President in asking both the Speaker and our majority leader to use their best efforts, as I believe they are doing, to see to it that this overdue relief is in fact offered.

MICROSOFT APPEAL

Mr. GORTON. Mr. President, the Supreme Court, with eight of nine Justices concurring, has just agreed with Microsoft that the notorious prosecution of Microsoft by the Department of Justice should go through the normal process of appeal and should be determined and should be examined by the District of Columbia Circuit Court of Appeals before any possible or potential appeal to the Supreme Court of the United States.

This was a correct decision for a number of reasons, not the least of which is the complexity of the case and the length of the record which, under almost any set of circumstances, would go through the normal appeals process.

The district court judge who decided the case and who has determined, I think entirely erroneously, that Microsoft must be broken up, wished to skip the District of Columbia Circuit Court of Appeals, stating that this matter was of such importance that it should go directly to the Supreme Court. The real motivation of the lower court, I suspect, however, was the fact that one of the vital elements of the district court's decision is directly contradictory to a decision of just about 2 years

ago by the District of Columbia Circuit Court of Appeals—the integration of a browser/Microsoft operating system, a major step forward in technology and convenience for all of the purchasers of that system.

It is easy to understand why the district court judge didn't want to go back to a higher court that he had directly defied, but that is no justifiable reason for skipping a District of Columbia Circuit Court of Appeals, and the Supreme Court, I am delighted to say, agrees with that proposition.

This matter is now on its normal way through the appeals process, a process that I am confident will justify, in whole or in major part, the Microsoft Corporation, but only at great expense and at a great expenditure of time.

Once again, I call on this administration or on its successor to see the error of its ways in bringing this lawsuit in the first place. It has been damaging to innovation in the most rapidly changing technology in our society, one that has changed all of our lives more profoundly, I suspect, than any other in the course of our lifetimes. It is immensely damaging to our international competitiveness, encouraging, as it does, similar lawsuits by countries around the world that would love to slow down Microsoft's competitive innovation so they could catch up.

This is a field about which 10 or 15 years ago we despaired. Today, we are clearly the world leaders. For our own Government to be hobbling our own competitiveness is particularly perverse. It opens up the proposition that innovations in software will have to be approved by Justice Department lawyers before they can be offered to consumers in a way that seems to me to be perverse.

It doesn't take a great deal of courage to say that I trust Microsoft software developers in their own field more than I do Justice Department lawyers. At best, this was a private lawsuit, effectively brought on behalf of Microsoft competitors but being paid for by the taxpayers of the United States, where it should have, had it gone to court at all, been just that—a private lawsuit in which the Federal Government had little or no interest.

So, good news from the Supreme Court but news that can be greatly improved by a new administration's fresh look and the dismissal of its case in its entirety.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

ACKNOWLEDGMENT OF SENATOR PAT ROBERTS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator PAT ROBERTS has achieved the 100 hour mark as Presiding Officer. In doing so, Senator ROBERTS has earned his second Gold Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the golden gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator ROBERTS and his diligent staff for their efforts and commitment to presiding duties during the 106th Congress.

INTERIOR APPROPRIATIONS

Ms. LANDRIEU. Mr. President, I rise to call the attention of this body to some very important negotiations that are underway.

We have debated many important subjects in this Congress as it comes to a close. Some of those larger subjects have been attempts to create a prescription drug benefit for the Nation, how should we go about doing that. We have had a long and intense debate on education. We have had debates on the privacy issue, on bankruptcy reform.

One of the debates in which we have engaged that has captured the attention of many people around the Nation—Governors and mayors, local elected officials, chambers of commerce, outdoor enthusiasts, environmentalists across the board—is our debate about how we should allocate a small portion of this surplus; what is the proper way to allocate that to preserve and enhance the environment of our Nation.

As we begin this century, this is a debate worth having because if we make the wrong decision, it will set us on a path where we will not be happy to end up. We need to make a good decision now. We are in the very crux of making that decision, as appropriators on both sides debate the final outcome of this year's Interior appropriations bill.

I urge Senators to pay attention, as carefully as they can, to the ongoing debates on how to allocate this funding.

On the one hand, there is a group saying: Let's just do more of the same. As it comes to our environment, we don't need to do anything differently. Let's just do more of the same. Let's just give a little more money to some Federal agencies to allocate the funding, and let's just come every year and decide year in and year out if we want to or if we don't, and how that money should be allocated.

There is a group of us called Team CARA, representing the Conservation and Reinvestment Act, which has been negotiating since the beginning of this Congress for a better way—a way that will bring more money to States on a guaranteed basis, money that Governors and mayors and local elected officials can count on—a revenue sharing bill, if you will, for the environment. It is something that will turn in a direction that will set us on a new and bold and exciting course.

I thank the President for his tremendous statements in the last couple of days urging Congress to move in this direction. He is urging us to do everything we can to make CARA—the Conservation and Reinvestment Act—the model. For the RECORD, I will submit something in which some States would be interested. I will be handing out this form later today.

For instance, if we stick with the old method, Colorado would receive $3.6 million. It is a beautiful State with wonderful environmental needs. They would get $3.6 million. Under CARA, if it is passed, Colorado could receive $46 million a year, and the Governor and local elected officials would have input into how it was spent.

Let's take Georgia. Under this bill, this year they would get a measly $500,000. Under CARA, they would be guaranteed a minimum of $32 million a year.

Let's take Kentucky. Again, they would get a measly $500,000 in this year's environmental bill. Under CARA, they would get a guarantee of $15 million a year for the preservation of open spaces, for wildlife conservation, and for the expansion of our parks and recreation.

Let's take Minnesota. Minnesota gets nothing in the bill being negotiated. Under CARA, they would get $29 million a year.

I will be submitting the details because I am here to say let's allow the best proposal to win in this debate. Let us fight it on its merits. Let us discuss the benefits of CARA. These are some of the benefits that I am outlining.

New Jersey is one of our most populated States—the Garden State, a State that has just levied on its people a billion dollar bond issue to preserve open spaces. People in New Jersey feel strongly about this. Under the old way, the way the negotiators are carving this up, they get a measly $875,000. Under CARA, they would receive $40 million a year.

Let's take New York, another large State. They would get $2.8 million in the bill being negotiated, but if we stick to our guns and fight hard for CARA, New York could get $17 million a year. Most certainly, the population deserves those kinds of numbers.

Finally, Washington State is a beautiful State, one that has a history of leading us in the environmental area. Washington gets fairly well treated in this bill with $12.7 million. Under CARA, if we hold true to the principles, Washington State could get $47 million a year. That is a big difference for the people of Washington State—from $12.7 million to $47 million. I could go on.

Under CARA, we have a guarantee. Under the current negotiations, the same that has gone on for the last 25 years, there is no guarantee. I am saying that under CARA we can have full

funding for the land and water conservation, help coastal States such as Louisiana that produce the necessary revenues. Under the old way—the way that has been going on for 25 years—it has failed to meet our obligations and we get shortchanged. Under CARA, it is a real legacy. Under the negotiations, the stage is set.

I thank the Senator from Utah for giving me his remaining time. I see another Senator on the floor who may want to speak on this issue. Let me conclude by urging the Members of the Senate to focus on these negotiations, and I will be back later to give some more information on this important issue. I yield back whatever time I have remaining.

YUGOSLAV ELECTIONS AND THE SERBIA DEMOCRATIZATION ACT

Mr. HELMS. Mr. President, it is clear that a fair vote count in this weekend's elections will result in victory for the candidate of the opposition forces. Mr. Vojislav Kostunica. The people of Yugoslavia clearly have voted for democratic change, and the time has come for Yugoslavia's brutal dictator, Slobodan Milosevic, to have the decency to accept the will of his people and leave office peacefully.

Not surprisingly, Milosevic has indicated he intends to do no such thing. I fully expect him to do everything in his power to steal this election to enable him to remain in power.

In order to support the majority of Serbs who voted for peace and democracy, I urge my colleagues to support the Serbia Democratization Act—legislation that I introduced more than 18 months ago—designed to undermine the murderous Milosevic regime and thereby support democratic change in Serbia.

The Serbia Democratization Act calls for the United States to identify and give aid to the democratic forces in Serbia opposing Milosevic's tyranny, including independent media and nongovernmental organizations in Serbia. And it makes clear that unless and until there is a democratic government in Yugoslavia, the United States will maintain the sanctions that we have in place today.

When the Serbian people finally gain the government in Belgrade that they voted for this weekend—a government based on freedom, democracy and rule of law—I will lead an effort in Congress to ensure that the United States provides them with substantial support to assist their nation's democratic transition. I am hopeful that day will come soon.

I also commend the important role played by Montenegro in this weekend's elections. The decision by the vast majority of Montenegrins to boycott this election indicates the level of support in that republic for the course of democratic, free-market reforms proposed by President Djukanovic.

Montenegro deserves the support of the United States, and can serve as an example to the people of Serbia regarding the benefits they could enjoy in a post-Milosevic era.

STOP TAX-EXEMPT ARENA DEBT ISSUANCE ACT

Mr. MOYNIHAN. Mr. President, early this Congress, I introduced S. 224, the Stop Tax-Exempt Arena Debt Issuance Act or STADIA for short. This bill would end a tax subsidy that inures largely to the benefit of wealthy sports franchise owners, by eliminating tax-subsidized financing of professional sports facilities. This legislation would close a loophole that provides an unintended Federal subsidy—in fact, contravenes Congressional intent—and that contributes to the enrichment of persons who need no Federal assistance whatsoever.

This is the fourth time I have introduced this legislation, and I chose to keep the original effective date for a number of reasons. Most importantly, because Congress intended to eliminate the issuance of tax-exempt bonds to finance professional sports facilities as part of the Tax Reform Act of 1986.

At the same time, I recognized that a few localities may have expended significant time and funds in planning and financing a professional sports facility, in reliance upon professional advice on their ability to issue tax-exempt bonds. Thus, in my original introductory statement, I specifically requested comment regarding the need for equitable relief for stadiums already in the planning stages.

In response to my request, several localities that had been planning to finance professional sports facilities with tax-exempt bonds came forward and provided the details necessary to craft appropriate ''binding contract'' type transitional relief. Accordingly, I agreed to change the bill in subsequent Congresses to exempt projects which had progressed to a point where it would be unfair to stop them.

Now I have been contacted by others who make the case that retaining the 1996 effective date creates a lack of certainty which is unhealthy for communities desiring new stadiums and for the bond market itself. Therefore, I am inserting into the record my intention to modify the effective date if and when S. 224 is adopted in committee or on the Senate floor.

Mr. President, I ask that this language be printed in the RECORD.

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

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to bonds issued on or after January 19, 1999—

(2) EXCEPTION FOR CONSTRUCTION, BINDING AGREEMENTS, OR APPROVED PROJECTS.—The amendments made by this section shall not apply to bonds—

(A) The proceeds of which are used for—

(i) the construction or rehabilitation of a facility—

(I) if such construction or rehabilitation began before January 19, 1999 and was completed on or after such date, or

(II) if a State or political subdivision thereof has entered into a binding contract before January 19, 1999 that requires the incurrence of significant expenditures for such construction or rehabilitation and some of such expenditures are incurred on or after such date; or

(ii) the acquisition of a facility pursuant to a binding contract entered into by a State or political subdivision thereof before January 19, 1999, and

(B) which are the subject of an official action taken by relevant government officials before January 19, 1999—

(i) approving the issuance of such bonds, or

(ii) approving the submission of the approval of such issuance to a voter referendum.

(3) EXCEPTION FOR FINAL BOND RESOLUTIONS.—The amendments made by this section shall not apply to bonds the proceeds of which are used for the construction or rehabilitation of a facility if a State or political subdivision thereof has adopted a final bond resolution before January 19, 1999, authorizing the issuance of such bonds. For this purpose, a final bond resolution means that all necessary governmental approvals for the issuance of such bonds have been completed.

(4) SIGNIFICANT EXPENDITURES.—For purposes of paragraph (2)(A)(i)(II), the term 'significant expenditures' means expenditures equal to or exceeding 10 percent of the reasonably anticipated cost of the construction or rehabilitation of the facility involved.

NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. LUGAR. Mr. President, I rise to call attention to report language in the Senate version of the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill, which directs the National Endowment for Democracy (NED) to spend 20 percent of its budget on ''nation-building'' activities in four war-stricken areas. The language appears in the committee report. Although the language is not mandatory, it sends a strong message that compliance by NED is expected. I believe that the language should be deleted.

I would like to commend the work of the chairman and ranking member of the CJS Appropriations subcommittee, Senator GREGG and Senator HOLLINGS, for providing the NED with the resources to conduct its vital work. NED and its four core institutes do an exceptional job in assisting grassroots democrats in more than 80 countries around the world. NED has a strong track record, developed through involvement in virtually every critical struggle for democracy over the past fifteen years. NED supported the democratic movements that helped bring about peaceful transitions to democracy in Poland, the Czech Republic, Chile, and South Africa. NED is also playing an important role in supporting some of the newer democracies, such as Indonesia, Nigeria, Croatia, and Mexico.

I am very familiar with the work of NED and its institutes because I serve on NED's Board of Directors. I serve on the Board along with two other Senators and two Members of the House representing both political parties. We

are all concerned about the implications of the committee's report language on the operations and mission of the Endowment.

In its report, the committee recommends that NED spend 20 percent of its entire budget to reconstitute civil governments in four seriously troubled areas—Sierra Leone, the Democratic Republic of Congo, Kosovo, and East Timor. I am pleased to report that NED is working in each of these areas on long-term democratic development. The Endowment is helping non-governmental organizations, whose leaders are facing grave danger to their personal safety, as they report on human rights abuses, campaign for peace, and provide independent news and information to the public.

We need to keep in mind that NED's mission is not to ''build'' nations or governments, but to help promote democracy. It does this giving a helping hand to those inside other countries through financial and technical assistance to nurture a strong civil society and market economy. NED is successful precisely because it targets its assistance to grassroots democratic groups.

I do not support the report language because its implementation would undermine NED's mission while forcing NED to withdraw scarce resources from other priority countries. It would be a mistake to divert NED's modest budget to a handful of crisis situations which are already receiving enormous sums of international assistance. It is unlikely that the funds suggested in the report language could positively impact these war-torn areas, but by consuming 20 percent of NED's budget, the language will hamstring NED's ability to perform its work in many other critical countries.

NED is a cost-effective investment that advances our national interest and our fundamental values of democracy and freedom. It is crucial, therefore, that we address the committee's goals in the report language without compromising the ability of NED to carry out its work effectively.

I urge the Senate and House conferees on the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill to delete the report language directing the NED to expend funds for nation-building activities in four troubled conflicts.

REIMPORTATION OF PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, in recent days we have heard a lot about various proposals that would allow for the reimportation of prescription drugs. Patients pay more for the prescription drugs in the United States than anywhere else in the world. That is just not right. The Senate passed a proposal that Senator JEFFORDS and I authored that would allow for the reimportation of prescription drugs as long as certain steps are taken to ensure safety for American consumers.

I am pleased that the Administration and the Republican leaders in Congress have agreed to work together to take this common sense step towards making prescription drugs more affordable for everyone. Dr. David Kessler, former head of the FDA, has sent me a letter expressing his support for the Senate version of the reimportation language. Dr. Kessler agrees that we must reform the current system so that American consumers have access to safe and affordable medicine. At this time, I ask unanimous consent to have printed in the RECORD a letter from David Kessler for the Dorgan-Jeffords proposal in which he expresses support for our approach.

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

SEPTEMBER 13, 2000.

Hon. BYRON DORGAN,
719 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DORGAN: Thank you very much for your letter of Sept. 12, 2000. I very much applaud the effort that you and your colleagues are making to assure that the American people have access to the highest quality medicines. As you know, my concerns about the re-importation of prescription drugs center around the issues of assuring quality products. The Senate Bill which allows only the importation of FDA approved drugs, manufactured in approved FDA facilities, and for which the chain of custody has been maintained, addresses my fundamental concerns. The requirement that the importer maintain a written record of the chain of custody and batch testing to assure the product is both authentic and unadulterated provides an important safety net for consumers.

Let me address your specific questions. First, I believe U.S. licensed pharmacists and wholesalers—who know how drugs need to be stored and handled and who would be importing them under the strict oversight of the FDA are well positioned to safely import quality products rather than having American consumers do this on their own. Second, if the FDA is given the resources necessary to ensure that imported, FDA-approved prescription drugs are the authentic product, made in an FDA-approved manufacturing facility, I believe the importation of these produces could be done without causing a greater health risk to American consumers that currently exists. Finally, as a nation we have the best medical armamentarium in the world. Over the years FDA and the Congress have worked hard to assure that the American public has access to important medicine as soon as possible. But developing life saving medications doesn't do any good unless Americans can afford to buy the drugs their doctors prescribe. The price of prescription drugs poses a major public health challenge. While we should do nothing that compromises the safety and quality of our medicine it is important to take steps to make prescription drugs more affordable.

I applaud your efforts to provide American consumers with both safe and affordable medicine.

Sincerely,

DAVID A. KESSLER, M.D.

ANGELS IN ADOPTION

Mr. GRASSLEY. Mr. President, today is the celebration for Angels in Adoption and as a member of the Congressional Coalition on Adoption, I am proud to participate in such an important event.

I commend Diane, and Jim Lewis, from Marion, IA. I nominated this amazing couple as Angels in Adoption.

Diane and Jim Lewis are the proud parents of ten beautiful children, eight of whom are adopted. Five of their adopted children have special health care needs, some with physical needs, other with mental health needs. Two of their adopted children are biologic siblings and their adoption has allowed them to stay together. Their family now consists of children from several different ethnic and racial backgrounds. The Lewis' also are frequently foster parents to other children in need, usually those with special health care needs.

As special education teachers, the Lewis' have seen the need over many years for foster and adoptive parents for children who have special needs. The Lewis' are truly devoted to making the world a better place for children. By committing their lives to raising children who might not have otherwise had a chance, they have improved the lives of children and given us all something to aspire to. They are Angels in Adoption.

THE VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. LEAHY. Mr. President, I rise today to again urge the Senate to bring up and pass, S. 2787, the Violence Against Women Act of 2000, VAWA II—we are quickly running out of time to reauthorize it. The authorization for the original Violence Against Women Act, VAWA, expires at the end of this week on September 30, 2000. There is absolutely no reason to delay this bill which has overwhelming bipartisan support.

I have joined Senators from both sides of the aisle at rallies and press conferences calling for the immediate passage of this legislation. The bill has 70 co-sponsors and is a significant improvement of the highly successful original VAWA which was enacted in 1994. There is no objection on the Democratic side of the aisle to passing VAWA II. Unfortunately, there have been efforts by the majority party to attach this uncontroversial legislation to the ''poison pill'' represented by the version of bankruptcy legislation currently being advanced by Republicans. I do not agree with stall tactics like this one and believe we should pass VAWA II as a stand-alone bill, without further delay.

Yesterday, in New Mexico, where he was releasing funding made available through VAWA for one of the country's oldest battered women's shelters, the President made a public plea for Congress to reauthorize VAWA, claiming, ''[T]his is not rocket science. Yes we're close to an election . . . But it is wrong to delay this one more hour. Schedule

the bill for a vote.'' I urge my colleagues to heed the cry of the President as he speaks on behalf of the almost 1 million women around this country who face domestic violence each year.

The President called domestic violence ''America's problem'' and I could not agree with him more. When we talk about reauthorizing the Violence Against Women Act we are not just talking about a big bureaucratic government program the effects of which we can't really see. With this bill we are talking about reauthorizing critical programs that have had a tremendous immediate effect on how this Nation handles domestic violence and its victims. We are at risk of jeopardizing what has been one of the most effective vehicles for combating domestic violence if we let this law expire.

I have heard from countless people in Vermont that have benefitted from grant funding through VAWA programs. VAWA II ensures the success of these crucial programs such as the Rural Domestic Violence Grant program. These grants are designed to make victim services more accessible to women and children living in rural areas. I worked hard to see this funding included in the original VAWA in 1994, and I am proud that its success has merited an increased authorization for funding in VAWA II. Rural Domestic Violence and Child Victimization Enforcement Grants have been utilized by the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Attorney General's Office, and the Vermont Department of Social and Rehabilitation Services to increase community awareness, to develop cooperative relationships between state child protection agencies and domestic violence programs, to expand existing multi disciplinary task forces to include allied professional groups, and to create local multi-use supervised visitation centers.

I witnessed the devastating effects of domestic violence when I was the Vermont State's Attorney for Chittenden County. In those days, long before the passage of the Violence Against Women Act, VAWA, there were not support programs and services in place to assist victims of these types of crimes. Today, because of the hard work and dedication of those in Vermont and around the country who work in this field every day, an increasing number of women and children are being aided by services through domestic violence programs and at shelters around the Nation. Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services, and Marty Levin, Coordinator of the Vermont Network Against Domestic Violence and Sexual Assault, have been especially instrumental in coordinating VAWA grants in Vermont.

Let the Senate pass S. 2787, the Violence Against Women Act 2000 without further delay before its critical programs are jeopardized. It was cleared for passage by all Democratic Senators two months ago and should be passed today. It is past time to reauthorize and build upon the historic programs of the Violence Against Women Act and do all that we can to protect children from the ravages and lasting impact of domestic violence.

A Washington Post editorial today called the failure to pass the reauthorization of the Violence Against Women Act, ''inexplicable neglect,'' claiming that ''[t]here seems to be no good reason practical or substantive, to oppose reauthorization of the Violence Against Women Act.'' That could not be more true Mr. President. I ask unanimous consent that the editorial from the September 26, 2000 edition of the Washington Post be printed in the RECORD.

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

[From the Washington Post, Sept. 26, 2000]

INEXPLICABLE NEGLECT

There seems to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act. Originally passed in 1994, the act provides money to state and local institutions to help combat domestic violence. It is set to expire at the end of the month. Its reauthorization has overwhelming bipartisan support. But House and Senate leaders have yet to schedule a vote.

Versions of the bill have been favorably reported by the judiciary committees of both chambers. Both would expand programs that during the past five years have helped create an infrastructure capable of prosecuting domestic violence cases and providing services to battered women. Since the original act was passed, Congress has devoted $1.5 billion to programs created by it. The House and Senate bills differ, but both would authorize more than $3 billion in further support during the next five years. There is room to debate the proper funding level relative to other priorities, a matter which will be determined later by appropriators; and the programs won't end immediately if the act lapses, because funds have been approved for the coming year. But failing to reauthorize would send the wrong message on an important issue and, more important, could threaten future appropriations.

With time in the 106th Congress running out, the Violence Against Women Act may become a casualty of neglect rather than of active opposition. But that's no comfort. Congress ought to find the time to pass it before leaving town.

NAKAMURA COURTHOUSE

Mr. GORTON. Mr. President, today the Washington state Congressional delegation introduced bills in the House and in the Senate to honor a fallen hero, William Kenzo Nakamura, by designating the Seattle federal courthouse in his honor. This brave soldier fought in Italy during World War II, and he died valiantly protecting his battalion. The day he died, Mr. Nakamura had already risked his life and saved his combat team by disarming an enemy machine gun stronghold. Mr. Nakamura should have received the Medal of Honor for this act of bravery, but he did not.

Even as this man's family was held in an internment camp in Idaho, he volunteered for duty in the United States military, and he headed to Italy to serve his country. After his heroic and selfless deeds, Mr. Nakamura was posthumously eligible for the Medal of Honor, but in World War II the Army did not award Japanese-Americans the Medal of Honor. I was pleased that earlier this year that twenty-two veterans, in similar circumstances to and including Mr. Nakamura, received Medals of Honor for their brave service in World War II. These men and their families waited too long for proper recognition and appreciation, and these honors are well deserved.

Though military heroes are often given medals for their service, the people of Washington state would like to extend a special tribute to Mr. Nakamura by naming the federal courthouse in Seattle in his honor. This action has not only the support of the entire Washington congressional delegation, but of local communities, veteran and military retiree organizations, and by Medal of Honor recipients in the Senate, my friends DANIEL INOUYE and BOB KERREY. To this outpouring, I add my support and commitment to seeing this designation passed through the Senate and acted into law.

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 26, 1999: Robert Coney, 64, Miami, FL; Derrick Edwards, 22, Washington, DC; Philip Harris, 27, Detroit, MI; Samala McGee, 24, New Orleans, LA; Michael D. Miles, 48, Hollywood, FL; David Sexton, 43, Baltimore, MD; and Unidentified Female, 47, Nashville, TN.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE IDEA FULL FUNDING ACT

Mr. SMITH of Oregon. Mr. President, I rise to make a few remarks concerning the IDEA Full Funding Act of 2000.

Mr. President, before I begin, I would like to take this opportunity to thank

my colleague, Senator GREGG, for his leadership on this important legislation.

I rise today to lend my support to S. 2341, the IDEA Full Funding Act of 2000. One of my top priorities as a United States Senator has been to provide equal access to high quality public education for all children, including those with special needs. My commitment to education for those with special needs began while I was a State legislator and worked with the Oregon Disabilities Council to ensure that children with special needs had equal access to a quality education. I have continued that work here in the Senate, but realize that we have a long ways to go.

This legislation takes a step in the right direction by funding the federal mandates put forth in the Individuals with Disabilities Education Act (IDEA). These federal funds will free up state and local dollars that can then be used in the classroom for new textbooks, pencils and computers that are necessary for students to learn.

In 1954, the Supreme Court established, in Brown v. Board of Education, that all children are guaranteed equal access to education under the 14th Amendment of the Constitution. Despite this decision, it was estimated that one million children with disabilities were being denied access to public education. It was not until 1975, with the passage of the Individuals with Disabilities Education Act, that equal access to education was extended to children with disabilities.

The purpose of the 1975 IDEA legislation was ''[T]o assure that all children with disabilities have available to them, a free appropriate public education which emphasizes special education and related services designed to meet the unique needs, to assure the rights of children with disabilities and their parents or guardians are protected, to assist States and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities.''

With the passage of IDEA the federal government promised to assist states with 40 percent of the national average per pupil expenditure for disabled children. Based on the national average per pupil expenditure for the year 2000, 40 percent of that average would represent approximately $2,500 per student. However, since 1975 the federal government has not met this commitment. In fact, the federal government gets an ''F'' in arithmetic in this instance, currently paying only 12.7 percent of the per pupil expenditure.

But, we are slowly working to improve this grade. In 1997, funding for IDEA was only $2.6 billion. In the last 3 years, the Republican-controlled Congress has nearly doubled Federal funding on IDEA to approximately $4.9 billion. Although Congress has allocated more money to IDEA, current funding levels are 3.1 times less than what is needed to fully fund the forty percent commitment.

The purpose of providing this additional funding to the IDEA program is to free up local and state dollars. Currently state and local education agencies have been forced to divert their precious resources to pay for the additional costs, due to federal mandates, of educating children with disabilities.

As a result, Washington has created an inappropriate and unfair conflict between children with disabilities and children without. We owe it to all children to live up to our responsibility and resolve this conflict.

This important legislation would take a step in that direction by authorizing funding for Part B of the Individuals with Disabilities Education Act to reach the Federal government's goal of providing 40 percent of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities.

By steadily working to increase IDEA funding to $2 billion each year annually until 2010, Congress would increase opportunity and flexibility for local school districts to fund the programs that they feel are best for their students, whether it be school construction, teacher training or smaller classrooms.

I was pleased to see that the House of Representatives passed similar legislation, H.R. 4055, on May 3, 2000 with a 421–3 vote. It is my hope that the Senate can follow the strong lead of the House and work for swift passage of this necessary legislation.

THE CHILDREN'S PUBLIC HEALTH ACT OF 2000 AND THE YOUTH DRUG AND MENTAL HEALTH SERVICES ACT

Mr. HATCH. Mr. President, I am delighted the Senate has now given final approval to an important bill that will go far toward improving our nation's public health infrastructure. I strongly support the Children's Public Health Act of 2000 and the Youth Drug and Mental Health Services Act (H.R. 4365). I hope this measure will soon pass the House as well.

It is obvious that we owe our colleagues on the Health, Education, Labor, and Pensions Committee a debt of gratitude for their perseverance and dedication in developing this landmark legislation which contains a number of provisions of importance to my home state of Utah.

The Children's Health Act of 2000 authorizes services that will ensure the health and well-being of future generations of America's young people, our most precious resources. I can think of no more important aim for legislation than to focus on our nation's future by providing for our children today.

At the same time, through the Youth Drug and Mental Health Services Act, the bill will address serious drug abuse issues that affect our young people, including a reauthorization of the important programs of the Substance Abuse and Mental Health Services Administration, SAMHSA.

The SAMSHA reauthorization legislation will improve this vital agency by providing greater flexibility for states and accountability based on performance, while at the same time placing critical focus on youth and adolescent substance abuse and mental health services. SAMHSA, formerly known as the Alcohol, Drug Abuse, and Mental Health Services Administration, ADAMHA, was created in 1992 by Public Law 102–321, the ADAMHA Reorganization Act. SAMHSA's purpose is to assist states in addressing the importance of reducing the incidence of substance abuse and mental illness by supporting programs for prevention and treatment.

SAMHSA provides funds to states for alcohol and drug abuse prevention and treatment programs and activities, and mental health services through the Substance Abuse Prevention and Treatment, SAPT, and the Community Mental Health Services, CMHS, Block Grants. SAMHSA's block grants are a major portion of this nation's response to substance abuse and mental health service needs.

As a proud supporter of H.R. 4365, I would like to highlight several provisions that are based on legislation I have introduced.

First, this legislation reauthorizes the Traumatic Brain Injury Act, a law I authored in 1996. By incorporating my bill, S. 3081, H.R. 4365 will extend authority for the critical Traumatic Brain Injury, TBI, programs from fiscal year 2001 through 2005.

Each year, approximately two million Americans experience a traumatic brain injury; in Utah, 2000 individuals per year experience brain injuries. TBI is the leading cause of death and disability in young Americans, and the risk of a traumatic brain injury is highest among adolescents and young adults. Motor vehicle accidents, sports injuries, falls and violence are the major causes. These injuries occur without warning and often with devastating consequences. Brain injury can affect a person cognitively, physically and emotionally.

Important provisions added to the Traumatic Brain Injury Act through this bill include extending the Center for Disease Control and Prevention's, CDC, grant authority so it may conduct research on ways to prevent traumatic brain injury. In addition, the legislation directs the CDC to provide information to increase public awareness on this serious health matter. The bill also calls on the National Institutes of Health, NIH, to conduct research on the rehabilitation of the cognitive, behavioral, and psycho-social difficulties associated with traumatic brain injuries.

Finally, the measure requests the Health Resource Services Administration to provide and administer grants

for projects that improve services for persons with a traumatic brain injury.

I am grateful that the members of the HELP Committee were willing to include provisions from my legislation which reauthorizes this program. As a result, many more deserving individuals whose lives and families have been affected by a traumatic brain injury will now receive some type of assistance or help.

Second, the Children's Health Act of 2000 also contains a bill that I authored, S. 3080, to address a troubling yet treatable malady—poor oral health in children.

I have been concerned over reports from Utah and around the country about the poor oral health of our nation's children. A recent General Accounting Office report on dental disease calls tooth decay the most common chronic childhood disease and finds that it is most prevalent among low-income children.

Eighty percent of untreated decayed teeth is found in roughly 25 percent of children, mostly from low-income and other vulnerable groups. Decay left untreated leads to infection, pain, poor eating habits, and speech impediments.

Compounding this problem is that there are few places for these children to receive care. Low provider reimbursement rates from state-operated dental plans make it financially impossible for private practitioners to treat all the children in need. Today, there are a large number of children living in either the inner city or in rural areas who do not have a place to seek treatment. Our goal should be to provide access to dental care to children, regardless of where they live.

Therefore, I am pleased to report that the ''Children's Public Health Act of 2000'' contains provisions to address this serious health concern. The legislation directs the Secretary of Health and Human Services to establish a program funding innovative oral health activities to improve the oral health of children under six years of age. The legislation will make these grants available to innovative programs at community health centers, dental training institutions, Indian Health Service facilities, and other community dental programs.

Let's face it, dental disease in young children is a significant public health problem. And this legislation is the beginning of a coordinated, inter-agency strategy that will assist states and localities reduce this preventable problem.

I am also pleased that we are considering the Youth Drug and Mental Health Services Act. This legislation addresses many important issues such as drug abuse and mental health services and how to treat these serious problems within our society.

One issue that is highlighted in this bill is the prevention of teen suicide. This is an issue that is rapidly becoming a crisis not only in my State of Utah but throughout the entire country.

Young people in the United States are taking their own lives at alarming rates. The trend of teen suicide is seeing suicide at younger ages, with the United States suicide rate for individuals under 15 years of age increasing 121 percent from 1980 to 1992. Suicide is the third leading cause of death for young people aged 15 to 24, and the fourth leading cause of death for children between 10 and 14. In 1997 study, 21 percent of the nation's high school students reported serious thoughts about attempting suicide, with 15.7 percent making a specific plan.

Utah consistently ranks among the top ten states in the nation for suicide, and we continue to see increases in suicide rates among our youth. In Utah, suicide rates for ages 15 to 19 have increased almost 150 percent in the last 20 years. According to the CDC, Utah had the tenth highest suicide rate in the country during 1995–1996 and was 30 percent above the U.S. rate. This is one statistical measure on which I want to see my state at the bottom.

Although numerous symptoms, diagnoses, traits, and characteristics have been investigated, no single fact or set of factors has ever come close to predicting suicide with any accuracy.

I have worked on legislation that will help us determine the predictors of suicide among at risk and other youth. We need to understand what the barriers are that prevent youth from receiving treatment so that we can facilitate the development of model treatment programs and public education and awareness efforts. It also calls for a study designed to develop a profile of youths who are more likely to contemplate suicide and services available to them.

This bill also contains provisions from S. 1428, the Methamphetamine Anti-Proliferation Act of 2000. I introduced this bill because of evidence that methamphetamine remains a threat to the entire country, and particularly to my state of Utah. Elements of this bill are also contained in S. 486 as it was reported by the Judiciary Committee.

Throughout my travels in Utah, I have heard from state and local law enforcement officials, mayors, city councils, parents, and youth about the seriousness of the methamphetamine problem.

Recently, I held two field hearings in Utah during which I heard directly from constituents whose lives had been affected by methamphetamine. I listened to a mother tell a heart-wrenching story of how her beloved daughter had become addicted to methamphetamine and how she feared for her daughter's life. She tearfully described her daughter as being two people, the person ''who has the values of our family, who is kind hearted and loving; and then there's our daughter who's the meth user, and they are completely opposite.''

I also heard testimony from the wife of a methamphetamine addict. I heard how her husband's methamphetamine addiction destroyed their marriage and their financial security. Painfully, she explained how her husband put her and their infant son at risk when he decided to manufacture methamphetamine in their home. She had no choice but to report his activities to the police, a decision that undoubtedly will haunt her for the rest of her life.

Methamphetamine use is an insidious virus sapping the strength and character of our country. We need to attack it. This bill contains the tools to help the people of Utah and the rest of the country fight this wicked drug.

This bill bolsters the Drug Enforcement Agency's, DEA, ability to combat the manufacturing and trafficking of methamphetamine by authorizing the creation of satellite offices and the hiring of additional agents to assist State and local law enforcement officials. More than any other illicit drug, methamphetamine manufacturers and traffickers operate in small towns and rural areas. And, unfortunately, rural law enforcement agencies often are overwhelmed and in dire need of the DEA's expertise in conducting methamphetamine investigations.

To address this problem, the bill authorizes the expansion of the number of DEA resident offices and posts-of-duty, which are smaller DEA offices often set up in small and rural cities that are overwhelmed by methamphetamine manufacturing and trafficking. There are also provisions to assist state and local officials in handling the dangerous toxic waste left behind by methamphetamine labs.

To counter the dangers that manufacturing drugs like methamphetamine inflict on human life and on the environment, the bill imposes stiffer penalties on manufacturers of all illegal drugs when their actions create a substantial risk of harm to human life or to the environment. The inherent dangers of killing innocent bystanders and, at the same time, contaminating the environment during the methamphetamine manufacturing process warrant a punitive penalty that will deter some from engaging in the activity.

Finally, the bill increases penalties for manufacturing and trafficking the drug amphetamine, a lesser-known, but no-less dangerous drug than methamphetamine. Other than for a slight difference in potency, amphetamine is manufactured, sold, and used in the same manner as methamphetamine. Moreover, amphetamine labs pose the same dangers as methamphetamine labs. Not surprisingly, every law enforcement officer with whom I have spoken agreed that the penalties for amphetamine should be the same as those for methamphetamine. For these reasons, the bill equalizes the punishment for manufacturing and trafficking the two drugs.

While we know that vigorous law enforcement measures are necessary to combat the methamphetamine scourge, we also recognize that we must act to prevent our youth from ever starting

down the path of drug abuse. We also must find ways to treat those who have become trapped in addiction. For these reasons, the bill contains several significant prevention and treatment provisions.

The comprehensive nature of this bill attacks the methamphetamine problem on several fronts. It bolsters our law enforcement efforts to crack down on traffickers, provides treatment and prevention funding for our schools and communities, and authorizes much needed resources for cleaning-up the toxic pollutants left behind by methamphetamine lab operators.

I have been working for over a year with colleagues on both sides of the aisle and in both Houses of Congress to pass this important legislation. It is important to highlight that, as part of this process, there have been changes to the bill made in response to legitimate complaints raised by my colleagues and constituents. For example, provisions relating to search warrants and the Internet have been deleted because of these concerns.

Overall, this bill represents a bipartisan effort that will result in real progress in our continuing battle against the scourge of methamphetamine.

Yet another important anti-drug abuse provision in this bill we are adopting today is the Drug Addiction Treatment Act, or the DATA bill. With the bipartisan cosponsorship of Senators LEVIN, BIDEN and MOYNIHAN, I introduced S. 324 last year, and I am pleased that this bill has been inserted in H.R. 4365.

In 1999, as part of the comprehensive methamphetamine bill, S. 486, the DATA bill was reported by the Judiciary Committee and adopted by the full Senate. The DATA bill also was included in the anti-drug provisions that were adopted as part of the bankruptcy reform legislation, S. 625, that passed the Senate last year. I hope the third Senate passage is indeed the charm.

The goal of the DATA provisions is simple but it is important: The DATA bill attempts to make drug treatment more available and more effective to those who need it.

This legislation focuses on increasing the availability and effectiveness of drug treatment. The purpose of the Drug Addiction Treatment Act is to allow qualified physicians, as determined by the Department of Health and Human Services, to prescribe schedule III, IV and V anti-addiction medications in physicians' offices without an additional Drug Enforcement Administration, DEA, registration if certain conditions are met.

These conditions include certification by participating physicians that they are licensed under state law and have the training and experience to treat opium addicts and they will not treat more than 30 in an office setting unless the Secretary of Health and Human Services adjusts this number.

The DATA provisions allow the Secretary, as appropriate, to add to these conditions and allow the Attorney General to terminate a physician's DEA registration if these conditions are violated. This program will continue after three years only if the Secretary and Attorney General determine that this new type of decentralized treatment should not continue.

This bill would also allow the Secretary and Attorney General to discontinue the program earlier than three years if, upon consideration of the specified factors, they determine that early termination is advisable.

Nothing in the waiver policy called for in my bill is intended to change the rules pertaining to methadone clinics or other facilities or practitioners that conduct drug treatment services under the dual registration system imposed by current law. And nothing in this bill is intended to diminish the existing authority of DEA to enforce rigorously the provisions of the Controlled Substances Act. Doctors and health care providers should be free to practice the art of medicine but they may never violate the terms of the Controlled Substances Act.

In drafting the waiver provisions of the bill, the Drug Enforcement Agency, the Food and Drug Administration, and the National Institute on Drug Abuse were all consulted. Secretary Shalala has provided her leadership in this area. As well, this initiative is consistent with the announcement of the Director of the Office of National Drug Control Policy, General Barry McCaffrey, of the Administration's intent to work to decentralize methadone treatment.

In 1995, the Institute of Medicine of the National Academy of Sciences issued a report, ''Development of Medications for Opiate and Cocaine Addictions: Issues for the Government and Private Sector.'' The study called for ''(d)eveloping flexible, alternative means of controlling the dispensing of anti-addiction narcotic medications that would avoid the 'methadone model' of individually approved treatment centers.''

The Drug Addiction Treatment Act—DATA—is exactly the kind of policy initiative that experts have called for in America's multifaceted response to the drug abuse epidemic. I recognize that the DATA legislation is just one mechanism to attack this problem, and I plan to work with my colleagues in the Congress to devise additional strategies to reduce both the supply and demand for drugs.

These provisions promote a policy that dramatically improves these lives because it helps those who abuse drugs change their lives and become productive members of society. We have work to do on heroin addiction. For example, a 1997 report by the Utah State Division of Substance Abuse, ''Substance Abuse and Need for Treatment Among Juvenile Arrestees in Utah'' cites literature reporting heroin-using offenders committed 15 times more robberies, 20 times more burglaries, and 10 times more thefts than offenders who do not use drugs. We must stop heroin abuse in Salt Lake City and in all of our nation's cities and communities.

In my own state of Utah, I am sorry to report, according to a 1997 survey by the State Division of Substance Abuse, about one in ten Utahns used illicit drug in a given survey month. That number is simply too high; although I cannot imagine that my colleagues would not be similarly alarmed if they looked at data from their own states. We must prevent and persuade our citizens from using drugs and we must help provide effective treatments and systems of treatments for those who succumb to drug abuse.

I hope that the success of this system will create incentives for the private sector to continue to develop new medications for the treatment of drug addiction, and I hope that qualified doctors will use the new system and that general practice physicians will take the time and effort to qualify to use this new law to help their addicted patients. I am proud to have worked with the Administration and my colleagues on a bipartisan basis in adopting the DATA provisions and creating this new approach that undoubtedly will improve the ability for many to obtain successful drug abuse treatment.

In closing, I also want to commend the many staff persons who have worked so hard on this bill. These include Dave Larson, Anne Phelps, Jackie Parker, Marcia Lee, Kathleen McGowan, Leah Belaire, David Russell, Pattie DeLoatche and Bruce Artim in the Senate and Marc Wheat and John Ford in the House.

I strongly support this legislation and urge my colleagues in the House to pass it as quickly as possible. It is a bill that will raise awareness on children's health issues and, at the same time, assist those who have specific needs with regard to alcohol abuse, drug abuse and mental health issues. It is a good consensus product and is worthy of our support.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 25, 2000, the Federal debt stood at $5,646,252,666,475.97, five trillion, six hundred forty-six billion, two hundred fifty-two million, six hundred sixty-six thousand, four hundred seventy-five dollars and ninety-seven cents.

Five years ago, September 25, 1995, the Federal debt stood at $4,949,969,000,000, four trillion, nine hundred forty-nine billion, nine hundred sixty-nine million.

Ten years ago, September 25, 1990, the Federal debt stood at $3,213,942,000,000, three trillion, two hundred thirteen billion, nine hundred forty-two million.

Fifteen years ago, September 25, 1985, the Federal debt stood at

$1,823,103,000,000, one trillion, eight hundred twenty-three billion, one hundred three million.

Twenty-five years ago, September 25, 1975, the Federal debt stood at $552,347,000,000, five hundred fifty-two billion, three hundred forty-seven million which reflects a debt increase of more than $5 trillion—$5,093,905,666,475.97, five trillion, ninety-three billion, nine hundred five million, six hundred sixty-six thousand, four hundred seventy-five dollars and ninety-seven cents during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF SEA CADET MONTH

● Mr. GRAMS. Mr. President, September is Sea Cadet Month, and today I rise to pay tribute to the Naval Sea Cadet Corps. Sea Cadet organizations exist in most of the maritime nations around the world. Having recognized the value of these organizations, the Department of the Navy requested the Navy League to establish a similar program for American youth.

Since their creation in 1958—and their federal incorporation by Congress in 1962—the Naval Sea Cadets Corps has encouraged and aided American youth ages 13–17, training them in seagoing skills and instilling within them patriotism, courage, and commitment. By teaching America's youth the important role of maritime service in national defense and economic stability, the Corps has produced responsible and capable leaders. Weekly and monthly drills at local units and more intensive two-week training sessions, stress physical fitness, seamanship, shipboard safety, first aid, naval history, and leadership while advanced training sessions range from a submarine seminar to aviation school. Thanks in part to this training, Sea Cadets demonstrate the leadership skills and responsibility that allow them to excel and become leaders in their communities.

I wish to pay special tribute to LT Lance Nemanic and the Twin Cities Squadron of the Sea Cadets, for their dedicated service to Minnesota's Youth. I would also like to thank those men and women who continue to make the U.S. Sea Cadets Corps the pride of the Navy.●

NEW HAMPSHIRE HOUSE SPEAKER DONNA SYTEK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Donna Sytek as she retires as Speaker of the New Hampshire House of Representatives. Donna's dedication to public service is remarkable, and she has done much in her twelve terms in the House to make life better for the people of our great state.

Throughout her nearly quarter century as a member of the House, Donna has worked tirelessly on issues about which she feels passionate: crime, juvenile justice reform and education. She has shepherded numerous bills into law, including legislation that established the Department of Corrections, legislation that guarantees truth in sentencing; and an anti-stalking law. She also authored two amendments to the New Hampshire Constitution, including one to limit abuse of the insanity defense in 1984 and another to earmark sweepstakes revenues to education in 1990. Donna has held many leadership positions during her distinguished career as well. She has been active for many years in the National Conference of State Legislatures and currently sits on their executive committee. She is also a former chairwoman of the New Hampshire Republican Party and a past president of the National Republican Legislators association.

Donna's position in the state legislature has allowed her to travel the world to promote New Hampshire. She has visited Germany, England, Taiwan, Latvia, Zimbabwe, South Africa and Israel to learn about their cultures and economies while helping them learn a little more about our great state.

Donna and her husband John have been fixtures in their hometown of Salem since they moved there almost 30 years ago. They devote their time and energy to many local organizations including the Salem Boys and Girls Club and the Salem Visiting Nurse Association.

Donna's dedication to her community and the legislature are exemplary, and her accomplishments have not gone unnoticed. The editors of New Hampshire Editors Magazine named her ''the most powerful woman in New Hampshire'' in 1997.

Once again, I would like to thank Speaker Sytek for her tremendous service to the people of New Hampshire and wish her good health and happiness in her retirement. I am proud to call her my friend, and I am honored to represent her in the United States Senate.●

TRIBUTE TO EDWARD MASTERS

● Mr. THOMAS. Mr. President, as Chairman of the Subcommittee on East Asian and Pacific Affairs, I would like to extend my appreciation and congratulations to former Ambassador Edward Masters on the occasion of his retirement on October 18 from his position as President of United States-Indonesia Society.

During his 30-year career in the Foreign Service, in which he reached the senior rank of Career Minister, Ambassador Masters served as U.S. Ambassador to Indonesia and Bangladesh and Deputy Chief of Mission to Thailand. He also held posts in India and Pakistan and an assignment as director of the State Department's Office of East Asian Regional Affairs that involved policy coordination for the entire area.

Indonesia figured prominently in both Ambassador Masters' diplomatic and private sector careers. As Political Counselor of the United States Embassy in Jakarta from 1964–68, he worked on reconstructing U.S. relations with Indonesia at a very difficult time. This included closing out our economic aid, information and Peace Corps programs because of the highly adverse political situation in Indonesia. Toward the end of that period, he worked with various elements of the U.S. Government and NGOs to reinstitute some of those programs but to do so in a way commensurate with Indonesian culture and sensitivities. He is, in fact, particularly known in both Indonesia and the United States for his ability to work effectively in the Indonesian environment.

As United States Ambassador from late 1977 until the end of 1981, one of his major responsibilities was managing a large and very important economic aid program. He worked in particular and in detail on the Provincial Development Program, the programs to expand Indonesia's food grain production and enhance human resources development. Toward the end of his tour he organized various elements of the mission to develop programs to get the U.S. Government more effectively behind the programs to develop Indonesia's private sector and increase cooperation between that sector and the United States.

In 1994, Ambassador Masters was instrumental in forming the United States-Indonesia Society. The Society is the preeminent institution in the United States devoted to developing a broad range of programs aimed at developing greater awareness and appreciation about Indonesia and the importance of the U.S.-Indonesia relationship in all major sectors in the U.S. Ambassador Masters has given briefings throughout the United States to academic institutions and other interested groups. He has provided witness testimony on numerous occasions before the Senate and House Foreign Relations Subcommittees on East Asian and Pacific Affairs on numerous occasions. He has organized conferences and other forums bringing Indonesians and Americans together to discuss short and long-term issues of mutual concern. One such conference he organized last October in cooperation with the Embassy of Indonesia in Washington DC., brought some of the most impressive, influential, and knowledgeable individuals from Indonesia and the United States to discuss the 50 years of diplomatic relations between the two countries and to provide policy suggestions to both governments on how to strengthen ties in the new millennium.

On September 28, 1998 the Indonesian government recognized Ambassador Masters' valuable contributions and decorated him with the Bintang Mahaputra Utama, the second highest

award given by the Government of Indonesia for his commitment and contribution to forging closer ties between the U.S. and Indonesia.

As Chairman, I would also like to recognize and say thanks Ambassador Masters for the valuable work he has done. When I began my tenure as Chairman, Indonesia was—unfortunately—largely ignored in the United States. Despite being the fourth largest country in the world, and the largest Muslim country, its accomplishments and its importance to the United States as a friend and ally were largely overlooked and reduced to occasional tongue-lashings regrading Timor Timur.

I made changing that situation a top priority of my chairmanship. And my job was made a lot easier by Ambassador Masters.

The United States-Indonesia Society has greatly shaped, increased awareness and knowledge and provided support to those of us in the United States, including both houses of Congress, the administration and the government, the press, NGO community, academia and the population at large on the importance of Indonesia to the United States. Over the last two years this Society has become even more essential in helping the United States to understand the complex dynamics involved in moving from an authoritarian regime to the third largest democracy in the world.

I understand why Ambassador Masters has decided to step down as President; he has earned the respite. But those of us concerned with the U.S.-Indonesia relationship will surely miss him and his steady hand at the tiller. I can only profoundly thank him for his many years of public service to the United States, and to his life-long commitment to improving relations between the United States and Indonesia. As the Indonesians would say, ''Terima kasih banyak.''●

OBSERVANCE OF ROSH HASHANAH

● Mr. ASHCROFT. Mr. President, on the occasion of the beginning of Rosh Hashanah and the High Holy Day season, Janet and I are pleased to offer our best wishes to Missouri's Jewish community, and to our Jewish friends throughout the United States and the world. As the High Holiday Machzor, or prayerbook, states, ''On Rosh Hashanah it is written and on Yom Kippur it is sealed,'' what will be our fates for the year to come. With this in mind, it is my sincere hope that this year will bring to all of us: peace throughout the world, peace in Israel, and everlasting peace in a united Jerusalem, the eternal capital of Israel.

During this time of year, your days of awe, know that I join with you in the sanctity of your celebration. May this period's spirit of reconciliation and renewal remind all Missourians, of all faiths, of our shared responsibilities, toward families, friends, neighbors, and fellow citizens.

Once again, Janet joins me in sending our best wishes to Jews everywhere for the year 5761, and in saying, L'Shana Tova Tekateivu—may you be inscribed in the Book of Life for a good year.●

TRIBUTE TO THE HONORABLE CONNIE MACK OF FLORIDA AND HIS STAFF

● Mr. GRAHAM. Mr. President, with respect and admiration, I offer a tribute to my colleague from Florida, The Honorable CONNIE MACK.

Senator MACK has served his state and nation with distinction, and I have been honored to serve with him in this institution to represent the people of Florida. CONNIE and Priscilla Mack have long been our neighbors in Washington; they will always remain our friends.

I was first elected to the United States Senate in 1986, CONNIE MACK was elected in 1988. As colleagues in the Senate, we set out to work together on behalf of Florida.

Senator MACK and I are loyal members of different political parties. We don't always vote the same, nor do we agree on every issue. But, as Senator MACK prepares to leave this institution, I can say with pride that we achieved our goal of working together—and our staffs have worked together—on behalf of Floridians.

In offering this personal salute to Senator MACK, I also wish to praise the dedication and professionalism of his staff. On behalf of my family and my staff, I thank Senator MACK's staff—past and present—and wish them continued success.

During his two terms in the United States Senate, Senator MACK assembled a talented staff which made multiple contributions to public service. I ask that the names of these current and past members of Senator MACK's staff be printed in the RECORD as a token of our appreciation and to reflect their significant roles in the history of this great institution.

The list follows:

THE FOLLOWING STAFF MEMBERS WORKED FOR SENATOR MACK IN THE 106TH CONGRESS

WASHINGTON, DC OFFICE

Tysha Banks, Beth Ann Barozie, Frank Bonner, Curtis Brison, Cara Broughton, Amy Chapman, Tracie Chesterman, Treasa Chopp, Deidra Ciriello, Julie Clark, Charles Cooper, Steve Cote, Dan Creekman, Colleen Cresanti, Graham Culp.

Susan Dubin, Rochelle Eubanks, Michael Gaines, Buz Gorman, Wendy Grubbs, Alan Haeberle, Patrick Kearney, Sheila Lazzari, C.K. Lee, Peter Levin, Ross Lindholm, Adam Lombardo, Cathy Marder, Jordan Paul, Elaine Petty.

Lauren Ploch, John Reich, Bethany Rogers, Suzanne Schaffrath, Carrie Schroeder, Nancy Segerdahl, Gary Shiffman, Boaz Singer, Benjamin Skaggs, Mark Smith, Sean Taylor, Yann Van Geertruyden, Greg Waddell, and Barbara Watkins.

FORT MYERS OFFICE

Chris Berry, Helen Bina, Ann Burhans, Wendolyn Grant, Shelly McCall, Diana McGee, David Migliore, Rose Ann Misener, Patty Pettus, Sharon Thierer, and Catherine Thompson.

JACKSONVILLE OFFICE

Shannon Hewett and Carla Summers.

MIAMI OFFICE

Richard Cores, Sigrid Ebert, Gladys Ferrer, Mercedes Leon, Sarah Marerro, Nilda Rodriguez, and Patrick Sowers.

PENSACOLA OFFICE

Andrew Raines and Kris Tande.

TALLAHASSEE OFFICE

Jennifer Cooper, Courtney Shumaker, and Greg Williams.

TAMPA OFFICE

Barbara Dicairano, Jim Harrison, Elizabeth Sherbuk, Jamie Wilson, and Amy Woodard.

THE FOLLOWING WORKED PRIOR TO 106TH CONGRESS, BUT PROBABLY WORKED CLOSELY WITH BG'S OFC

FORMER STAFF

Mitch Bainwol, Scott Barnhart, Glenn Bennett, Ellen Bork, Shellie Bressler, Jamie Brown, Kim Cobb, Jeff Cohen, Kerry Fennelly, Kimberly Fritts, Mary Anne Gauthier, Lawrence Harris, Stacey Hughes.

Jackie Ignacio, Joe Jacquot, Chris Lord, Mark Mills, Bob Mottice, Yvonne Murray, Sheila Ross, Mary Beth Savary Taylor, Saul Singer, Meredith Smalley Quellette, Jeffery Styles, Dawn Teague, Beth Walker, and Jeffrey Walter.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1064. An act to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro.

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building.''

H.R. 4899. An act to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of law, and for other purposes.

H.R. 5224. An act to amend the Agriculture Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 399. Concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

H. Con. Res. 407. Concurrent resolution to direct the Secretary of the Senate to correct technical errors in the enrollment of S. 1455.

H. Con. Res. 409. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 1654.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, without amendment:

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 5:08 p.m. a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 109. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4551. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4899. An act to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of law, and for other purposes; to the Committee on Foreign Relations.

H.R. 5224. An act to amend the Agriculture Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURE PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 399. Concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 26, 2000, he had presented to the President of the United States the following enrolled bill:

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10903. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a single-function cost comparison at Eglin Air Force Base, Florida; to the Committee on Armed Services.

EC–10904. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the Environmental Technology Program; to the Committee on Armed Services.

EC–10905. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada, Denmark, French Guiana or Sea Launch, Israel, Italy, Japan, Kouru, Poland, Republic of Korea, South Korea, Spain, Switzerland, The Netherlands, Turkey, and The United Kingdom; to the Committee on Foreign Relations.

EC–10906. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the notice of proposed transfer of major defense equipment relative to The Government of the United Kingdom (HMG); to the Committee on Foreign Relations.

EC–10907. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the United Nations agency or United Nations affiliated agency; to the Committee on Foreign Relations.

EC–10908. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC–10909. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Underwater Abandoned Pipeline Facilities'' (RIN2137–AC33) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10910. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials Regulations: Editorial Corrections and Clarification'' (RIN2137–AD47) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10911. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Polski Zaklady Lotnicze Spolka zo.o. Models PZL M18, M18A, and M18B Airplanes; docket No. 99–CE–84 [9–15/9–21]'' (RIN2120–AA64) (2000–0471) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10912. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB 135 and EMB 145 Series Airplanes; docket No. 2000–NM–301 [9–18/9–25]'' (RIN2120–AA64) (2000–0472) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10913. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and EMB 145 Series Airplanes; docket No. 2000–NM–300; [9–18/9–25]'' (RIN2120–AA64) (2000–0473) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10914. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900C, 1900C12 and 1900D Airplanes; docket No. 2000–CE–02 [9–18/9–25]'' (RIN2120–AA64) (2000–0475) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10915. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Hugoton, KS; docket No. 00–ACE–18 [9–18/9–25]'' (RIN2120–AA66) (2000–0223) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10916. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; McPherson, KS; docket No. 00–ACE–17 [9–18/9–25]'' (RIN2120–AA66) (2000–0224) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10917. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Pella, LA; docket No. 00–ACE–26 [9–18/9–25]'' (RIN2120–AA66) (2000–0225) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10918. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Service Difficulty Reports; 2120 AF71; Docket No. 28293'' (RIN2120–AF71) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10919. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulations docket No. FAA–1999–5535 [9–19/9–25]'' (RIN2120–AG71) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10920. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Financial Responsibility Requirements for Licensed Reentry Activities; docket No. FA 1999–6265 [9–19/9–25]'' (RIN2120–AG76) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10921. A communication from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Electric Vehicle Safety'' (RIN2127–AF43) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10922. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications'' (RIN0648–AN36) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10923. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Inseason Adjustment Procedures'' received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10924. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service (ET Docket No. 95–18)'' (ET Docket No. 95–18, FCC 00–233) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10925. A communication from the General Counsel of National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Code of Conduct for International Space Station Crew'' (RIN2700–AC40) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10926. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''Nursing Home Staffing and Quality Improvement Act of 2000''; to the Committee on Finance.

EC–10927. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capital Gains, Partnership, Subchapter S, and Trust Provisions'' (RIN1545–AW22) (TD 8902) received on September 22, 2000; to the Committee on Finance.

EC–10928. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2000–42) received on September 25, 2000; to the Committee on Finance.

EC–10929. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Zone Academy Bonds'' (RIN1545–AY01) received on September 25, 2000; to the Committee on Finance.

EC–10930. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2000–39—2001 Per Diem Rates'' (Rev. Proc. 2000–39) received on September 25, 2000; to the Committee on Finance.

EC–10931. A communication from the Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Bonus to Reward States for High Performance'' (RIN0970–AB66) received on September 25, 2000; to the Committee on Finance.

EC–10932. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 53915 09/06/2000'' (Docket No. FEMA–FEMA–D7501) received on September 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10933. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Fair Market Rents for Fiscal Year 2001'' (FR–4589–N–02) received September 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10934. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 C.F.R. Part 709 Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation'' received on September 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10935. A communication from the Chairman of the Board of Governors of the Federal Reserve System and the Chairman of the Securities and Exchange Commission, transmitting jointly, pursuant to law, a report relative to market for small business and commercial mortgage related securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–10936. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled ''National Aeronautics and Space Administration Federal Employment Reduction Assistance Act Amendments''; to the Committee on Governmental Affairs.

EC–10937. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 25, 2000; to the Committee on Governmental Affairs.

EC–10938. A communication from the Director of the Information Security Oversight Office, National Archives and Records Administration, transmitting, pursuant to law, the annual report for 1999; to the Committee on Governmental Affairs.

EC–10939. A communication from the Congressional Review Coordinator of the Animal Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Addition to Quarantined Areas; Correction'' (Docket #00–036–2) received on September 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10940. A communication from the Under Secretary of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Urban and Community Forestry Assistance Program'' received on September 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10941. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of eight rules entitled ''Azoxystrobin; Pesticide Tolerance'' (FRL #6749–1), ''Bifenthrin; Pesticide Tolerances for Emergency Exemptions'' (FRL #6744–4), ''Dimethyl silicone polymer with silica; silan, dichloromethyl-, reaction product with silica; hexamethyldisilizane, reaction product with silica; Tolerance Exemption'' (FRL #6745–1), ''Ethametsulfuron-methyl; Pesticide Tolerances for Emergency Exemptions'' (FRL #6744–1), ''Halosulfuron-methyl; Pesticide Tolerance'' (FRL #6746–2), and ''Hexythiazox; Pesticide Tolerance'' (FRL #6746–5), ''Methacrylic Acid-Methyl Methacrylate-Polyethylene Glycol Methyl Ether Methacrylate Copolymer; and Maleic Anhydride-ox-Methylstyrene Copolymer Sodium Salt; Tolerance Exemption'' (FRL #6745–2), and ''Yucca Extract; Exemption From the Requirement of a Tolerance'' (FRL #6748–3) received on September 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10942. A communication from the Regulations Officer, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Policy Guidance Concerning Application of Title VI of the Civil Rights Act of 1964 to Metropolitan and Statewide Planning'' received on May 25, 2000; to the Committee on Environment and Public Works.

EC–10943. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL #68774) and ''Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6875–3) received on September 21, 2000; to the Committee on Environment and Public Works.

EC–10944. A communication from the Assistant Secretary, Division of Endangered Species, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Final Determination of critical habitat for the Alameda whipsnake (Masticophis

lateralis euryxanthus)'' (RIN1018–AF98) received on September 22, 2000; to the Committee on Environment and Public Works.

EC–10945. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting two items; to the Committee on Environment and Public Works.

EC–10946. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Acquisition Regulation'' (FRL #6874–5) and ''Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision'' (FRL #6873–2) received on September 25, 2000; to the Committee on Environment and Public Works.

EC–10947. A communication from the Assistant General Counsel of the National Science Foundation, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1190–AA28) received on September 22, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10948. A communication from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''25 CFR Part 38—Southwestern Indian Polytechnic Institute (SIPI) Personnel System'' (RIN1076–AE02) received on September 21, 2000; to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–622. A resolution adopted by the City of Pembroke Pines, Florida relative to the restoration of the Everglades; to the Committee on Environment and Public Works.

POM–623. A resolution adopted by the New Jersey State Federation of Women's Clubs, relative to the dumping of dredged materials at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM–624. A resolution adopted by the New Jersey State Federation of Women's Clubs, relative to worldwide trafficking of women and girls; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 353, a bill to provide for class action reform, and for other purposes (Rept. No. 106–420).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 893: A bill to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels (Rept. No. 106–421).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. BRYAN, Mr. KENNEDY, Mr. ROCKEFELLER, and Mr. ROBB):

S. 3107. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program; read the first time.

By Mr. DORGAN:

S. 3108. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself, Mr. INOUYE, Mr. KERREY, and Mr. GORTON):

S. 3109. A bill to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. BAYH, and Mr. KENNEDY):

S. 3110. A bill to ensure that victims of domestic violence get the help they need in a single phone call; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 3111. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for the payment of estate tax to more estates with closely held businesses; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. MACK, and Mr. MURKOWSKI):

S. 3112. A bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the Medicare system; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 3113. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. DASCHLE):

S. 3114. A bill to provide loans for the improvement of telecommunications services on Indian reservations; to the Committee on Indian Affairs.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB):

S. 3115. A bill to extend the term of the Chesapeake and Ohio Canal National Historic Park Commission; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Mr. CRAIG, Mr. CONRAD, Mr. DASCHLE, Ms. LANDRIEU, Mr. AKAKA, Mr. DORGAN, Mr. ENZI, Mr. BURNS, Mr. GRAMS, Mr. THOMAS, Mr. KERREY, Mr. CRAPO, Mr. BAUCUS, Mr. ABRAHAM, Mr. GRAHAM, Mr. INOUYE, Mr. CAMPBELL, and Mr. MACK):

S. 3116. A bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 360. A resolution to authorize the printing of a document entitled ''Washington's Farewell Address''; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. Res. 361. A resolution to authorize the printing of a revised edition of the Senate Rules and Manual; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 3108. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE HARMONIZATION BILL

Mr. DORGAN. Mr. President, during the first few months of the 106th Congress in early 1999, I introduced a pesticide harmonization bill—S. 394. Today, I am introducing a revised version of that legislation. The need for this legislation has not changed.

Last year, I pointed out that when the U.S.-Canada Free Trade Agreement came into effect, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. However, we have entered a new decade—and century, no less—and relatively little progress in harmonization has been accomplished that is meaningful to family farmers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and barley exports to the United States have grown from a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and unlevel playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. They rightfully believe that it is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. They believe that it is not in the interests of consumers or producers to allow such imports. However, it is not just a difference in availability of agricultural pesticides between our two countries, but also in the pricing of these chemicals.

Just last spring, our farmers were denied the right to bring a pesticide across the border that was cleared for use in our country, but was not available locally because the company who manufactures this product chose not to sell it here. They were selling a more expensive version of the product here. The simple fact is, this company was using our environmental protection

laws as a means to extract a higher price from our farmers even though the cheaper product sold in Canada is just as safe. This simply is not right.

I have pointed out, time and time again, the fact is that there are significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, in a recent survey, farmers in the United States were paying between 117 percent and 193 percent more than Canadian farmers for a number of pesticides. This was after adjusting for differences in currency exchange rates at that time.

The farmers in my state are simply fed up with what is going on. They see grain flooding across the border, while they are unable to access the more inexpensive production inputs available in our ''free trade'' environment. And I might add, this grain coming into our country has been treated with these products which our farmers are denied access to. This simply must end.

As I stated earlier, today, I am introducing a new version of legislation that would take an important step in providing equitable treatment for U.S. farmers in the pricing of agricultural pesticides. And I want to point out what has taken place since introduction of the original pesticide harmonization bill—or maybe I should say—what has not taken place.

I wrote the chairman of the Agriculture Committee on more than one occasion requesting hearings about the original version of this legislation, but to no avail. I was disappointed, to say the least. Especially, as I stated, since the need for this legislation has not disappeared. On the contrary, it is still a hot issue along our northern border with Canada.

This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and whose formulations have been registered and approved for use in both countries by the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than protecting the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from American farmers, and create unlevel pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can begin the process of creating a level playing field between farmers of our two countries. This bill would make harmonization a reality for those pesticides in which their actual selling price is the only real difference.

By Mrs. MURRAY (for herself, Mr. INOUYE, Mr. KERREY, and Mr. GORTON):

S. 3109. A bill to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse''; to the Committee on Environment and Public Works.

THE WILLIAM KENZO NAKAMURA UNITED STATES COURTHOUSE

Mrs. MURRAY. Mr. President, I rise today to introduce a bill that would designate the existing United States Federal Courthouse for the Western District of Washington in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse.'' William Nakamura was born in 1922, and grew up in Seattle, Washington. He attended public schools and was a student at the University of Washington when he and 110,000 other Japanese Americans were removed from their communities and forced into internment camps.

For many, the disgrace of the internment camps and the injustice of that American policy fostered resentment and anger. Rather than succumb to hate, William Kenzo Nakamura chose to fight for the very country that had treated him unjustly. He enlisted in the 442d Regimental Combat Team, which went on to become the most decorated military team in U.S. history. While fighting in Italy, Pfc. William Nakamura was killed on July 4, 1944. At the time of his death, he was providing cover for his retreating platoon. Earlier that day, he had also gone beyond the call of duty and single-handedly destroyed a machine-gun nest.

Following his death, Nakamura's commanding officer nominated him for the Medal of Honor. According to Army policy at the time, Japanese Americans could not receive the Medal of Honor. Instead, Pfc. Nakamura was awarded the Distinguished Service Cross, the military's second highest honor. This past June, Pfc. Nakamura and 21 other Asian-American veterans of World War II were finally honored with the Congressional Medal of Honor. Senator INOUYE, who served in the same unit as Mr. Nakamura, was one of those who received the Congressional Medal of Honor that day. I was proud to be present at the White House for the ceremony.

I am pleased that both of the Medal of Honor recipients in Congress are original cosponsors of the bill: Senators INOUYE and KERRY. I am also honored to have my Washington state colleague, Senator GORTON, as an original cosponsor. Congressman MCDERMOTT is sponsoring this legislation in the House, and I thank him for his efforts. Like many Asian-American veterans, Nakamura didn't hesitate when his country called. He and many others went to war and gave their lives for freedoms which they and their families were denied at home.

Mr. President, we can't undo the injustice suffered by Japanese-Americans during World War II, but we can give these noble Americans the recognition they deserve. The William Kenzo Nakamura Courthouse will serve as a permanent reminder that justice must serve all Americans equally. I urge my colleagues to support this piece of legislation.

By Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. BAYH, and Mr. KENNEDY):

S. 3110. A bill to ensure that victims of domestic violence get the help they need in a single phone call; to the Committee on Health, Education, Labor, and Pensions.

THE NATIONAL DOMESTIC VIOLENCE HOTLINE ENHANCEMENT ACT

Mr. WELLSTONE. Mr. President, this is the issue of violence in homes. About every 13 seconds a woman is battered. A home should be a safe place. This is about anywhere from 5 to 10 million children witnessing this violence—not on TV, not in the movies, but in their living rooms, and the effect it has on these children.

Today, I introduce a bill I would like to be able to have on the floor of the Senate for a vote. If I don't get it done over the next week or two, I am positive that there will be broad, bipartisan support for this legislation. This is called the National Domestic Violence Hotline Enhancement Act. I will send the bill to the desk on behalf of myself, Senators JOHNSON, BAYH, and KENNEDY. On the House side, Representative CONNIE MORELLA, who has done such great work in this area, is introducing the same piece of legislation today. I send this bill to the desk.

Darlene Lussier, from Red Lake Band, a Chippewa Indian reservation in Minnesota, called this bill the ''talking circle for all shelters.'' I would like to name it the ''Talking Circle For All Shelters.''

This is modeled after the Day One project in Minnesota. This legislation creates a web site that would allow the National Domestic Violence Hotline operators at shelters all around the country—and there are 2,000 shelters; this is a map of all the shelters in the United States of America. It would enable, through this web site, shelters one telephone call from a woman in need of help to the hotline, or to any shelter, because we would have everybody hooked up electronically under

very safe and secure conditions. It would simply take one call for a woman to be able to know where she and her children could go to get away from this violence, where they could go to make sure that she would not lose her life, or that things would not get more violent at home.

This is extremely important because what happens quite often is a woman will finally get the courage and she knows she must leave. She knows it is a dangerous, desperate situation. But when she calls a shelter, they may be completely filled up and not have anywhere for her to go and then she doesn't know where to go. Then she is forced to stay in that dangerous home. Then she is battered again and her children witness this, and quite often the children are battered as well. Remember, every 13 seconds a woman is battered in her home. A home should be a safe place.

This piece of legislation is critically important. Right now, according to the National Network to End Domestic Violence, only 43 percent of the shelters in the United States have Internet access. We have to do better. In my State of Minnesota, last year 28 women were murdered. This was ''domestic violence.'' This year—and the year is barely half over—already 33 women in Minnesota have been murdered because of domestic violence. Three women were murdered within 8 days in northern Minnesota earlier this month. A woman, again, is battered every 13 seconds, and 3 million to 5 million to 10 million children witness this. Over 70 percent of these children themselves are abused.

I don't want to hear one more story about a woman being murdered by her husband or boyfriend. I don't want to hear one more story about a woman being beaten, or her child fighting in school because he saw the violence in his home. We have to end this. I don't want to hear one more statistic about a quarter of homeless people on any given night are victims of domestic violence—women and children with nowhere to go. This ''Talking Circle For All Shelters'' would enable a woman to get on this national hotline, or call the shelter, and everybody would be linked up through a web site electrically, and she would be able to know right away where she could go to be safe, so that her children would be safe.

This is modeled after Minnesota's Day One web site. This links every shelter in Minnesota. Day One reports that 99 percent of women and children who call, because of this system, are assured services and shelter that meets their unique needs. I want to take this Minnesota model—this Day One web site model—and make sure this becomes available for all women and all children throughout the United States of America.

David Strand, who is chief operating officer of Allina Health System in Minnesota, and who has led the way, along with United Way, in providing the funding for this, talks about how important this is for healing and how important it is to return to healthy communities.

Day One is all about healing. Day One is all about giving women who have been battered and abused and their children a chance to heal. Day One in Minnesota—and I want it to be Day One in the United States of America—is about making sure when she needs to make the call, she can do it and find out where she and her children can go. This is the ''Talking Circle For All Shelters'' in America.

Over the past 5 years, the National Domestic Violence Hotline has received over 500,000 calls from women and children in danger from abuse. If we can take this Day One model in Minnesota, the web site that we have, and we can now make this a national program, we can make sure that these women and these children will get the help they need. We can make sure these women, when they make the call, will know where they can go, as opposed to making a call, and the shelter they call doesn't have any room and they don't know where to go, and then they stay and are battered again and, for all I know, they are murdered.

We can take this new technology and link up all of these shelters electronically. We can make this a part of the national domestic violence hotline, and we can make a real difference.

I want to introduce this today. I am absolutely sure we can pass this legislation. I know we can do this. I know it is the right thing to do. I know there will be strong support from Democrats and Republicans as well.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 3111. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for the payment of estate tax to more estates with closely held businesses; to the Committee on Finance.

TO PROVIDE AN EXTENSION OF TIME FOR THE PAYMENT OF THE ESTATE TAX TO MORE ESTATES WITH CLOSELY HELD BUSINESSES

Mr. INOUYE. Mr. President, the estate tax imposes a true hardship on family-owned businesses. When a person dies, the estate tax must be paid within 9 months. Current law permits only a small number of business owners to pay the estate tax in installments. The tax for most closely held businesses, however, must be paid shortly after the owners' death. Often, business assets and even the business itself must be sold to raise the cash to pay the tax. Closely held businesses, however, cannot be sold for their true value within so short a time. To avoid such fire sales, elderly owners will often sell their businesses while still living to get a fair price.

Congress, as a matter of policy, should encourage the formation of family businesses and also support their continuation. The estate tax measures that the Senate recently voted on do not fully or immediately respond to the problems of closely held, family-owned businesses. Due to revenue constraints, repeal of the estate tax must be slowly phased in. During that phase-in period, whether the tax rate is 45 percent, 35 percent, 25 percent, or 15 percent, many business owners will still need to liquidate their businesses to pay the tax.

The alternative proposal to raise the deduction for qualified family-owned business interests to $2 million fails to answer the basic liquidity problem. These families have all their assets tied up in their businesses. They do not have the cash to pay the estate tax right away. Moreover, the strict eligibility rules and caps restrict the number of family businesses that can qualify for the QFOBI deduction. The 10-year recapture rule, which is also part of the alternative proposal, also hampers the businesses that do qualify.

The bill that I and Senator AKAKA introduce today would make all closely held businesses eligible for temporary deferral and installment payment of the estate tax. My measure simply raises the number of permissible owners for qualifying closely held businesses from 15 to 75, thereby expanding eligibility for the 4-year deferral and 10-year installment payment of the estate tax.

In the subchapter S Act of 1958, the Senate established special income tax rules for closely held businesses. The Senate in the same legislation also decided to collect the estate tax on closely held businesses over an extended payment period. By being allowed to pay the estate tax on the family businesses over 10 annual installments after an initial 4-year deferral, the surviving family members can continue to operate these businesses and use future earnings to pay the estate tax.

In 1996, Congress amended subchapter S to allow a small business corporation to have up to 75 owners; this was intended to encourage closely held businesses to give key workers a share in ownership. But the eligibility rules were not changed for estate tax payment. By sharing ownership with workers as encouraged under the 1996 amendments to subchapter S, the owners of closely held businesses lose their estate tax relief. Although these businesses still qualify under subchapter S, they are often no longer eligible for temporary deferral and extended installment payment of the estate tax.

The Treasury Department suggests that the qualification rules for subchapter S and for estate tax relief should be made consistent once again. During the debate on estate tax relief, Senator ROTH and Senator MOYNIHAN acknowledged this problem and pledged to correct it. Accordingly, I urge my colleagues to support this measure.

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

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

S. 3111

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

SECTION 1. INCREASE IN NUMBER OF ALLOWABLE PARTNERS AND SHAREHOLDERS IN CLOSELY HELD BUSINESSES.

(a) IN GENERAL.—Paragraphs (1)(B)(ii), (1)(C)(ii), and (9)(B)(iii)(I) of section 6166(b) of the Internal Revenue Code of 1986 (relating to definitions and special rules) are each amended by striking ''15'' and inserting ''75''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

By Mr. BAUCUS (for himself and Mr. DASCHLE)

S. 3114. A bill to provide loans for the improvement of telecommunications services of Indian reservations; to the Committee on Indian Affairs.

NATIVE AMERICAN TELECOMMUNICATIONS IMPROVEMENT AND VALUE ENHANCEMENT ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Native American Telecommunications Improvement and Value Enhancement Act, the NATIVE Act. This bill provides a low interest loan program to build telecommunications infrastructure for federally-recognized Indian tribes.

This legislation is timely. This week the Federal Communications Commission is hosting an Indian Telecom Training Initiative in St. Paul Minnesota to provide training to tribes on all phases of providing telecommunications services to their members. Why is this so important?

At a time when 94 percent of Americans enjoy basic telephone service and the benefits derived thereof, only 47 percent of Native Americans on reservations have service. This is even below the rate of the rural homes, 91 percent.

Indian and Alaska Native people live in some of the most geographically remote areas of the country. Most Alaska Native villages are reachable year-round by air only, have limited access by water, and have no road connections. On the mainland, many Indian reservations are located west of the Mississippi, where the wide-open spaces often mean that the nearest town, city, or hospital is several hours away by car.

Those that do not have a telephone do not have access to some of the basic services that we take for granted each and every day.

Some cannot obtain access to medical care in an emergency. Others cannot reach prospective employers quickly and easily. Many cannot take advantage of the commercial, educational, and medical care opportunities the Internet offers.

Let me give you a couple of examples:

Raymond Gachupin, governor of Jemez Pueblo in New Mexico, said he once was unable to call for emergency help for a young man who had been shot because no phone was available.

William Kennard at an FCC Field Hearing in 1999 revealed a case on the Navaho reservation in Arizona, where 1,500 school children have computers, but can't hook up to the Internet because the Information Superhighway seems to have passed them by.

And then there is just the basic inconvenience of not having a readily available means of communication:

The community of Bylas in Arizona, which has approximately 2,000 residents, had only one payphone. People would line up at 6 o'clock in the morning to use the phone. They would stand in line sometimes until 12 o'clock midnight to use the phone. The only other way to talk to people was if you saw them in town and then any news may be days old.

I know these stories are from the Southwestern United States but in my home state of Montana many of the reservations lack phone service, over 60 percent of the homes on the Northern Cheyenne Reservation, 55 percent on the Crow Reservation.

The Federal Communications Commission is stepping up to the plate to help solve this problem by reducing the cost of basic telephone service for individuals on reservations through the Lifeline and Linkup programs. The lifeline program could reduce the monthly cost of phone service to one dollar, all eligible customers would see bills below $10. The Linkup program helps offset the cost of the initiating service by as much as $100.

As stated earlier, this week in St. Paul Minnesota, the FCC is conducting a training seminar for tribal telecommunications.

I commend the FCC for their efforts and want to assist where I can. That is why I am introducing this valuable legislation.

The infrastructure costs for providing telecommunications services can be very high especially in remote areas where customers can be more than one mile apart. This legislation will help to keep those costs down by lowering the cost of borrowing.

The NATIVE Act provides a $1 billion revolving loan fund with a graduated interest rate pegged to the per capita income of the population receiving service. The interest rates range from 2 percent for the poorest tribes up to 5 percent.

The plans submitted for loan approval will be subject to the requirements of current Rural Utilities Service borrowers including service capable of transmitting data at a minimum rate of one Megabit per second. This will ensure the system in place will connect Native Americans to the Internet thereby opening up economic opportunities that wouldn't otherwise exist.

The program is not intended to displace existing telecommunications carriers who are providing service to Native Americans. In fact, the bill is specific in that loan funds can only be used to provide service to unserved and underserved areas, where existing service is deemed inadequate due to either cost or quality.

Additionally the Act establishes a matching grant program for conducting feasibility studies to determine the best alternative for providing service.

The program will be administered by the Rural Utilities Service, an agency with over 50 years experience in lending for rural telecommunications infrastructure throughout the country.

The RUS telecommunications program has provided financing for 866,000 miles of line approximately one-tenth of which is fiber optic, serving 5.5 million customers, including Native Americans. The RUS distance learning/telemedicine program has funded 306 projects for rural schools and medical centers in 44 states since its inception in 1993 bringing improved services for education and health care centers in rural communities. All without incurring any loan losses.

I have the utmost confidence that the Rural Utilities Service will successfully administer this program.

To wrap up, Mr. President, I know that we cannot reach everyone. There are some who simply do not want service in order to preserve their traditional way of living and others who feel owning a telephone is not a priority within the household budget; however, we should strive to try to ensure telecommunications service to those who want and need to have a telephone.

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB):

S. 3115. A bill to extend the term of the Chesapeake and Ohio Canal National Historic Park Commission; to the Committee on Energy and Natural Resources.

TO REAUTHORIZE THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORIC PARK COMMISSION

Mr. SARBANES. Mr. President, today I am introducing legislation to reauthorize the Chesapeake and Ohio Canal National Historical Park Commission. The current authority for the Commission expires in January of 2001, and this bill would extend that authority for another 10 years. Joining me in introducing this legislation are Senators MIKULSKI, WARNER and ROBB.

Mr. President, the C&O Canal National Historical Park is one of the most unique in this Nation and one of the most heavily visited. It begins in this great city, the Nation's Capital and extends 184 miles to its original terminus in Cumberland, Maryland. As you can imagine, the development of plans for the preservation and use of this park is a major undertaking. It is no easy task to protect and preserve a park which averages 100 yards in width but is 184 miles long.

The work of the Commission is not finished. The Commission is composed of representatives of the State of Maryland, the Commonwealth of Virginia, the State of West Virginia, the District of Columbia, the counties in Maryland through which the park runs, and members at large. The passage of this

bill will permit the Commission to complete the rational process begun so many years ago to ensure that this unique part of America's natural and historical heritage is properly preserved.

I encourage those who are interested in the C&O Canal to join in sponsoring this legislation, and it is my hope that it can be enacted in this Congress.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 874

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 874, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 909

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 909, a bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Arizona (Mr. MCCAIN), the Senator from Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Florida (Mr. GRAHAM), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1762

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1796

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT–43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2250

At the request of Mr. THOMPSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2250, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 2341

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2758

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2758, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2858

At the request of Mr. GRAMS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2912, supra.

S. 2924

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2924, a bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2963, a bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission

to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3024

At the request of Mr. ROBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3024, a bill to amend title XVIII of the Social Security Act to provide for coverage of glaucoma detection services under part B of the medicare program.

S. 3054

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3054, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children.

S. 3071

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3077

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3077, a bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes.

S. 3093

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3093, a bill to require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, and for other purposes.

S. RES. 278

At the request of Mr. KERREY, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. BRYAN), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Virginia (Mr. ROBB), the Senator from Virginia (Mr. WARNER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 278, a resolution commending Ernest Burgess, M.D. for his service to the Nation and international community.

S. RES. 292

At the request of Mr. CLELAND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 292, a resolution recognizing the 20th century as the ''Century of Women in the United States.''

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Virginia (Mr. ROBB), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 359

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as ''National Teach For America Week.''

AMENDMENT NO. 4184

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 4184 intended to be proposed to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 4184 intended to be proposed to S. 2045, supra.

SENATE RESOLUTION 360—AUTHORIZING THE PRINTING OF A DOCUMENT ENTITLED ''WASHINGTON'S FAREWELL ADDRESS''

Mr. MCCONNELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 360

Resolved,

SECTION 1. AUTHORIZATION.

The booklet entitled ''Washington's Farewell Address'', prepared by the Senate Historical Office under the direction of the Secretary of the Senate, shall be printed as a Senate document.

SEC. 2. FORMAT.

The Senate document described in section 1 shall include illustrations and shall be in the style, form, manner, and printing as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. COPIES.

In addition to the usual number of copies, there shall be printed 600 additional copies of the document specified in section 1 for the use of the Secretary of the Senate.

SENATE RESOLUTION 361—AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. MCCONNELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 361

Resolved, That (a) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 106th Congress.

(b) The manual shall be printed as a Senate document.

(c) In addition to the usual number of documents, an 1,400 additional copies of the manual shall be bound of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 900 copies shall be bound (500 paperbound; 200 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

KENNEDY AMENDMENTS NOS. 4190–4195

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; as follows:

AMENDMENT NO. 4190

At the appropriate place, add the following:

RECRUITMENT FROM UNDERREPRESENTED MINORITY GROUPS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 202, is further amended by inserting after subparagraph (H) the following:

''(I) The employer certifies that the employer—

''(i) is taking steps to recruit qualified United States workers who are members of underrepresented minority groups, including—

''(I) recruiting at a wide geographical distribution of institutions of higher education, including historically black colleges and universities, other minority institutions, community colleges, and vocational and technical colleges; and

''(II) advertising of jobs to publications reaching underrepresented groups of United States workers, including workers older than 35, minority groups, non-English speakers, and disabled veterans, and

''(ii) will submit to the Secretary of Labor at the end of each fiscal year in which the employer employs an H–1B worker a report that describes the steps so taken.

For purposes of this subparagraph, the term 'minority' includes individuals who are African-American, Hispanic, Asian, and women.''.

AMENDMENT NO. 4191

On page 13, after line 2, insert the following:

(6) Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:

(6) USE OF FEES FOR DUTIES RELATING TO PETITIONS.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).''

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is

deemed to be ''22 percent''; the figure on page 12, line 25 deemed to be ''4 percent''; and the figure on page 13 line 2 is deemed to be ''2 percent''.

AMENDMENT NO. 4192

At the appropriate place, insert the following:

IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing''.

AMENDMENT NO. 4193

On page 17, line 23, strike the period and insert the following: ''; or involves a labor-management partnership, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of United States workers and obtaining services to meet such needs''.''

AMENDMENT NO. 4194

On page 9, after line 15, insert the following:

(c) DEPARTMENT OF LABOR SURVEY; REPORT.—

(1) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H–1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H–1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(2) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

AMENDMENT NO. 4195

On page 3, strike line 4 and all that follows through page 4, line 6, and insert the following:

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end the following new paragraphs:

''(5)(A) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

''(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

''(iii) a nonprofit research organization or a governmental research organization.

''(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, the remainder of such visas or grants of status shall be available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

''(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.''.

Notwithstanding any other provision of this Act, the figure on page 2, line 3 is deemed to be ''200,000''; the figure on page 2, line 4 is deemed to be ''200,000''; and the figure on page 2, line 5 is deemed to be ''200,000''.

LANDRIEU AMENDMENTS NOS. 4196–4197

(Ordered to lie on the table.)

Ms. LANDRIEU submitted two amendments intended to be proposed by her to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4196

At the appropriate place insert the following:

SEC. ___. ELIGIBILITY FOR NONIMMIGRANT STATUS OF CHILDREN REQUIRING EMERGENCY MEDICAL SURGERY OR OTHER TREATMENT.

Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(T)(i) an alien child who requires emergency medical surgery or other treatment by a healthcare provider in the United States, without regard to whether or not the alien can demonstrate an intention of returning to a residence in a foreign country, if—

''(I) payment for the surgery or other treatment will be made by a private individual or organization; and

''(II) surgery or treatment of comparable quality is not available in the country of the alien's last habitual residence; and

''(ii) any alien parent of the child if accompanying or following to join;''.

AMENDMENT NO. 4197

At the appropriate place, insert the following:

SEC. ___. (a) GROUNDS FOR DEPORTABILITY.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

''(d) EXCEPTION TO GROUNDS OF REMOVAL.—Subsection (a) shall not apply to an alien who is lawfully admitted to the United States for permanent residence, and who acquired such status under section 201(b)(2)(A)(i) as a child described in section 101(b)(1)(F).''.

(b) GROUNDS FOR INADMISSIBILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after subsection (b) the following:

''(c) Subsection (a) shall not apply to an alien described in section 237(d) who is seeking to reenter the United States.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of enactment of this Act and shall apply to an alien in removal proceedings, or otherwise subject to removal, under the Immigration and Nationality Act on or after such date.

(d) TERMINATION OF PROCEEDINGS.—In the case of an alien described in section 237(d) of the Immigration and Nationality Act (as added by subsection (a)) who is in deportation proceedings, or otherwise subject to deportation, under such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) before the date of enactment of this Act, the Attorney General shall terminate such proceedings and shall refrain from deporting or removing the alien from the United States.

LOTT AMENDMENTS NOS. 4198–4203

(Ordered to lie on the table.)

Mr. LOTT submitted six amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4198

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities

under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster

education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 10 days after effective date.

AMENDMENT NO. 4199

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph

(1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 9 days after effective date.

AMENDMENT NO. 4200

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage'

means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 8 days after effective date.

AMENDMENT NO. 4201

In lieu of the matter proposed, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as

contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills;

provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted five days after effective date.

AMENDMENT NO. 4202

In lieu of the matter proposed, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that

may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide

technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such

form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted six days after effective date.

AMENDMENT NO. 4203

In lieu of the matter proposed, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act,

or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the

United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted seven days after effective date.

HATCH AMENDMENTS NOS. 4204–4205

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill S. 2405, supra; as follows:

AMENDMENT NO. 4204

On page 1 of the amendment, line 10, strike ''(vi)'' and insert ''(vii)''.

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002;

''(vi) 195,000 in fiscal year 2003; and''.

On page 2 of the amendment, line 6, strike ''FISCAL YEAR 1999.—'' and insert ''FISCAL YEARS 1999 AND 2000.—''.

On page 2 of the amendment, line 7, strike ''Notwithstanding'' and insert ''(A) Notwithstanding''.

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

''(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.''.

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.''.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.''.

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas made available under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term ''employment-based visa'' means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

On page 12 of the amendment, line 3, strike ''used'' and insert ''use''.

On page 12 of the amendment, line 21, strike ''this'' and insert ''the''.

On page 15 of the amendment, beginning on line 18, strike ''All training'' and all that follows through ''demonstrated'' on line 20 and insert the following: ''The need for the training shall be justified''.

On page 18 of the amendment, line 10, strike ''that are in shortage''.

On page 18 of the amendment, line 23 and 24, strike ''H–1B skill shortage.'' and insert ''single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.''.

On page 19 of the amendment, strike lines 1 through 6.

On page 20 of the amendment, line 23, strike ''and''.

On page 21 of the amendment, line 2, strike the period and insert ''; and''.

On page 21 of the amendment, between lines 2 and 3, insert the following:

''(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).''.

On page 21 of the amendment, after line 25, insert the following new section:

SEC. 12. IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing''.

On page 22 of the amendment, line 1, strike ''**SEC. 12.**''. and insert ''**SEC. 13.**''.

On page 27 of the amendment, line 1, strike ''**SEC. 13.**''. and insert ''**SEC. 14.**''.

AMENDMENT NO. 4205

In lieu of the matter proposed insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C.

1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the uses of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate regarding—

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performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby.

KERRY AMENDMENTS NOS. 4206–4207

Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4206

On page 17, strike lines 3 through 12 and insert the following:

SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

AMENDMENT NO. 4207

At the appropriate place, insert the following:

SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

HUTCHISON AMENDMENT NO. 4208

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2045, supra; as follows:

At the appropriate place, insert:

SECTION 1. SHORT TITLE.

This title may be cited as the ''International Patient Act of 2000''.

SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND VOLUNTARY DEPARTURE PERIOD FOR CERTAIN NONIMMIGRANT ALIENS REQUIRING MEDICAL TREATMENT WHO WERE ADMITTED UNDER VISA WAIVER PILOT PROGRAM.

Section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)) is amended to read as follows:

(2) PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

(B) 3–YEAR PILOT PROGRAM WAIVER.—During the period October 1, 2000, through September 30, 2003, and subject to subparagraphs (C) and (D)(ii), the Attorney General may, in the discretion of the Attorney General for humanitarian purposes, waive application of subparagraph (A) in the case of an alien—

(i) who was admitted to the United States as a nonimmigrant visitor (described in section 101(a)(15)(B) under the provisions of the visa waiver pilot program established pursuant to section 217, seeks the waiver for the purpose of continuing to receive medical treatment in the United States from a physician associated with a health care facility, and submits to the Attorney General—

(I) a detailed diagnosis statement from the physician, which includes the treatment being sought and the expected time period the alien will be required to remain in the United States;

(II) a statement from the health care facility containing an assurance that the alien's treatment is not being paid through any Federal or State public health assistance, that the alien's account has no outstanding balance, and that such facility will notify the Service when the alien is released or treatment is terminated; and

(III) evidence of financial ability to support the alien's day-to-day expenses while in the United States (including the expenses of any family member described in clause (ii)) and evidence that any such alien or family member is not receiving any form of public assistance; or

(ii) who—

(I) is a spouse, parent, brother, sister, son, daughter, or other family member of a principal alien described in clause (i); and

(II) entered the United States accompanying, and with the same status as, such principal alien.

(C) WAIVER LIMITATIONS.—

(i) Waivers under subparagraph (B) may be granted only upon a request submitted by a Service district office to Service headquarters.

(ii) Not more than 300 waivers may be granted for any fiscal year for a principal alien under subparagraph (B)(i).

(iii)(I) Except as provided in subclause (II), in the case of each principal alien described in subparagraph (B)(i) not more than one adult may be granted a waiver under subparagraph (B)(ii).

(II) Not more than two adults may be granted a waiver under subparagraph (B)(ii) in a case in which—

(aa) the principal alien described in subparagraph (B)(i) is a dependent under the age of 18; or

(bb) one such adult is age 55 or older or is physically handicapped.

(D) REPORT TO CONGRESS; SUSPENSION OF WAIVER AUTHORITY.—

(i) Not later than March 30 of each year, the Commissioner shall submit to the Congress an annual report regarding all waivers granted under subparagraph (B) during the preceding fiscal year.

(ii) Notwithstanding any other provision of law, the authority of the Attorney General under subparagraph (B) shall be suspended during any period in which an annual report under clause (i) is past due and has not been submitted.

STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

DEWINE AMENDMENT NO. 4209

Mr. GORTON (for Mr. DEWINE) proposed an amendment to the bill (S. 2272) to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; as follows:

On page 23, line 4, strike ''fiscal year 2001'' and insert ''the period of fiscal years 2001 and 2002''.

On page 24, line 13, strike ''fiscal year 2001'' and insert ''the period of fiscal years 2001 and 2002''.

HEALTH CARE PROVIDER BILL OF RIGHTS

ABRAHAM (AND MURKOWSKI) AMENDMENT NO. 4210

(Ordered referred to the Committee on Finance.)

Mr. ABRAHAM (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill (S. 2999) to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the Medicare Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Health Care Providers Bill of Rights Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—REGULATORY REFORM

Sec. 101. Prospective application of certain regulations.
Sec. 102. Requirements for judicial and regulatory challenges of regulations.
Sec. 103. Prohibition of recovering past overpayments by certain means.
Sec. 104. Prohibition of recovering past overpayments if appeal pending.

TITLE II—APPEALS PROCESS REFORMS

Sec. 201. Reform of post-payment audit process.
Sec. 202. Definitions relating to protections for physicians, suppliers, and providers of services.
Sec. 203. Right to appeal on behalf of deceased beneficiaries.

TITLE III—EDUCATION COMPONENTS

Sec. 301. Designated funding levels for provider education.
Sec. 302. Advisory opinions.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

Sec. 401. Inclusion of regulatory costs in the calculation of the sustainable growth rate.

TITLE V—STUDIES AND REPORTS

Sec. 501. GAO audit and report on compliance with certain statutory administrative procedure requirements.
Sec. 502. GAO study and report on provider participation.
Sec. 503. GAO audit of random sample audits.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Physicians, providers of services, and suppliers of medical equipment and supplies that participate in the medicare program under title XVIII of the Social Security Act must contend with over 100,000 pages of complex medicare regulations, most of which are unknowable to the average health care provider.

(2) Many physicians are choosing to discontinue participation in the medicare program to avoid becoming the target of an overzealous Government investigation regarding compliance with the extensive regulations governing the submission and payment of medicare claims.

(3) Health Care Financing Administration contractors send post-payment review letters to physicians that require the physician to submit to additional substantial Government interference with the practice of the physician in order to preserve the physician's right to due process.

(4) When a Health Care Financing Administration contractor sends a post-payment review letter to a physician, that contractor often has no telephone or face-to-face communication with the physician, provider of services, or supplier.

(5) The Health Care Financing Administration targets billing errors as though health care providers have committed fraudulent acts, but has not adequately educated physicians, providers of services, and suppliers regarding medicare billing requirements.

(6) The Office of the Inspector General of the Department of Health and Human Services found that 75 percent of surveyed physicians had never received any educational materials from a Health Care Financing Administration contractor concerning the equipment and supply ordering process.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICABLE AUTHORITY.—The term ''applicable authority'' has the meaning given such term in section 1861(uu)(1) of the Social Security Act (as added by section 202).

(2) CARRIER.—The term ''carrier'' means a carrier (as defined in section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f))) with a contract under title XVIII of such Act to administer benefits under part B of such title.

(3) EXTRAPOLATION.—The term ''extrapolation'' has the meaning given such term in section 1861(uu)(2) of the Social Security Act (as added by section 202).

(4) FISCAL INTERMEDIARY.—The term ''fiscal intermediary'' means a fiscal intermediary (as defined in section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a))) with an agreement under section 1816 of such Act to administer benefits under part A or B of such title.

(5) HEALTH CARE PROVIDER.—The term ''health care provider'' has the meaning given the term ''eligible provider'' in section 1897(a)(2) of the Social Security Act (as added by section 301).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) PREPAYMENT REVIEW.—The term ''prepayment review'' has the meaning given such term in section 1861(uu)(3) of the Social Security Act (as added by section 202).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE I—REGULATORY REFORM

SEC. 101. PROSPECTIVE APPLICATION OF CERTAIN REGULATIONS.

Section 1871(a) of the Social Security Act (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

''(3) Any regulation described under paragraph (2) may not take effect earlier than the date on which such regulation becomes a final regulation. Any regulation described under such paragraph that applies to an agency action, including any agency determination, shall only apply as that regulation is in effect at the time that agency action is taken.''.

SEC. 102. REQUIREMENTS FOR JUDICIAL AND REGULATORY CHALLENGES OF REGULATIONS.

(a) RIGHT TO CHALLENGE CONSTITUTIONALITY AND STATUTORY AUTHORITY OF HCFA REGULATIONS.—Section 1872 of the Social Security Act (42 U.S.C. 1395ii) is amended to read as follows:

''APPLICATION OF CERTAIN PROVISIONS OF TITLE II

''SEC. 1872. The provisions of sections 206 and 216(j), and of subsections (a), (d), (e), (h), (i), (j), (k), and (l) of section 205, shall also apply with respect to this title to the same extent as they are applicable with respect to title II, except that—

''(1) in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively; and

''(2) section 205(h) shall not apply with respect to any action brought against the Secretary under section 1331 or 1346 of title 28, United States Code, regardless of whether such action is unrelated to a specific determination of the Secretary, that challenges—

''(A) the constitutionality of substantive or interpretive rules of general applicability issued by the Secretary;

''(B) the Secretary's statutory authority to promulgate such substantive or interpretive rules of general applicability; or

''(C) a finding of good cause under subparagraph (B) of the sentence following section 553(b)(3) of title 5, United States Code, if used in the promulgation of substantive or interpretive rules of general applicability issued by the Secretary.''.

(b) ADMINISTRATIVE AND JUDICIAL REVIEW OF SECRETARY DETERMINATIONS.—Section 1866(h) of the Act (42 U.S.C. 1395cc(h)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) Except as provided in paragraph (3), an institution or agency dissatisfied with a determination by the Secretary that it is not a provider of services or with a determination described in subsection (b)(2) (regardless of whether such determination has been made by the Secretary or by a State pursuant to an agreement entered into with the Secretary under section 1864 and regardless of whether the Secretary has imposed or may impose a remedy, penalty, or other sanction on the institution or agency in connection with such determination) shall be entitled to a hearing thereon by the Secretary (after reasonable notice) to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g), except that in so applying such sections and in applying section 205(l) thereto, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively, and such hearings are subject to the deadlines in paragraph (2) hereof.'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2)(A)(i) Except as provided in clause (ii), an administrative law judge shall conduct and conclude a hearing on a determination described in subsection (b)(2) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

''(ii) The 90-day period under subclause (I) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

''(B) The Department Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in subparagraph (A) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

''(C) In the case of a failure by an administrative law judge to render a decision by the end of the period described in clause (i), the party requesting the hearing may request a review by the Departmental Appeals Board

of the Departmental of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

''(D) In the case of a request described in clause (iii), the Departmental Appeals Board shall review the case de novo. In the case of the failure of the Departmental Appeals Board to render a decision on such hearing by not later than the end of the 60-day period beginning on the date a request for such a Department Appeals Board hearing has been filed, the party requesting the hearing may seek judicial review of the Secretary's decision, notwithstanding any requirements for a hearing for purposes of the party's right to such review.

''(E) In the case of a request described in clause (iv), the court shall review the case de novo.''.

SEC. 103. PROHIBITION OF RECOVERING PAST OVERPAYMENTS BY CERTAIN MEANS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding sections 1815(a), 1842(b), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii)), or any other provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not offset any future payment to a health care provider to recoup a previously made overpayment, but instead shall establish a repayment plan to recoup such an overpayment.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

SEC. 104. PROHIBITION OF RECOVERING PAST OVERPAYMENTS IF APPEAL PENDING.

(a) IN GENERAL.—Notwithstanding any provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not take any action (or authorize any other person, including any fiscal intermediary, carrier, and contractor under section 1893 of such Act (42 U.S.C. 1395ddd)) to recoup an overpayment during the period in which a health care provider is appealing a determination that such an overpayment has been made or the amount of the overpayment.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

TITLE II—APPEALS PROCESS REFORMS

SEC. 201. REFORM OF POST-PAYMENT AUDIT PROCESS.

(a) COMMUNICATIONS TO PHYSICIANS.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

''(u)(1)(A) Except as provided in paragraph (2), in carrying out its contract under subsection (b)(3), with respect to physicians' services, the carrier shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

''(i) the carrier or a contractor under section 1893 has not requested any relevant record or file; and

''(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

''(B)(i) During the 1-year period beginning on the date on which a physician receives an overpayment, the physician may return the overpayment to the carrier making such overpayment without any penalty.

''(ii) If a physician returns an overpayment under clause (i), neither the carrier nor the contractor under section 1893 may begin an investigation or target such physician based on any claim associated with the amount the physician has repaid.

''(C) The carrier or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the physician has not been the subject of a post-payment audit.

''(D) As part of any written consent settlement communication, the carrier or a contractor under section 1893 shall clearly state that the physician may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

''(E) As part of the administrative appeals process for any amount in controversy, a physician may directly appeal any adverse determination of the carrier or a contractor under section 1893 to an administrative law judge.

''(F)(i) Each consent settlement communication from the carrier or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the physician submits an actual or projected repayment to the carrier or a contractor under section 1893. Any prepayment review shall cease if the physician demonstrates to the carrier that the physician has properly submitted clean claims (as defined in section 1816(c)(2)(B)(i)).

''(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

''(2) If a carrier or a contractor under section 1893 identifies (before or during post-payment review activities) that a physician has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such physician, the carrier or a contractor under section 1893 shall contact the physician by telephone or in person at the physician's place of business during regular business hours and shall—

''(i) identify the billing anomaly;

''(ii) inform the physician of how to address the anomaly; and

''(iii) describe the type of coding or documentation that is required for the claim.''.

(b) COMMUNICATIONS TO PROVIDERS OF SERVICES.—Section 1816 of the Social Security Act (42 U.S.C. 1395h) is amended by adding at the end the following new subsection:

''(m)(1)(A) Except as provided in paragraph (2), in carrying out its agreement under this section, with respect to payment for items and services furnished under this part, the fiscal intermediary shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

''(i) the fiscal intermediary or a contractor under section 1893 has not requested any relevant record or file; and

''(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

''(B)(i) During the 1-year period beginning on the date on which a provider of services receives an overpayment, the provider of services may return the overpayment to the fiscal intermediary making such overpayment without any penalty.

''(ii) If a provider of services returns an overpayment under clause (i), neither the fiscal intermediary, contractor under section 1893, nor any law enforcement agency may begin an investigation or target such provider of services based on any claim associated with the amount the provider of services has repaid.

''(C) The fiscal intermediary or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the provider of services has not been the subject of a post-payment audit.

''(D) As part of any written consent settlement communication, the fiscal intermediary or a contractor under section 1893 shall clearly state that the provider of services may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

''(E) As part of the administrative appeals process for any amount in controversy, a provider of services may directly appeal any adverse determination of the fiscal intermediary or a contractor under section 1893 to an administrative law judge.

''(F)(i) Each consent settlement communication from the fiscal intermediary or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the provider of services submits an actual or projected repayment to the fiscal intermediary or a contractor under section 1893. Any prepayment review shall cease if the provider of services demonstrates to the fiscal intermediary that the provider of services has properly submitted clean claims (as defined in subsection (c)(2)(B)(i)).

''(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

''(2) If a fiscal intermediary or a contractor under section 1893 identifies (before or during post-payment review activities) that a provider of services has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such provider of services, the fiscal intermediary or a contractor under section 1893 shall contact the provider of services by telephone or in person at place of business of such provider of services during regular business hours and shall—

''(i) identify the billing anomaly;

''(ii) inform the provider of services of how to address the anomaly; and

''(iii) describe the type of coding or documentation that is required for the claim.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 202. DEFINITIONS RELATING TO PROTECTIONS FOR PHYSICIANS, SUPPLIERS, AND PROVIDERS OF SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new subsection:

''Definitions Relating to Protections for Physicians, Suppliers, and Providers of Services

''(uu) For purposes of provisions of this title relating to protections for physicians, suppliers of medical equipment and supplies, and providers of services:

''(1) APPLICABLE AUTHORITY.—The term 'applicable authority' means the carrier, contractor under section 1893, or fiscal intermediary that is responsible for making any determination regarding a payment for any item or service under the medicare program under this title.

''(2) EXTRAPOLATION.—The term 'extrapolation' means the application of an overpayment dollar amount to a larger grouping of physician claims than those in the audited sample to calculate a projected overpayment figure.

''(3) PREPAYMENT REVIEW.—The term 'prepayment review' means the carriers' and fiscal intermediaries' practice of withholding

claim reimbursements from eligible providers even if the claims have been properly submitted and reflect medical services provided.''.

SEC. 203. RIGHT TO APPEAL ON BEHALF OF DECEASED BENEFICIARIES.

Notwithstanding section 1870 of the Social Security Act (42 U.S.C. 1395gg) or any other provision of law, the Secretary shall permit any health care provider to appeal any determination of the Secretary under the medicare program on behalf of a deceased beneficiary where no substitute party is available.

TITLE III—EDUCATION COMPONENTS

SEC. 301. DESIGNATED FUNDING LEVELS FOR PROVIDER EDUCATION.

(a) EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS

''SEC. 1897. (a) DEFINITIONS.—In this section:

''(1) EDUCATION PROGRAMS.—The term 'education programs' means programs undertaken in conjunction with Federal, State, and local medical societies, specialty societies, other providers, and the Federal, State, and local associations of such providers that—

''(A) focus on current billing, coding, cost reporting, and documentation laws, regulations, fiscal intermediary and carrier manual instructions;

''(B) place special emphasis on billing, coding, cost reporting, and documentation errors that the Secretary has found occur with the highest frequency; and

''(C) emphasize remedies for these improper billing, coding, cost reporting, and documentation practices.

''(2) ELIGIBLE PROVIDERS.—The term 'eligible provider' means a physician (as defined in section 1861(r)), a provider of services (as defined in section 1861(u)), or a supplier of medical equipment and supplies (as defined in section 1834(j)(5)).

''(b) CONDUCT OF EDUCATION PROGRAMS.—

''(1) IN GENERAL.—Carriers and fiscal intermediaries shall conduct education programs for any eligible provider that submits a claim under paragraph (2)(A).

''(2) ELIGIBLE PROVIDER EDUCATION.—

''(A) SUBMISSION OF CLAIMS AND RECORDS.—Any eligible provider may voluntarily submit any present or prior claim or medical record to the applicable authority (as defined in section 1861(uu)(1)) to determine whether the billing, coding, and documentation associated with the claim is appropriate.

''(B) PROHIBITION OF EXTRAPOLATION.—No claim submitted under subparagraph (A) is subject to any type of extrapolation (as defined in section 1861(uu)(2)).

''(C) SAFE HARBOR.—No submission of a claim or record under this section shall result in the carrier or a contractor under section 1893 beginning an investigation or targeting an individual or entity based on any claim or record submitted under such subparagraph.

''(3) TREATMENT OF IMPROPER CLAIMS.—If the carrier or fiscal intermediary finds a claim to be improper, the eligible provider shall have the following options:

''(A) CORRECTION OF PROBLEMS.—To correct the documentation, coding, or billing problem to appropriately substantiate the claim and either—

''(i) remit the actual overpayment; or

''(ii) receive the appropriate additional payment from the carrier or fiscal intermediary.

''(B) REPAYMENT.—To repay the actual overpayment amount if the service was not covered under the medicare program under this title or if adequate documentation does not exist.

''(4) PROHIBITION OF ELIGIBLE PROVIDER TRACKING.—The applicable authorities may not use the record of attendance of any eligible provider at an education program conducted under this section or the inquiry regarding claims under paragraph (2)(A) to select, identify, or track such eligible provider for the purpose of conducting any type of audit or prepayment review.''.

(b) FUNDING OF EDUCATION PROGRAMS.—

(1) MEDICARE INTEGRITY PROGRAM.—Section 1893(b)(4) of the Social Security Act (42 U.S.C. 1395ddd(b)(4)) is amended by adding at the end the following new sentence: ''No less than 10 percent of the program funds shall be devoted to the education programs for eligible providers under section 1897.''.

(2) CARRIERS.—Section 1842(b)(3)(H) of the Social Security Act (42 U.S.C. 1395u(b)(3)(H)) is amended by adding at the end the following new clause:

''(iii) No less than 2 percent of carrier funds shall be devoted to the education programs for eligible providers under section 1897.''.

(3) FISCAL INTERMEDIARIES.—Section 1816(b)(1) of the Social Security Act (42 U.S.C. 1395h(b)(1)) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking ''; and'' and inserting a comma; and

(C) by adding at the end the following new subparagraph:

''(C) that such agency or organization is using no less than 1 percent of its funding for education programs for eligible providers under section 1897.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 302. ADVISORY OPINIONS.

(a) STRAIGHT ANSWERS.—

(1) IN GENERAL.—Fiscal intermediaries and carriers shall do their utmost to provide health care providers with one, straight and correct answer regarding billing and cost reporting questions under the medicare program, and will, when requested, give their true first and last names to providers.

(2) WRITTEN REQUESTS.—

(A) IN GENERAL.—The Secretary shall establish a process under which a health care provider may request, in writing from a fiscal intermediary or carrier, assistance in addressing questionable coverage, billing, documentation, coding and cost reporting procedures under the medicare program and then the fiscal intermediary or carrier shall respond in writing within 30 business days with the correct billing or procedural answer.

(B) USE OF WRITTEN STATEMENT.—

(i) IN GENERAL.—Subject to clause (ii), a written statement under paragraph (1) may be used as proof against a future payment audit or overpayment determination under the medicare program.

(ii) EXTRAPOLATION PROHIBITION.—Subject to clause (iii), no claim submitted under this section shall be subject to extrapolation.

(iii) LIMITATION ON APPLICATION.—Clauses (i) and (ii) shall not apply to cases of fraudulent billing.

(C) SAFE HARBOR.—If a physician requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) may begin an investigation or target such physician based on any claim cited in the request.

(b) EXTENSION OF EXISTING ADVISORY OPINION PROVISIONS OF LAW.—Section 1128D(b) of the Social Security Act (42 U.S.C. 1320a–7d(b)) is amended—

(1) in paragraph (4), by adding at the end the following new subparagraph:

''(C) SAFE HARBOR.—If a party requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 may begin an investigation or target such party based on any claim cited in the request.''; and

(2) in paragraph (6), by striking, '' and before the date which is 4 years after such date of enactment''.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

SEC. 401. INCLUSION OF REGULATORY COSTS IN THE CALCULATION OF THE SUSTAINABLE GROWTH RATE.

(a) IN GENERAL.—Section 1848(f)(2) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by striking ''SPECIFICATION OF GROWTH RATE.—The sustainable growth rate'' and inserting ''SPECIFICATION OF GROWTH RATE.—

''(A) IN GENERAL.—The sustainable growth rate''; and

(3) by adding at the end the following new subparagraphs:

''(B) INCLUSION OF SGR REGULATORY COSTS.—The Secretary shall include in the estimate established under clause (iv)—

''(i) the costs for each physicians' service resulting from any regulation implemented by the Secretary during the year for which the sustainable growth rate is estimated, including those regulations that may be implemented during such year; and

''(ii) the costs described in subparagraph (C).

''(C) INCLUSION OF OTHER REGULATORY COSTS.—The costs described in this subparagraph are any per procedure costs incurred by each physicians' practice in complying with each regulation promulgated by the Secretary, regardless of whether such regulation affects the fee schedule established under subsection (b)(1).

''(D) INCLUSION OF COSTS IN REGULATORY IMPACT ANALYSES.—With respect to any regulation promulgated on or after January 1, 2001, that may impose a regulatory cost described in subparagraph (B)(i) or (C) on a physician, the Secretary shall include in the regulatory impact analysis accompanying such regulation an estimate of any such cost.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any estimate made by the Secretary of Health and Human Services on or after the date of enactment of this Act.

TITLE V—STUDIES AND REPORTS

SEC. 501. GAO AUDIT AND REPORT ON COMPLIANCE WITH CERTAIN STATUTORY ADMINISTRATIVE PROCEDURE REQUIREMENTS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit of the compliance of the Health Care Financing Administration and all regulations promulgated by the Department of Health and Human Resources under statutes administered by the Health Care Financing Administration with—

(1) the provisions of such statutes;

(2) subchapter II of chapter 5 of title 5, United States Code (including section 553 of such title); and

(3) chapter 6 of title 5, United States Code.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under

subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

SEC. 502. GAO STUDY AND REPORT ON PROVIDER PARTICIPATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on provider participation in the medicare program to determine whether policies or enforcement efforts against health care providers have reduced access to care for medicare beneficiaries. Such study shall include a determination of the total cost to physician, supplier, and provider practices of compliance with medicare laws and regulations, the number of physician, supplier, and provider audits, the actual overpayments assessed in consent settlements, and the attendant projected overpayments communicated to physicians, suppliers, and providers as part of the consent settlement process.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

SEC. 503. GAO AUDIT OF RANDOM SAMPLE AUDITS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit to determine—

(1) the statistical validity of random sample audits conducted under the medicare program before the date of the enactment of this Act;

(2) the necessity of such audits for purposes of administering sections 1815(a), 1842(a), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii));

(3) the effects of the application of such audits to health care providers under sections 1842(b), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(a), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd); and

(4) the percentage of claims found to be improper from these audits, as well as the proportion of the extrapolated overpayment amounts to the overpayment amounts found from the analysis of the original sample.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

LOTT AMENDMENTS NOS. 4211–4217

(Ordered to lie on the table.)

Mr. LOTT submitted seven amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4211

In lieu of the matter proposed, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under

subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

AMENDMENT NO. 4212

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation

shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by

which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

AMENDMENT NO. 4213

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed.

Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

AMENDMENT NO. 4214

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the

new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs

under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted three days after effective date.

AMENDMENT NO. 4215

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be

issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

AMENDMENT NO. 4216

Strike all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days

after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

AMENDMENT NO. 4217

In lieu of the matter proposed, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

''(iii) 195,000 in fiscal year 2000; and

''(iv) 195,000 in fiscal year 2001;

''(v) 195,000 in fiscal year 2002; and''.

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

''(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''55 percent'';

(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''23.5 percent'';

(3) by amending paragraph (4) to read as follows:

''(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

''(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

''(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ''6 percent'' and inserting ''5 percent''; and

(5) in paragraph (6), by striking ''3 percent'' each place it appears and inserting ''2.5 percent''.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''$2,500 per year.'' and inserting ''$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

''(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

''(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

''(1) IN GENERAL.—

''(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

''(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

''(2) GRANTS.—

''(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph

(1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

''(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

''(I) one workforce investment board;

''(II) one community-based organization or higher education institution or labor union; and

''(III) one business or business-related nonprofit organization such as a trade association; and

''(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

''(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

''(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

''(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

''(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

''(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

''(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

''(3) START-UP FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

''(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

''(4) TRAINING OUTCOMES.—

''(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

''(i) hire or effectuate the hiring of unemployed trainees (where applicable);

''(ii) increase the wages or salary of incumbent workers (where applicable); and

''(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

''(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

''(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

''(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

''(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

''(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.''.

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 27, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2052, the Indian tribal development consolidated funding act of 2000, to be followed immediately by a business meeting to mark up S. 1840, the California Indian Land Transfer Act; S. 2665, to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000; H.R. 4643, the Torrez-Martinez Desert Cahuilla Indian Claims Settlement Act; S. 2688, the Native American Languages Act Amendments Act of 2000; S. 2580, the Indian School Construction Act; S. 3031, to make certain technical corrections in laws relating to Native Americans; S. 2920, the Indian Gaming Regulatory Improvement Act of 2000; S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act; and H.R. 1460, to amend the Ysleta Sur and Alabama and Coushatta Indian Tribes of Texas Restoration Act, and for other purposes.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 4, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on alcohol and law enforcement in Alaska.

Those wishing additional information may contact committee staff at 202/224–2251.

RED RIVER BOUNDARY COMPACT

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 785, H.J. Res. 72.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 72) granting the consent of the Congress to the Red River Boundary Compact.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. GORTON. I ask unanimous consent that the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 72) was read the third time and passed.

KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

Mr. GORTON. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 783, H.R. 4700.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4700) to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

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

Mr. LEAHY. Mr. President, I congratulate Congresswoman KAREN MCCARTHY of Missouri, who has worked so hard on this legislation. It provides congressional approval to an interstate compact that is important to her and to the people of Kansas City. I know that she helped establish the Kansas and Missouri Metropolitan Culture District for local efforts to benefit Kansas City and that she has championed this effort to obtain the constitutionally required congressional consent to the compact between Missouri and Kansas in this regard. I am glad the Senate is responding favorably to her efforts and commend her leadership in moving this measure through Congress.

Mr. GORTON. I ask unanimous consent that the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4700) was deemed read the third time and passed.

CONSTRUCTION OF A RECONCILIATION PLACE IN FORT PIERRE, SOUTH DAKOTA

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 745, S. 1658.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1658) to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs;

(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

(A) coordinating economic development efforts;

(B) centralizing expertise concerning Federal assistance; and

(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs;

(6) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships within Indian communities and between Indian and non-Indian communities and individuals; and

(7) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

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

(3) SIOUX NATION.—The term ''Sioux Nation'' means the Indian tribes comprising the Sioux Nation.

TITLE I—RECONCILIATION CENTER

SEC. 101. RECONCILIATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation

with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as ''Reconciliation Place''.

(b) LOCATION.—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as ''The Reconciliation Place Addition'' that is owned on the date of enactment of this Act by the Wakpa Sica Historical Society, Inc., for the purpose of establishing and operating The Reconciliation Place.

(c) PURPOSES.—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(5) To house the National Native American Mediation Training Center to train tribal personnel in conflict resolution and alternative dispute resolution.

(d) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development $18,258,441, to be used for the grant under this section.

SEC. 102. SIOUX NATION SUPREME COURT AND NATIONAL NATIVE AMERICAN MEDIATION TRAINING CENTER.

(a) IN GENERAL.—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and the National Native American Medication Training Center, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

TITLE II—NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL

SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Native American Economic Development Council (in this title referred to as the ''Council''). The Council shall be a charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Council are—

(1) to encourage, accept, and administer private gifts of property;

(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;

(3) to provide members of Indian tribes with the skills and resources necessary for establishing successful businesses;

(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;

(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and

(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.

SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Council shall have a governing Board of Directors (in this title referred to as the ''Board'').

(2) MEMBERSHIP.—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:

(A)(i) 9 members appointed under this paragraph shall represent the 9 reservations of South Dakota.

(ii) Each member described in clause (i) shall—

(I) represent 1 of the reservations described in clause (i); and

(II) be selected from among nominations submitted by the appropriate Indian tribe.

(B) 1 member appointed under this paragraph shall be selected from nominations submitted by the Governor of the State of South Dakota.

(C) 1 member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.

(3) CITIZENSHIP.—Each member of the Board shall be a citizen of the United States.

(b) APPOINTMENTS AND TERMS.—

(1) APPOINTMENT.—Not later than December 31, 2000, the Secretary shall appoint the directors of the Board under subsection (a)(2).

(2) TERMS.—Each director shall serve for a term of 2 years.

(3) VACANCIES.—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.

(4) LIMITATION ON TERMS.—No individual may serve more than 3 consecutive terms as a director.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a term of 2 years.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(g) GENERAL POWERS.—

(1) POWERS.—The Board may complete the organization of the Council by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Council under this Act; and

(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this Act.

(2) EFFECT OF APPOINTMENT.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(3) LIMITATIONS.—The following limitations shall apply with respect to the appointment of officers and employees of the Council:

(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.

(B) Officers and employees of the Council—

(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) SECRETARY OF THE BOARD.—The first officer or employee appointed by the Board shall be the Secretary of the Board. The Secretary of the Board shall—

(A) serve, at the direction of the Board, as its chief operating officer; and

(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.

SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.

(a) CORPORATE POWERS.—To carry out its purposes under section 201(b), the Council shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in South Dakota, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

(b) OTHER POWERS AND OBLIGATIONS.—

(1) IN GENERAL.—The Council—

(A) shall have perpetual succession;

(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(C) shall have its principal offices in South Dakota; and

(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

(2) SERVICE OF NOTICE.—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.

(c) SEAL.—The Council shall have an official seal selected by the Board, which shall be judicially noticed.

(d) CERTAIN INTERESTS.—If any current or future interest of a gift under subsection (a)(1) is for the benefit of the Council, the Council may accept the gift under such subsection, even if that gift is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.

SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) PROVISION OF SERVICES.—The Secretary may provide personnel, facilities, and other administrative services to the Council, including

reimbursement of expenses under section 202, not to exceed then current Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this Act.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

(2) CONTINUATION OF CERTAIN ASSISTANCE.—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.

SEC. 205. VOLUNTEER STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this Act.

(b) INCIDENTAL EXPENSES.—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).

SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.

(b) REPORT.—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN COUNCIL ACTS OR FAILURE TO ACT.—If the Council—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 201(b); or

(2) refuses, fails, or neglects to discharge the obligations of the Council under this Act, or threatens to do so;

then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 207. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council.

SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.

(a) GRANTS.—

(1) IN GENERAL.—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 201(b) in accordance with this section.

(2) GRANT AGREEMENTS.—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).

(3) MATCHING REQUIREMENTS.—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant under this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons and State and local government agencies equivalent to the non-Federal share of the grant.

(4) PROHIBITION ON THE USE OF FEDERAL FUNDS FOR ADMINISTRATIVE EXPENSES.—Each agreement entered into under paragraph (2) shall specify that a reasonable amount of the Federal funds made available to the Council (under the grant that is the subject of the agreement or otherwise), but in no event more that 15 percent of such funds, may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.

(b) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 201(b).

(2) AGENCY HEADS.—The agency heads listed in this paragraph are as follows:

(A) The Secretary of Housing and Urban Development.

(B) The Secretary of the Interior.

(C) The Commissioner of Indian Affairs.

(D) The Assistant Secretary for Economic Development of the Department of Commerce.

(E) The Administrator of the Small Business Administration.

(F) The Administrator of the Rural Development Administration.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of the Interior, $10,000,000 for each of fiscal years 2002, 2003, 2004, 2005, and 2006, to be used in accordance with section 208.

(b) ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Council under any other provision of Federal law.

Mr. GORTON. I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 1658), as amended, was considered read the third time and passed.

NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 765, S. 1929.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1929) a bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native Hawaiian Health Care Improvement Act Reauthorization of 2000''.

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings.
''Sec. 3. Definitions.
''Sec. 4. Declaration of national Native Hawaiian health policy.
''Sec. 5. Comprehensive health care master plan for Native Hawaiians.
''Sec. 6. Functions of Papa Ola Lokahi and Office of Hawaiian Affairs.
''Sec. 7. Native Hawaiian health care.
''Sec. 8. Administrative grant for Papa Ola Lokahi.
''Sec. 9. Administration of grants and contracts.
''Sec. 10. Assignment of personnel.
''Sec. 11. Native Hawaiian health scholarships and fellowships.
''Sec. 12. Report.
''Sec. 13. Use of Federal Government facilities and sources of supply.
''Sec. 14. Demonstration projects of national significance.
''Sec. 15. National Bipartisan Commission on Native Hawaiian Health Care Entitlement.
''Sec. 16. Rule of construction.
''Sec. 17. Compliance with Budget Act.
''Sec. 18. Severability.

''SEC. 2. FINDINGS.

''(a) GENERAL FINDINGS.—Congress makes the following findings:

''(1) Native Hawaiians begin their story with the Kumulipo which details the creation and inter-relationship of all things, including their evolvement as healthy and well people.

''(2) Native Hawaiians are a distinct and unique indigenous peoples with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean, and have a distinct society organized almost 2,000 years ago.

''(3) The health and well-being of Native Hawaiians are intrinsically tied to their deep feelings and attachment to their lands and seas.

''(4) The long-range economic and social changes in Hawaii over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians.

''(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum.

''(6) The Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions. In referring to themselves, Native Hawaiians use the term 'Kanaka Maoli', a term frequently used in the 19th century to describe the native people of Hawaii.

''(7) The constitution and statutes of the State of Hawaii—

''(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

''(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language.

''(8) At the time of the arrival of the first non-indigenous peoples in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based

on communal land tenure with a sophisticated language, culture, and religion.

''(9) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

''(10) Throughout the 19th century and until 1893, the United States—

''(A) recognized the independence of the Hawaiian Nation;

''(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

''(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875 and 1887.

''(11) In 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii.

''(12) In pursuance of that conspiracy, the United States Minister and the naval representative of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii and the United States Minister thereupon extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii in violation of treaties between the 2 nations and of international law.

''(13) In a message to Congress on December 18, 1893, then President Grover Cleveland reported fully and accurately on these illegal actions, and acknowledged that by these acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown, and the President concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair'.

''(14) Queen Lili'uokalani, the lawful monarch of Hawaii, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawaii, promptly petitioned the United States for redress of these wrongs and for restoration of the indigenous government of the Hawaiian nation, but this petition was not acted upon.

''(15) The United States has acknowledged the significance of these events and has apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination in legislation enacted into law in 1993 (Public Law 103–150; 107 Stat. 1510).

''(16) In 1898, the United States annexed Hawaii through the Newlands Resolution without the consent of or compensation to the indigenous peoples of Hawaii or their sovereign government who were thereby denied the mechanism for expression of their inherent sovereignty through self-government and self-determination, their lands and ocean resources.

''(17) Through the Newlands Resolution and the 1900 Organic Act, the Congress received 1,750,000 acres of lands formerly owned by the Crown and Government of the Hawaiian Kingdom and exempted the lands from then existing public land laws of the United States by mandating that the revenue and proceeds from these lands be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes', thereby establishing a special trust relationship between the United States and the inhabitants of Hawaii.

''(18) In 1921, Congress enacted the Hawaiian Homes Commission Act, 1920, which designated 200,000 acres of the ceded public lands for exclusive homesteading by Native Hawaiians, thereby affirming the trust relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

''(19) In 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781 et seq.), a provision to lease lands within the extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance'.

''(20) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges, and legislative amendments affecting the rights of beneficiaries under such Act.

''(21) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of such Act.

''(22) In 1978, the people of Hawaii amended their Constitution to establish the Office of Hawaiian Affairs and assigned to that body the authority to accept and hold real and personal property transferred from any source in trust for the Native Hawaiian people, to receive payments from the State of Hawaii due to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the Public Land Trust created under section 5 of the Admission Act of 1959 (Public Law 83–3), to act as the lead State agency for matters affecting the Native Hawaiian people, and to formulate policy on affairs relating to the Native Hawaiian people.

''(23) The authority of the Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous peoples of the United States includes the authority to legislate in matters affecting the native peoples of Alaska and Hawaii.

''(24) The United States has recognized the authority of the Native Hawaiian people to continue to work towards an appropriate form of sovereignty as defined by the Native Hawaiian people themselves in provisions set forth in legislation returning the Hawaiian Island of Kaho'olawe to custodial management by the State of Hawaii in 1994.

''(25) In furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people. This program is conducted by the Native Hawaiian Health Care Systems, the Native Hawaiian Health Scholarship Program and Papa Ola Lokahi. Health initiatives from these and other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by providing comprehensive disease prevention, health promotion activities and increasing the number of Native Hawaiians in the health and allied health professions. This has been accomplished through the Native Hawaiian Health Care Act of 1988 (Public Law 100–579) and its reauthorization in section 9168 of Public Law 102–396 (106 Stat. 1948).

''(26) This historical and unique legal relationship has been consistently recognized and affirmed by Congress through the enactment of Federal laws which extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.), the American Indian Religious Freedom Act (42 U.S.C. 1996), the National Museum of the American Indian Act (20 U.S.C. 80q et seq.), and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

''(27) The United States has also recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation which authorizes the provision of services to Native Hawaiians, specifically, the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, the Veterans' Benefits and Services Act of 1988, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Native Hawaiian Health Care Act of 1988 (Public Law 100–579), the Health Professions Reauthorization Act of 1988, the Nursing Shortage Reduction and Education Extension Act of 1988, the Handicapped Programs Technical Amendments Act of 1988, the Indian Health Care Amendments of 1988, and the Disadvantaged Minority Health Improvement Act of 1990.

''(28) The United States has also affirmed the historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (Public Law 99–570).

''(29) Further, the United States has recognized that Native Hawaiians, as aboriginal, indigenous, native peoples of Hawaii, are a unique population group in Hawaii and in the continental United States and has so declared in Office of Management and Budget Circular 15 in 1997 and Presidential Executive Order No. 13125, dated June 7, 1999.

''(30) Despite the United States having expressed its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances in Public Law 103–150 (107 Stat. 1510) the unmet health needs of the Native Hawaiian people remain severe and their health status continues to be far below that of the general population of the United States.

''(b) UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

''(1) CHRONIC DISEASE AND ILLNESS.—

''(A) CANCER.—

''(i) IN GENERAL.—With respect to all cancer—

''(I) Native Hawaiians have the highest cancer mortality rates in the State of Hawaii (231.0 out of every 100,000 residents), 45 percent higher than that for the total State population (159.7 out of every 100,000 residents);

''(II) Native Hawaiian males have the highest cancer mortality rates in the State of Hawaii for cancers of the lung, liver and pancreas and for all cancers combined;

''(III) Native Hawaiian females ranked highest in the State of Hawaii for cancers of the lung, liver, pancreas, breast, cervix uteri, corpus uteri, stomach, and rectum, and for all cancers combined;

''(IV) Native Hawaiian males have the highest years of productive life lost from cancer in the State of Hawaii with 8.7 years compared to 6.4 years for all males; and

''(V) Native Hawaiian females have 8.2 years of productive life lost from cancer in the State of Hawaii as compared to 6.4 years for all females in the State of Hawaii;

''(ii) BREAST CANCER.—With respect to breast cancer—

''(I) Native Hawaiians have the highest mortality rates in the State of Hawaii from breast cancer (37.96 out of every 100,000 residents), which is 25 percent higher than that for Caucasian Americans (30.25 out of every 100,000 residents) and 106 percent higher than that for Chinese Americans (18.39 out of every 100,000 residents); and

''(II) nationally, Native Hawaiians have the third highest mortality rates due to breast cancer (25.0 out of every 100,000 residents) following African Americans (31.4 out of every 100,000 residents) and Caucasian Americans (27.0 out of every 100,000 residents).

''(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rates from cancer of the cervix in the State of Hawaii (3.82 out of every 100,000 residents) followed by Filipino Americans (3.33 out of every 100,000 residents) and Caucasian Americans (2.61 out of every 100,000 residents).

''(iv) LUNG CANCER.—Native Hawaiians have the highest mortality rates from lung cancer in the State of Hawaii (90.70 out of every 100,000 residents), which is 61 percent higher than Caucasian Americans, who rank second and 161 percent higher than Japanese Americans, who rank third.

''(v) PROSTATE CANCER.—Native Hawaiian males have the second highest mortality rates due to prostate cancer in the State of Hawaii (25.86 out of every 100,000 residents) with Caucasian Americans having the highest mortality rate from prostate cancer (30.55 out of every 100,000 residents).

''(B) DIABETES.—With respect to diabetes, for the years 1989 through 1991—

''(i) Native Hawaiians had the highest mortality rate due to diabetes mellitis (34.7 out of every 100,000 residents) in the State of Hawaii which is 130 percent higher than the statewide rate for all other races (15.1 out of every 100,000 residents);

''(ii) full-blood Hawaiians had a mortality rate of 93.3 out of every 100,000 residents, which is 518 percent higher than the rate for the statewide population of all other races; and

''(iii) Native Hawaiians who are less than full-blood had a mortality rate of 27.1 out of every 100,000 residents, which is 79 percent higher than the rate for the statewide population of all other races.

''(C) ASTHMA.—With respect to asthma—

''(i) in 1990, Native Hawaiians comprised 44 percent of all asthma cases in the State of Hawaii for those 18 years of age and younger, and 35 percent of all asthma cases reported; and

''(ii) in 1992, the Native Hawaiian rate for asthma was 81.7 out of every 1000 residents, which was 73 percent higher than the rate for the total statewide population of 47.3 out of every 1000 residents.

''(D) CIRCULATORY DISEASES.—

''(i) HEART DISEASE.—With respect to heart disease—

''(I) the death rate for Native Hawaiians from heart disease (333.4 out of every 100,000 residents) is 66 percent higher than for the entire State of Hawaii (201.1 out of every 100,000 residents); and

''(II) Native Hawaiian males have the greatest years of productive life lost in the State of Hawaii where Native Hawaiian males lose an average of 15.5 years and Native Hawaiian females lose an average of 8.2 years due to heart disease, as compared to 7.5 years for all males in the State of Hawaii and 6.4 years for all females.

''(ii) HYPERTENSION.—The death rate for Native Hawaiians from hypertension (3.5 out of every 100,000 residents) is 84 percent higher than that for the entire State (1.9 out of every 100,000 residents).

''(iii) STROKE.—The death rate for Native Hawaiians from stroke (58.3 out of every 100,000 residents) is 13 percent higher than that for the entire State (51.8 out of every 100,000 residents).

''(2) INFECTIOUS DISEASE AND ILLNESS.—The incidence of AIDS for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than that for any other non-Caucasian group in the State of Hawaii.

''(3) INJURIES.—With respect to injuries—

''(A) the death rate for Native Hawaiians from injuries (38.8 out of every 100,000 residents) is 45 percent higher than that for the entire State (26.8 out of every 100,000 residents);

''(B) Native Hawaiian males lose an average of 14 years of productive life lost from injuries as compared to 9.8 years for all other males in Hawaii; and

''(C) Native Hawaiian females lose and average of 4 years of productive life lost from injuries but this rate is the highest rate among all females in the State of Hawaii.

''(4) DENTAL HEALTH.—With respect to dental health—

''(A) Native Hawaiian children exhibit among the highest rates of dental caries in the nation, and the highest in the State of Hawaii as compared to the 5 other major ethnic groups in the State;

''(B) the average number of decayed or filled primary teeth for Native Hawaiian children ages 5 through 9 years was 4.3 as compared with 3.7 for the entire State of Hawaii and 1.9 for the United States; and

''(C) the proportion of Native Hawaiian children ages 5 through 12 years with unmet treatment needs (defined as having active dental caries requiring treatment) is 40 percent as compared with 33 percent for all other races in the State of Hawaii.

''(5) LIFE EXPECTANCY.—With respect to life expectancy—

''(A) Native Hawaiians have the lowest life expectancy of all population groups in the State of Hawaii;

''(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average; and

''(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be about 5 years less than that of the total State population (78.85 years).

''(6) MATERNAL AND CHILD HEALTH.—

''(A) PRENATAL CARE.—With respect to prenatal care—

''(i) as of 1996, Native Hawaiian women have the highest prevalence (21 percent) of having had no prenatal care during their first trimester of pregnancy when compared to the 5 largest ethnic groups in the State of Hawaii;

''(ii) of the mothers in the State of Hawaii who received no prenatal care throughout their pregnancy in 1996, 44 percent were Native Hawaiian;

''(iii) over 65 percent of the referrals to Healthy Start in fiscal years 1996 and 1997 were Native Hawaiian newborns; and

''(iv) in every region of the State of Hawaii, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

''(B) BIRTHS.—With respect to births—

''(i) in 1996, 45 percent of the live births to Native Hawaiian mothers were infants born to single mothers which statistics indicate put infants at higher risk of low birth weight and infant mortality;

''(ii) in 1996, of the births to Native Hawaiian single mothers, 8 percent were low birth weight (under 2500 grams); and

''(iii) of all low birth weight babies born to single mothers in the State of Hawaii, 44 percent were Native Hawaiian.

''(C) TEEN PREGNANCIES.—With respect to births—

''(i) in 1993 and 1994, Native Hawaiians had the highest percentage of teen (individuals who were less than 18 years of age) births (8.1 percent) compared to the rate for all other races in the State of Hawaii (3.6 percent);

''(ii) in 1996, nearly 53 percent of all mothers in Hawaii under 18 years of age were Native Hawaiian;

''(iii) lower rates of abortion (a third lower than for the statewide population) among Hawaiian women may account in part, for the higher percentage of live births;

''(iv) in 1995, of the births to mothers age 14 years and younger in Hawaii, 66 percent were Native Hawaiian; and

''(v) in 1996, of the births in this same group, 48 percent were Native Hawaiian.

''(D) FETAL MORTALITY.—In 1996, Native Hawaiian fetal mortality rates comprised 15 percent of all fetal deaths for the State of Hawaii. However, for fetal deaths occurring in mothers under the age of 18 years, 32 percent were Native Hawaiian, and for mothers 18 through 24 years of age, 28 percent were Native Hawaiians.

''(7) MENTAL HEALTH.—

''(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

''(i) Native Hawaiians represent 38 percent of the total admissions to Department of Health, Alcohol, Drugs and Other Drugs, funded substance abuse treatment programs;

''(ii) in 1997, the prevalence of cigarette smoking by Native Hawaiians was 28.5 percent, a rate that is 53 percent higher than that for all other races in the State of Hawaii which is 18.6 percent;

''(iii) Native Hawaiians have the highest prevalence rates of acute alcohol drinking (31 percent), a rate that is 79 percent higher than that for all other races in the State of Hawaii;

''(iv) the chronic alcohol drinking rate among Native Hawaiians is 54 percent higher than that for all other races in the State of Hawaii;

''(v) in 1991, 40 percent of the Native Hawaiian adults surveyed reported having used marijuana compared with 30 percent for all other races in the State of Hawaii; and

''(vi) nine percent of the Native Hawaiian adults surveyed reported that they are current users (within the past year) of marijuana, compared with 6 percent for all other races in the State of Hawaii.

''(B) CRIME.—With respect to crime—

''(i) in 1996, of the 5,944 arrests that were made for property crimes in the State of Hawaii, arrests of Native Hawaiians comprised 20 percent of that total;

''(ii) Native Hawaiian juveniles comprised a third of all juvenile arrests in 1996;

''(iii) In 1996, Native Hawaiians represented 21 percent of the 8,000 adults arrested for violent crimes in the State of Hawaii, and 38 percent of the 4,066 juvenile arrests;

''(iv) Native Hawaiians are over-represented in the prison population in Hawaii;

''(v) in 1995 and 1996 Native Hawaiians comprised 36.5 percent of the sentenced felon prison population in Hawaii, as compared to 20.5 percent for Caucasian Americans, 3.7 percent for Japanese Americans, and 6 percent for Chinese Americans;

''(vi) in 1995 and 1996 Native Hawaiians made up 45.4 percent of the technical violator population, and at the Hawaii Youth Correctional Facility, Native Hawaiians constituted 51.6 percent of all detainees in fiscal year 1997; and

''(vii) based on anecdotal information from inmates at the Halawa Correction Facilities, Native Hawaiians are estimated to comprise between 60 and 70 percent of all inmates.

''(8) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

''(A) Native Hawaiians age 25 years and older have a comparable rate of high school completion, however, the rates of baccalaureate degree achievement amongst Native Hawaiians are less than the norm in the State of Hawaii (6.9 percent and 15.76 percent respectively);

''(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State of Hawaii; and

''(C) in fiscal year 1997, Native Hawaiians comprised 8 percent of those individuals who earned Bachelor's Degrees, 14 percent of those individuals who earned professional diplomas, 6

percent of those individuals who earned Master's Degrees, and less than 1 percent of individuals who earned doctoral degrees at the University of Hawaii.

"SEC. 3. DEFINITIONS.

''In this Act:

''(1) DEPARTMENT.—The term 'department' means the Department of Health and Human Services.

''(2) DISEASE PREVENTION.—The term 'disease prevention' includes—

''(A) immunizations;

''(B) control of high blood pressure;

''(C) control of sexually transmittable diseases;

''(D) prevention and control of chronic diseases;

''(E) control of toxic agents;

''(F) occupational safety and health;

''(G) injury prevention;

''(H) fluoridation of water;

''(I) control of infectious agents; and

''(J) provision of mental health care.

''(3) HEALTH PROMOTION.—The term 'health promotion' includes—

''(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

''(B) cessation of tobacco smoking;

''(C) reduction in the misuse of alcohol and harmful illicit drugs;

''(D) improvement of nutrition;

''(E) improvement in physical fitness;

''(F) family planning;

''(G) control of stress;

''(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

''(I) integration of cultural approaches to health and well-being, including traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), and ocean (kai).

''(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii) as evidenced by—

''(A) genealogical records,

''(B) kama'aina witness verification from Native Hawaiian Kupuna (elders); or

''(C) birth records of the State of Hawaii or any State or territory of the United States.

''(5) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

''(A) which is organized under the laws of the State of Hawaii;

''(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

''(C) which is a public or nonprofit private entity;

''(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

''(E) which may be composed of as many as 8 Native Hawaiian health care systems as necessary to meet the health care needs of each island's Native Hawaiians; and

''(F) which is—

''(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this chapter for the benefit of Native Hawaiians; and

''(ii) certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements under the contract the Native Hawaiian health care system enters into with the Secretary or the grant the Native Hawaiian health care system receives from the Secretary pursuant to this Act.

''(6) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian Health Center' means any organization that is a primary care provider and that—

''(A) has a governing board that is composed of individuals, at least 50 percent of whom are Native Hawaiians;

''(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

''(C) serves a patient population that—

''(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

''(ii) has not less than 2,500 Native Hawaiians as annual users of services; and

''(D) is recognized by Papa Ola Lokahi has having met all the criteria of this paragraph.

''(7) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term 'Native Hawaiian Health Task Force' means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

''(8) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—

''(A) which serves the interests of Native Hawaiians; and

''(B) which is—

''(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians; and

''(ii) a public or nonprofit private entity.

''(9) OFFICE OF HAWAIIAN AFFAIRS.—The terms 'Office of Hawaiian Affairs' and 'OHA' mean the governmental entity established under Article XII, sections 5 and 6 of the Hawaii State Constitution and charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

''(10) PAPA OLA LOKAHI.—

''(A) IN GENERAL.—The term 'Papa Ola Lokahi' means an organization that is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians. Board members of such organization may include representation from—

''(i) E Ola Mau;

''(ii) the Office of Hawaiian Affairs of the State of Hawaii;

''(iii) Alu Like, Inc.;

''(iv) the University of Hawaii;

''(v) the Hawaii State Department of Health;

''(vi) the Kamehameha Schools, or other Native Hawaiian organization responsible for the administration of the Native Hawaiian Health Scholarship Program;

''(vii) the Hawaii State Primary Care Association, or Native Hawaiian Health Centers whose patient populations are predominantly Native Hawaiian;

''(viii) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

''(ix) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i or Ni'ihau, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands;

''(x) Ke Ola Mamo, or a health care system serving the island of O'ahu and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

''(xi) Na Pu'uwai or a health care system serving the islands of Moloka'i or Lana'i, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands;

''(xii) Hui No Ke Ola Pono, or a health care system serving the island of Maui, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

''(xiii) Hui Malama Ola Na 'Oiwi, or a health care system serving the island of Hawaii, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;

''(xiv) other Native Hawaiian health care systems as certified and recognized by Papa Ola Lokahi in accordance with this Act; and

''(xv) such other member organizations as the Board of Papa Ola Lokahi will admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

''(B) LIMITATION.—Such term does not include any organization described in subparagraph (A) if the Secretary determines that such organization has not developed a mission statement with clearly defined goals and objectives for the contributions the organization will make to the Native Hawaiian health care systems, the national policy as set forth in section 4, and an action plan for carrying out those goals and objectives.

''(11) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—

''(A) services of physicians, physicians' assistants, nurse practitioners, and other health professionals;

''(B) diagnostic laboratory and radiologic services;

''(C) preventive health services including perinatal services, well child services, family planning services, nutrition services, home health services, and, generally, all those services associated with enhanced health and wellness.

''(D) emergency medical services;

''(E) transportation services as required for adequate patient care;

''(F) preventive dental services;

''(G) pharmaceutical and medicament services;

''(H) primary care services that may lead to specialty or tertiary care; and

''(I) complimentary healing practices, including those performed by traditional Native Hawaiian healers.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(13) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

''(A) who—

''(i) is of Native Hawaiian ancestry; and

''(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

''(B) whose knowledge, skills, and experience are based on demonstrated learning of Native Hawaiian healing practices acquired by—

''(i) direct practical association with Native Hawaiian elders; and

''(ii) oral traditions transmitted from generation to generation.

"SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

''(a) CONGRESS.—Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous peoples of Hawaii resulting from the unique and historical relationship between the United States and the indigenous peoples of Hawaii—

''(1) to raise the health status of Native Hawaiians to the highest possible health level; and

''(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

''(b) INTENT OF CONGRESS.—It is the intent of the Congress that—

''(1) health care programs having a demonstrated effect of substantially reducing or eliminating the over-representation of Native Hawaiians among those suffering from chronic and acute disease and illness and addressing the health needs, including perinatal, early child development, and family-based health education, of Native Hawaiians shall be established and implemented; and

''(2) the Nation raise the health status of Native Hawaiians by the year 2010 to at least the levels set forth in the goals contained within Healthy People 2010 or successor standards and to incorporate within health programs, activities defined and identified by Kanaka Maoli which may include—

''(A) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional

practices relating to the atmosphere (lewa lani), land ('aina), water (wai), or ocean (kai);

''(B) increasing the number of health and allied-health care providers who are trained to provide culturally competent care to Native Hawaiians;

''(C) increasing the use of traditional Native Hawaiian foods in peoples' diets and dietary preferences including those of students and the use of these traditional foods in school feeding programs;

''(D) identifying and instituting Native Hawaiian cultural values and practices within the 'corporate cultures' of organizations and agencies providing health services to Native Hawaiians;

''(E) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for those clients desiring such assistance; and

''(F) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers.

''(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to Congress under section 12, a report on the progress made towards meeting the National policy as set forth in this section.

''SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

''(a) DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians, and to support community-based initiatives that are reflective of holistic approaches to health.

''(2) CONSULTATION.—

''(A) IN GENERAL.—Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with the Native Hawaiian health care systems, Native Hawaiian health centers, and the Native Hawaiian community in carrying out this section.

''(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purposes of acquiring joint funding and for other issues as may be necessary to accomplish the objectives of this section.

''(3) HEALTH CARE FINANCING STUDY REPORT.—Not later than 18 months after the date of enactment of this Act, Papa Ola Lokahi in cooperation with the Office of Hawaiian Affairs and other appropriate agencies of the State of Hawaii, including the Department of Health and the Department of Human Services and the Native Hawaiian health care systems and Native Hawaiian health centers, shall submit to Congress a report detailing the impact of current Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians. Such report shall include—

''(A) information concerning the impact of cultural competency, risk assessment data, eligibility requirements and exemptions, and reimbursement policies and capitation rates currently in effect for service providers;

''(B) any other such information as may be important to improving the health status of Native Hawaiians as such information relates to health care financing including barriers to health care; and

''(C) the recommendations for submission to the Secretary for review and consultation with Native Hawaiians.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

''SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI AND OFFICE OF HAWAIIAN AFFAIRS.

''(a) RESPONSIBILITY.—Papa Ola Lokahi shall be responsible for the—

''(1) coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan developed pursuant to section 5;

''(2) training for the persons described in subparagraphs (B) and (C) of section 7(c)(1);

''(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiological, and health services;

''(4) development and maintenance of an institutional review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health services studies; and

''(5) the maintenance of an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out the policy of this Act.

''(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive special project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

''(c) CLEARINGHOUSE.—

''(1) IN GENERAL.—Papa Ola Lokahi shall serve as a clearinghouse for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians;

''(C) the availability of Native Hawaiian project funds, research projects and publications;

''(D) the collaboration of research in the area of Native Hawaiian health; and

''(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

''(2) CONSULTATION.—The Secretary shall provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided to States and to nonprofit groups and organizations from the Department for the purposes set forth in section 4. Such accounting shall include—

''(A) the amount of funds expended explicitly for and benefiting Native Hawaiians;

''(B) the number of Native Hawaiians impacted by these funds;

''(C) the identification of collaborations made with Native Hawaiian groups and organizations in the expenditure of these funds; and

''(D) the amount of funds used for Federal administrative purposes and for the provision of direct services to Native Hawaiians.

''(d) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

''(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts appropriated under this Act.

''(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians.

''(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

''(e) TECHNICAL SUPPORT.—Papa Ola Lokahi may act as a statewide infrastructure to provide technical support and coordination of training and technical assistance to the Native Hawaiian health care systems and to Native Hawaiian health centers.

''(f) RELATIONSHIPS WITH OTHER AGENCIES.—

''(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies or organizations that are capable of providing health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems or of providing resources or services for the implementation of the National policy as set forth in section 4.

''(2) HEALTH CARE FINANCING.—

''(A) FEDERAL CONSULTATION.—Federal agencies providing health care financing and carrying out health care programs, including the Health Care Financing Administration, shall consult with Native Hawaiians and organizations providing health care services to Native Hawaiians prior to the adoption of any policy or regulation that may impact on the provision of services or health insurance coverage. Such consultation shall include the identification of the impact of any proposed policy, rule, or regulation.

''(B) STATE CONSULTATION.—The State of Hawaii shall engage in meaningful consultation with Native Hawaiians and organizations providing health care services to Native Hawaiians in the State of Hawaii prior to making any changes or initiating new programs.

''(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.

''(i) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual or other arrangements, including memoranda of understanding or agreement, with—

''(I) the Health Care Financing Administration;

''(II) the agency of the State of Hawaii that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or

''(III) any other Federal agency or agencies providing full or partial health insurance to Native Hawaiians.

''(ii) CONTENTS OF ARRANGEMENTS.—Arrangements under clause (i) may address—

''(I) appropriate reimbursement for health care services including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

''(II) the scope of services; or

''(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

''(3) TRADITIONAL HEALERS.—The provision of health services under any program operated by the Department or another Federal agency including the Department of Veterans Affairs, may include the services of 'traditional Native Hawaiian healers' as defined in this Act or 'traditional healers' providing 'traditional health care practices' as defined in section 4(r) of Public Law 94–437. Such services shall be exempt from national accreditation reviews, including reviews conducted by the Joint Accreditation Commission on Health Organizations and the Rehabilitation Accreditation Commission.

''SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

''(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—

''(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services, as well as primary health services, to Native Hawaiians who desire and are committed to bettering their own health.

''(2) PREFERENCE.—In making grants and entering into contracts under this subsection, the Secretary shall give preference to Native Hawaiian health care systems and Native Hawaiian organizations and, to the extent feasible, health promotion and disease prevention services shall

be performed through Native Hawaiian health care systems.

''(3) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of paragraph (1) if the entity is a Native Hawaiian health care system or a Native Hawaiian Center.

''(4) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection during any fiscal year.

''(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

''(c) SERVICES TO BE PROVIDED.—

''(1) IN GENERAL.—Each recipient of funds under subsection (a) shall ensure that the following services either are provided or arranged for:

''(A) Outreach services to inform Native Hawaiians of the availability of health services.

''(B) Education in health promotion and disease prevention of the Native Hawaiian population by, wherever possible, Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

''(C) Services of physicians, physicians' assistants, nurse practitioners or other health and allied-health professionals.

''(D) Immunizations.

''(E) Prevention and control of diabetes, high blood pressure, and otitis media.

''(F) Pregnancy and infant care.

''(G) Improvement of nutrition.

''(H) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

''(I) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

''(J) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 3, which are not specifically referred to in subsection (a).

''(K) Support of culturally appropriate activities enhancing health and wellness including land-based, water-based, ocean-based, and spiritually-based projects and programs.

''(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) which are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers.

''(d) FEDERAL TORT CLAIMS ACT.—Individuals who provide medical, dental, or other services referred to in subsection (a)(1) for Native Hawaiian health care systems, including providers of traditional Native Hawaiian healing services, shall be treated as if such individuals were members of the Public Health Service and shall be covered under the provisions of section 224 of the Public Health Service Act.

''(e) SITE FOR OTHER FEDERAL PAYMENTS.—A Native Hawaiian health care system that receives funds under subsection (a) shall provide a designated area and appropriate staff to serve as a Federal loan repayment facility. Such facility shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to such professionals under any Federal loan program.

''(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under such grant or contract will not, directly or through contract, be expended—

''(1) for any services other than the services described in subsection (c)(1); or

''(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

''(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or through contract—

''(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

''(2) the entity will impose a charge for the delivery of health services, and such charge—

''(A) will be made according to a schedule of charges that is made available to the public; and

''(B) will be adjusted to reflect the income of the individual involved.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) GENERAL GRANTS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (a).

''(2) PLANNING GRANTS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (b).

"SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

''(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

''(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed pursuant to section 5;

''(2) training for the persons described section 7(c)(1);

''(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiologic, and health services;

''(4) the maintenance of an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out the policy of this Act;

''(5) a clearinghouse function for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians; and

''(C) the availability of Native Hawaiian project funds, research projects and publications;

''(6) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;

''(7) the coordination of the health care programs and services provided to Native Hawaiians; and

''(8) the administration of special project funds.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (a).

"SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

''(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

''(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

''(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—

''(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

''(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

''(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

''(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

''(B) has designated at least 1 individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

''(4) with respect to health services that are covered under programs under titles XVIII, XIX, or XXI of the Social Security Act, including any State plan, or under any other Federal health insurance plan—

''(A) if the entity will provide under the grant or contract any such health services directly—

''(i) the entity has entered into a participation agreement under such plans; and

''(ii) the entity is qualified to receive payments under such plan; and

''(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

''(i) the organization has entered into a participation agreement under such plan; and

''(ii) the organization is qualified to receive payments under such plan; and

''(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

''(d) CONTRACT EVALUATION.—

''(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance.

''(2) NONRENEWAL.—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary shall not renew the contract with such entity and may enter into a contract under section 7 with another entity referred to in subsection (a)(3) of such section that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this paragraph.

''(3) CONSIDERATION OF RESULTS.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

''(4) APPLICATION OF FEDERAL LAWS.—All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations, except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

''(5) PAYMENTS.—Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

''(e) REPORT.—

''(1) IN GENERAL.—For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi an annual report—

''(A) on the activities conducted by the entity under the grant or contract;

''(B) on the amounts and purposes for which Federal funds were expended; and

''(C) containing such other information as the Secretary may request.

''(2) AUDITS.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of the Department of Health and Human Services, and the Comptroller General of the United States.

''(f) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.

''SEC. 10. ASSIGNMENT OF PERSONNEL.

''(a) IN GENERAL.—The Secretary may enter into an agreement with any entity under which the Secretary may assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

''(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

''SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

''(a) ELIGIBILITY.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide funds through a direct grant or a cooperative agreement to Kamehameha Schools or another Native Hawaiian organization or health care organization with experience in the administration of educational scholarships or placement services for the purpose of providing scholarship assistance to students who—

''(1) meet the requirements of section 338A of the Public Health Service Act, except for assistance as provided for under subsection (b)(2); and

''(2) are Native Hawaiians.

''(b) PRIORITY.—A priority for scholarships under subsection (a) may be provided to employees of the Native Hawaiian Health Care Systems and the Native Hawaiian Health Centers.

''(c) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—The scholarship assistance under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules as apply to scholarship assistance provided under section 338A of the Public Health Service Act (except as provided for in paragraph (2)), except that—

''(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve the Native Hawaiian community as identified by Papa Ola Lokahi;

''(B) to the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by the Kamehameha Schools or the Native Hawaiian organization administering the program;

''(C) the obligated service requirement for each scholarship recipient (except for those receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

''(i) any one of the Native Hawaiian health care systems or Native Hawaiian health centers;

''(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii; or

''(iii) a geographical area, facility, or organization that serves a significant Native Hawaiian population;

''(D) the scholarship's placement service shall assign Native Hawaiian scholarship recipients to appropriate sites for service.

''(E) the provision of counseling, retention and other support services shall not be limited to scholarship recipients, but shall also include recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

''(F) financial assistance may be provided to scholarship recipients in those health professions designated in such section 338A of the Public Health Service Act while they are fulfilling their service requirement in any one of the Native Hawaiian health care systems or community health centers.

''(2) FELLOWSHIPS.—Financial assistance through fellowships may be provided to Native Hawaiian community health representatives, outreach workers, and health program administrators in professional training programs, and to Native Hawaiians in certificated programs provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices including lomi-lomi, la'au lapa'au, and ho'oponopono. Such assistance may include a stipend or reimbursement for costs associated with participation in the program.

''(3) RIGHTS AND BENEFITS.—Scholarship recipients in health professions designated in section 338A of the Public Health Service Act while fulfilling their service requirements shall have all the same rights and benefits of members of the National Health Service Corps during their period of service.

''(4) NO INCLUSION OF ASSISTANCE IN GROSS INCOME.—Financial assistance provided under section 11 shall be deemed 'Qualified Scholarships' for purposes of the section amended by section 123(a) of Public Law 99–514, as amended.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 for the purpose of funding the scholarship assistance program under subsection (a) and fellowship assistance under subsection (c)(2).

''SEC. 12. REPORT.

''The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to Congress a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Native Hawaiians, and ensure a health status for Native Hawaiians, which are at a parity with the health services available to, and the health status of, the general population.

''SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

''(a) IN GENERAL.—The Secretary shall permit organizations that receive contracts or grants under this Act, in carrying out such contracts or grants, to use existing facilities and all equipment therein or under the jurisdiction of the Secretary under such terms and conditions as may be agreed upon for the use and maintenance of such facilities or equipment.

''(b) DONATION OF PROPERTY.—The Secretary may donate to organizations that receive contracts or grants under this Act any personal or real property determined to be in excess of the needs of the Department or the General Services Administration for purposes of carrying out such contracts or grants.

''(c) ACQUISITION OF SURPLUS PROPERTY.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to organizations that receive contracts or grants under this Act if the Secretary determines that the property is appropriate for the use by the organization for the purpose for which a contract or grant is authorized under this Act.

''SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) AUTHORITY AND AREAS OF INTEREST.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts appropriated under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance. The areas of interest of such projects may include—

''(1) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

''(2) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

''(3) the integration of Western medicine with complementary healing practices including traditional Native Hawaiian healing practices;

''(4) the use of tele-wellness and telecommunications in chronic disease management and health promotion and disease prevention;

''(5) the development of appropriate models of health care for Native Hawaiians and other indigenous peoples including the provision of culturally competent health services, related activities focusing on wellness concepts, the development of appropriate kupuna care programs, and the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

''(6) the establishment of a Native Hawaiian Center of Excellence for Nursing at the University of Hawaii at Hilo, a Native Hawaiian Center of Excellence for Mental Health at the University of Hawaii at Manoa, a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center, and a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital and a Native Hawaiian Center of Excellence for Complimentary Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.

''(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in a reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out their respective responsibilities under this Act.

''SEC. 15. NATIONAL BIPARTISAN COMMISSION ON NATIVE HAWAIIAN HEALTH CARE ENTITLEMENT.

''(a) ESTABLISHMENT.—There is hereby established a National Bipartisan Native Hawaiian Health Care Entitlement Commission (referred to in this Act as the 'Commission').

''(b) MEMBERSHIP.—The Commission shall be composed of 21 members to be appointed as follows:

''(1) CONGRESSIONAL MEMBERS.—

''(A) APPOINTMENT.—Eight members of the Commission shall be members of Congress, of which—

''(i) two members shall be from the House of Representatives and shall be appointed by the Majority Leader;

''(ii) two members shall be from the House of Representatives and shall be appointed by the Minority Leader;

''(iii) two members shall be from the Senate and shall be appointed by the Majority Leader; and

''(iv) two members shall be from the Senate and shall be appointed by the Minority Leader.

''(B) RELEVANT COMMITTEE MEMBERSHIP.—The members of the Commission appointed under subparagraph (A) shall each be members of the committees of Congress that consider legislation affecting the provision of health care to Native Hawaiians and other Native Americans.

''(C) CHAIRPERSON.—The members of the Commission appointed under subparagraph (A) shall elect the chairperson and vice-chairperson of the Commission.

''(2) HAWAIIAN HEALTH MEMBERS.—Eleven members of the Commission shall be appointed by Hawaiian health entities, of which—

''(A) five members shall be appointed by the Native Hawaiian Health Care Systems;

''(B) one member shall be appointed by the Hawaii State Primary Care Association;

''(C) one member shall be appointed by Papa Ola Lokahi;

''(D) one member shall be appointed by the Native Hawaiian Health Task Force;

''(E) one member shall be appointed by the Office of Hawaiian Affairs; and

''(F) two members shall be appointed by the Association of Hawaiian Civic Clubs and shall represent Native Hawaiian populations residing in the continental United States.

''(3) SECRETARIAL MEMBERS.—Two members of the Commission shall be appointed by the Secretary and shall possess knowledge of Native Hawaiian health concerns and wellness.

''(c) TERMS.—

''(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

''(2) INITIAL APPOINTMENT OF MEMBERS.—The members of the Commission shall be appointed under subsection (b)(1) not later than 90 days after the date of enactment of this Act, and the remaining members of the Commission shall be appointed not later than 60 days after the date on which the members are appointed under such subsection (b)(1).

''(3) VACANCIES.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

''(d) DUTIES OF THE COMMISSION.—The Commission shall carry out the following duties and functions:

''(1) Review and analyze the recommendations of the report of the study committee established under paragraph (3).

''(2) Make recommendations to Congress for the provision of health services to Native Hawaiian individuals as an entitlement, giving due regard to the effects of a program on existing health care delivery systems for Native Hawaiians and the effect of such programs on self-determination and the reconciliation of their relationship with the United States.

''(3) Establish a study committee to be composed of at least 10 members from the Commission, including 4 members of the members appointed under subsection (b)(1), 5 of the members appointed under subsection (b)(2), and 1 of the members appointed by the Secretary under subsection (b)(3), which shall—

''(A) to the extent necessary to carry out its duties, collect, compile, qualify, and analyze data necessary to understand the extent of Native Hawaiian needs with regard to the provision of health services, including holding hearings and soliciting the views of Native Hawaiians and Native Hawaiian organizations, and which may include authorizing and funding feasibility studies of various models for all Native Hawaiian beneficiaries and their families, including those that live in the continental United States;

''(B) make recommendations to the Commission for legislation that will provide for the culturally-competent and appropriate provision of health services for Native Hawaiians as an entitlement, which shall, at a minimum, address issues of eligibility and benefits to be provided, including recommendations regarding from whom such health services are to be provided and the cost and mechanisms for funding of the health services to be provided;

''(C) determine the effect of the enactment of such recommendations on the existing system of delivery of health services for Native Hawaiians;

''(D) determine the effect of a health service entitlement program for Native Hawaiian individuals on their self-determination and the reconciliation of their relationship with the United States;

''(E) not later than 12 months after the date of the appointment of all members of the Commission, make a written report of its findings and recommendations to the Commission, which report shall include a statement of the minority and majority position of the committee and which shall be disseminated, at a minimum, to Native Hawaiian organizations and agencies and health organizations referred to in subsection (b)(2) for comment to the Commission; and

''(F) report regularly to the full Commission regarding the findings and recommendations developed by the committee in the course of carrying out its duties under this section.

''(4) Not later than 18 months after the date of the appointment of all members of the Commission, submit a written report to Congress containing a recommendation of policies and legislation to implement a policy that would establish a health care system for Native Hawaiians, grounded in their culture, and based on the delivery of health services as an entitlement, together with a determination of the implications of such an entitlement system on existing health care delivery systems for Native Hawaiians and their self-determination and the reconciliation of their relationship with the United States.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) COMPENSATION AND EXPENSES.—

''(A) CONGRESSIONAL MEMBERS.—Each member of the Commission appointed under subsection (b)(1) shall not receive any additional compensation, allowances, or benefits by reason of their service on the Commission. Such members shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

''(B) OTHER MEMBERS.—The members of the Commission appointed under paragraphs (2) and (3) of subsection (b) shall, while serving on the business of the Commission (including travel time), receive compensation at the per diem equivalent of the rate provided for individuals under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while serving away from their home or regular place of business, be allowed travel expenses, as authorized by the chairperson of the Commission.

''(C) OTHER PERSONNEL.—For purposes of compensation (other than compensation of the members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the Senate.

''(2) MEETINGS AND QUORUM.—

''(A) MEETINGS.—The Commission shall meet at the call of the chairperson.

''(B) QUORUM.—A quorum of the Commission shall consist of not less than 12 members, of which—

''(i) not less than 4 of such members shall be appointees under subsection (b)(1);

''(ii) not less than 7 of such members shall be appointees under subsection (b)(2); and

''(iii) not less than 1 of such members shall be an appointee under subsection (b)(3).

''(3) DIRECTOR AND STAFF.—

''(A) EXECUTIVE DIRECTOR.—The members of the Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay equal to that under level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(B) STAFF.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

''(C) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

''(D) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(E) FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operations of the Commission in Washington, D.C. and in the State of Hawaii. The Washington, D.C. facilities shall serve as the headquarters of the Commission while the Hawaii office shall serve a liaison function. Both such offices shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

''(f) POWERS.—

''(1) HEARINGS AND OTHER ACTIVITIES.—For purposes of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, except that at least 8 hearings shall be held on each of the Hawaiian Islands and 3 hearings in the continental United States in areas where a significant population of Native Hawaiians reside. Such hearings shall be held to solicit the views of Native Hawaiians regarding the delivery of health care services to such individuals. To constitute a hearing under this paragraph, at least 4 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established under subsection (d)(3) may be counted towards the number of hearings required under this paragraph.

''(2) STUDIES BY THE GENERAL ACCOUNTING OFFICE.—Upon the request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

''(3) COST ESTIMATES.—

''(A) IN GENERAL.—The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administration, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

''(B) REIMBURSEMENTS.—The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

''(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employees.

''(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of any Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

''(6) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

''(7) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out its duties, if the information

may be disclosed under section 552 of title 5, United States Code. Upon request of the chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

''(8) SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

''(9) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. The amount appropriated under this subsection shall not result in a reduction in any other appropriation for health care or health services for Native Hawaiians.

''SEC. 16. RULE OF CONSTRUCTION.

''Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.

''SEC. 17. COMPLIANCE WITH BUDGET ACT.

''Any new spending authority (described in subparagraph (A) of (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2) (A) or (B))) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in appropriation Acts.

''SEC. 18. SEVERABILITY.

''If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.''.

Mr. GORTON. Mr. President, I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1929), as amended, was read the third time and passed.

STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 737, S. 2272.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2272) to improve the administrative efficiency and effectiveness of the nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

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

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT (SANCA)

Mr. LEAHY. Mr. President, I am pleased that the Senate today is passing S. 2272, the Strengthening Abuse and Neglect Courts Act, SANCA. I strongly support this legislation, which will provide much needed dollars to the Nation's overburdened abuse and neglect courts. We added to their burdens in 1997, by passing the Adoption and Safe Families Act, ASFA, without providing adequate funding to assure effective implementation. Courts nationwide are struggling to meet the accelerated timelines and other requirements of that legislation, which was intended to expedite the process of securing safe, permanent, and loving homes for abused and neglected children.

SANCA will help ease the pressure, by making available to State and local courts some Federal funding to assure timely court hearings and reduce the case backlogs created by the ASFA. Both the Conference of Chief Justices and the Conference of State Court Administrators have adopted resolutions in support of SANCA. It is without doubt a good idea.

This legislation authorizes $10 million over five years to assist state and local courts to develop and implement automated case tracking systems for abuse and neglect proceeding. It authorizes another $10 million to reduce existing backlogs of abuse and neglect cases, plus $5 million to expand the Court-Appointed Special Advocate, CASA, program in underserved areas. That is a total of $25 million that would help address a very real problem that we in Congress helped to create.

In my own State of Vermont, the courts are committed to implementing the ASFA and reducing the amount of time spent by children in foster care settings. But they are having trouble meeting the Federal law's tight deadlines and procedural requirements.

My only concern with S. 2272 is the competitive grant method that it adopts for allocating grant money. By contrast, the model for S. 2272—the Court Improvement Project, or CIP—allocates money by formula. Congress created the CIP grant program in 1993, to assist State courts in improving their handling of child abuse and neglect cases. On an annual basis, each State is awarded $85,000, and the remainder of the funds are distributed by formula based on the proportionate population of children in the States. This has been a highly successful program. States have combined CIP funds with State and local dollars to make sweeping changes in the way they handle child abuse and neglect cases.

Under SANCA, State and local courts would compete against each other for a relatively small number of grants, and many will get no help at all, even if their needs are great. I understand that there is companion legislation, the ''Training and Knowledge Ensure Children a Risk-Free Environment, TAKE CARE, Act,'' S. 2271, which would authorize increased assistance for every State to help improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts. That bill was referred to the Committee on Finance, which has yet to consider it. It is my hope that the Senate will take up and pass S. 2271 before the end of this legislative session.

Many other important bills remain pending before this body as we head into the final weeks of the 106th Congress. I want to highlight one bill, which I introduced with Senators DEWINE and ROBB this summer, and which the Judiciary Committee reported by unanimous consent last week. The Computer Crime Enforcement Act, S. 1314, would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and Fraternal Order of Police. I hope all Senators can join us in our bipartisan effort to provide our state and local partners in crime fighting with the resources they need in the battle against computer crime.

I commend Senator DEWINE and Senator ROCKEFELLER for their leadership on the SANCA legislation and urge its speedy passage into law.

AMENDMENT NO. 4209

Mr. GORTON. Senator DEWINE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DEWINE, proposes an amendment numbered 4209.

The amendment is as follows:

(Purpose: To extend the authorization of appropriations for an additional year)

On page 23, line 4, strike ''fiscal year 2001'' and insert ''the period of fiscal years 2001 and 2002''.

On page 24, line 13, strike ''fiscal year 2001'' and insert ''the period of fiscal years 2001 and 2002''.

Mr. GORTON. I ask unanimous consent the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4209) was agreed to.

The bill (S. 2272), as amended, was read the third time and passed, as follows:

S. 2272

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 ''Strengthening Abuse and Neglect Courts Act of 2000''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in

the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for caseflow procedures, case management, representation of children, automated interagency interfaces, and ''best practices'' standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. DEFINITIONS.

In this Act:

(a) ABUSE AND NEGLECT COURTS.—The term ''abuse and neglect courts'' means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) AGENCY ATTORNEY.—The term ''agency attorney'' means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) APPLICATION.—

(1) IN GENERAL.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) INFORMATION REQUIRED.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to

refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2001 through 2005.

SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

(a) AUTHORITY TO AWARD GRANTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this

section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for the period of fiscal years 2001 and 2002 $10,000,000 for the purpose of making grants under this section.

SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) DETERMINATION OF URBAN AND RURAL AREAS.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for the period of fiscal years 2001 and 2002.

AMERICA'S LAW ENFORCEMENT AND MENTAL HEALTH PROJECT

Mr. GORTON. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 734, S. 1865.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1865) to provide grants to establish demonstration mental health courts.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''America's Law Enforcement and Mental Health Project''.

SEC. 2. FINDINGS.

Congress finds that—

(1) fully 16 percent of all inmates in State prisons and local jails suffer from mental illness, according to a July, 1999 report, conducted by the Bureau of Justice Statistics;

(2) between 600,000 and 700,000 mentally ill persons are annually booked in jail alone, according to the American Jail Association;

(3) estimates say 25 to 40 percent of America's mentally ill will come into contact with the criminal justice system, according to National Alliance for the Mentally Ill;

(4) 75 percent of mentally ill inmates have been sentenced to time in prison or jail or probation at least once prior to their current sentence, according to the Bureau of Justice Statistics in July, 1999; and

(5) Broward County, Florida and King County, Washington, have created separate Mental Health Courts to place nonviolent mentally ill offenders into judicially monitored in-patient and out-patient mental health treatment programs, where appropriate, with positive results.

SEC. 3. MENTAL HEALTH COURTS.

(a) AMENDMENT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:

''PART V—MENTAL HEALTH COURTS

''SEC. 2201. GRANT AUTHORITY.

''The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—

''(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and

''(2) the coordinated delivery of services, which includes—

''(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;

''(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;

''(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant's cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and

''(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.

''SEC. 2202. DEFINITIONS.

''In this part—

''(1) the term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—

''(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

''(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; and

''(2) the term 'preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders' means a person who—

''(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or

''(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

''(B) is deemed eligible by designated judges.

''SEC. 2203. ADMINISTRATION.

''(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

''(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

''(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this part which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.

''(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

''(1) include a long-term strategy and detailed implementation plan;

''(2) explain the applicant's inability to fund the program adequately without Federal assistance;

''(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

''(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

''(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;

''(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;

''(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

''(8) describe the methodology and outcome measures that will be used in evaluating the program; and

''(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.

''SEC. 2204. APPLICATIONS.

''To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.

''SEC. 2205. FEDERAL SHARE.

''The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this part shall be limited to new expenses necessitated by

the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.

"SEC. 2206. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.

"SEC. 2207. REPORT.

''A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

"SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

''(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

''(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

''(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part U the following:

''PART V—MENTAL HEALTH COURTS

''Sec. 2201. Grant authority.
''Sec. 2202. Definitions.
''Sec. 2203. Administration.
''Sec. 2204. Applications.
''Sec. 2205. Federal share.
''Sec. 2206. Geographic distribution.
''Sec. 2207. Report.
''Sec. 2208. Technical assistance, training, and evaluation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

''(20) There are authorized to be appropriated to carry out part V, $10,000,000 for each of fiscal years 2001 through 2004.''.

Mr. GORTON. I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1865), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 27, 2000

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, September 27. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with Senators permitted to speak for 5 minutes each with the following exceptions: Senator MURKOWSKI, 20 minutes; Senator ROBB, 5 minutes; Senator HARKIN, 10 minutes; Senator LEAHY, 15 minutes; Senator THOMAS or his designee, 10 minutes.

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

PROGRAM

Mr. GORTON. For the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. tomorrow. Following morning business, the Senate is expected to resume the H–1B bill. Under a previous agreement, at 9:30 a.m. on Thursday there will be 7 hours of debate on the continuing resolution with a vote to occur on the use or yielding back of time.

As a reminder, cloture motions were filed today on the H–1B visa bill; therefore, cloture votes will occur later this week.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:30 p.m., recessed until Wednesday, September 27, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 2000:

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

FOREIGN SERVICE

JAMES F. DOBBINS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AFFAIRS), VICE MARC GROSSMAN, RESIGNED.

UNITED STATES INSTITUTE OF PEACE

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

HONORING THE COMMUNITY OF PUEBLO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. McINNIS. Mr. Speaker, it is with great pride that I now take this moment to recognize the wonderful city of Pueblo, Colorado, a city I am proud to represent in the U.S. House of Representatives. Pueblo recently received national attention when it was named one of the Most Livable Communities in the United States by Partners for Livable Communities, a non-profit organization committed to improving America's collective quality of life.

Pueblo has a storied past, a vibrant present, and promising future, all of which make it most deserving of this high honor. It is with this, Mr. Speaker, that I now pay tribute to Pueblo, Colorado, one of America's most livable cities.

The beautiful city of Pueblo is located south of Denver in the shadows of Colorado's Sangre de Cristo Mountains. In 1886, four distinct towns were incorporated into one, forming what is now the magnificent community of Pueblo. In the century since, the community has played a major role in shaping Colorado's character, be it socially, culturally, or economically.

Early on, Pueblo was home to smelting plants that helped refine ore extracted from surrounding mines. These plants fueled in large part the community's economic activity. Moreover, Pueblo also played a key part in the early national race to establish railroads across Colorado's Rocky Mountains. Thanks in large measure to these and other industrial activities, Pueblo rapidly became a booming economic hub.

Pueblo's industrial muscle flourished in the many decades after its inception, until the 1980's when an economic downturn crippled the city's once burgeoning steel industry. Undeterred by tough times, community leaders from all walks of life closed ranks, fighting together to restore Pueblo's civic strength and economic vibrancy. Ultimately, this broad based local effort spurred a remarkable economic resurgence that continues even today. Pueblo's vitality is displayed each year when the city hosts the Colorado State Fair, highlighting the diversity and strength of Colorado's heritage.

Nothing better symbolizes that resurgence than the Historic Arkansas Restoration project, a local effort to draw business activity along the refurbished banks of the Arkansas River which cuts through the heart of Pueblo. On October 6, 2000, the landmark Riverwalk Project will be dedicated. When it is, it will be a symbolic statement of Pueblo's economic and cultural re-awakening that continues to thrive in this new century.

Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to congratulate this wonderful community on being recognized as one of the most livable communities in the country. Pueblo has a special place in my heart and it is more than deserving of this distinguished recognition.

TRIBUTE TO THE JONESBORO SUN

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansas institution, and I am proud to recognize the Jonesboro Sun in the Congress for its invaluable contributions and service to our nation.

Family-owned, independent newspapers are part of a great, albeit vanishing, tradition that goes back to our nation's earliest days.

According to one recent study, independents' share of the daily newspaper circulation dropped from 90 percent in 1990 to 14 percent in 1998. Last year, it was projected that half of America's family-owned dailies—which number less than 300—will be sold within the next five years.

On the morning of Saturday, September 2nd, Northeast Arkansas learned that the Troutt family, owners of the Jonesboro Sun for 99 of its 117 years, decided to sell the newspaper to the Paxton Media Group of Paducah, Kentucky. The Sun is the regional newspaper serving a dozen counties in the First Congressional District of Arkansas.

The Jonesboro Sun is a mainstream newspaper that has always emphasized fair and thorough coverage of the day-to-day news that affects the lives of eastern Arkansas residents. A great newspaper should always serve as the conscience of the area and the readers it serves. The Sun has played that vital role in the lives of many of our citizens.

The Sun is a great newspaper, not an entertainment-driven publication that feeds on this nation's cult of celebrity. The Troutt family operated the Sun more as a legacy than a business. It has been a profitable business, but also an understated, integral part of the community.

''Independent'' means many things to many people. The dictionary definition is ''free from the control of others,'' but that is just part of its meaning when applied to an independent newspaper like the Jonesboro Sun. In the first place, it is free from the control of a distant corporate headquarters when it comes to a sensitive or controversial story that an influential person might seek to suppress. The Sun's corporate headquarters has been contiguous to the newsroom, where management and ownership is only a few steps away to make sure the facts are presented fairly.

Independent also means freedom from the influence of advertisers. An independent paper can choose to publish or not publish an article based on an objective evaluation of its newsworthiness. This decision is made in the newsroom—not in the advertising department.

John Troutt, Jr. the Sun's editor and publisher, did not worry about the bottom line when he was filing more Freedom of Information Act lawsuits than any other publisher in Arkansas. He did not worry about the bottom line or journalism awards while directing the newspaper's coverage of the Westside Middle School shooting tragedy in March 1998. He made the tough calls without regard to overtime and newsprint costs. He made these decisions because he is a newspaperman.

Still, the Sun was the first runner-up for the Pulitzer Prize for its coverage of the Westside shootings.

Due to technology, as well as the economic and estate tax conditions that exist today, it has become increasingly difficult for independent newspapers to survive. Yet the independent local paper is most often the conscience, face, and voice of the community. The conglomerates that now dominate the newspaper industry must now rise to the challenge to fill the void left by these disappearing institutions.

With this in mind, I was very pleased to read the words of Fred Paxton, the chairman of the Paxton Media Group, which is assuming responsibility for the Sun.

''As is the case with the Troutts, ours is a family-owned newspaper company,'' Paxton noted. ''As we have grown, we have sought to combine the best elements of local family ownership with the advantages and operating efficiencies of a larger organization.''

''We have a philosophy about the role a newspaper should play in its community, but we rely on local managers to adapt that philosophy to each community in which we operate. We believe a newspaper should be a reflection of the community it serves,'' Paxton emphasized. ''Publishers and editors make the final decisions about news and editorial content, and virtually every key business decision is made at the local level.''

John Troutt, Jr., representing the third-generation of the family directing the operations of the Jonesboro Sun, observed that the Paxton Media Group is a fourth-generation family-owned media company with more than a century of history in the newspaper industry.

It is important that family newspapers survive, because I believe family ownership can make a difference. But most importantly, I hope we will always have newspapers like the Jonesboro Sun, with an independent spirit and the courage to report the truth with fairness. Our democracy depends on it.

CONGRATULATING SAN LEANDRO FOR BEING CHOSEN TO PARTICIPATE IN FEMA'S PROJECT IMPACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. STARK. Mr. Speaker, I would like to congratulate San Leandro, California for being chosen as a participant in FEMA's Project Impact. San Leandro's hard work and dedication

to preventing natural disasters has given this city the opportunity to participate in this important program that provides increased federal resources for further disaster mitigation projects. I would like to recognize the hard work on the part of the city of San Leandro to make their community safer in the event of a natural disaster.

Located at the apex of the two segments of the Hayward Fault, San Leandro is at risk primarily from earthquakes, although the risk of flood and other natural disasters is very real. Alameda County, in which San Leandro is located, has been declared a federal disaster area several times since 1950. This has included the Loma Prieta earthquake, two fires, one freeze, and eleven floods.

Following the Loma Prieta earthquake, San Leandro realized it needed to make a commitment to disaster prevention. The San Leandro City Council established a plan called the Partnership for Preparedness Program that, along with other actions San Leandro has taken, helped lead to its designation as a Project Impact community. The hard work of the local officials will provide San Leandro increased federal resources to further protect the city from natural disasters.

Local officials have also established a disaster council, a formal city council committee chaired by Mayor Sheila Young. This committee meets quarterly to discuss mitigation and preparedness issues. In addition, San Leandro has published a Hazard Mitigation Master Plan, which has resulted in plans to retrofit buildings to prevent damage in the event of an earthquake.

Project Impact operates on a commonsense damage-reduction approach. Project Impact encourages communities to develop disaster prevention programs by working with citizens and the private sector. Success depends on long-term efforts and investments in preventive measures. Communities benefit from their participation in the program from FEMA's expertise and technical assistance at the national and regional level. FEMA works with community officials to incorporate the latest technology and mitigation practices.

I am very proud that San Leandro has been able to build the public-private partnerships necessary to be chosen a participant in Project Impact. The hard work of the local officials will prevent the future loss of life and property. I congratulate San Leandro for working with the business community and citizens to maximize all available resources to make the community safer.

TRIBUTE TO CHARLES R. TRIMBLE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor Charles R. Trimble, former C.E.O. and Chairman of Trimble Navigation, who is receiving the American Electronics Association's (AEA) forty-seventh Medal of Achievement for his leadership in advancing and commercializing global positioning system (GPS) solutions.

Charles Trimble exemplifies the innovative and entrepreneurial spirit for which Silicon Valley is internationally recognized. In 1978, Charles Trimble left the comfort and security of Hewlett-Packard, where he helped develop significant scientific achievements in signal processing, high-speed analog-to-digital converters, and digital time measurement techniques, to establish his own start-up company, Trimble Navigation. Once housed in an old, reconstructed theater, Trimble Navigation now has 23 offices in 15 countries and annual revenues that exceed $270 million. It was the first publicly held company engaged solely in developing and distributing GPS solutions. His business acumen and success persuaded INC Magazine to name him ''Entrepreneur of the Year'' in 1991.

During his 20-year tenure at Trimble Navigation, Charles Trimble democratized the use of GPS technology, putting it into the hands of different constituencies that have employed GPS products in ways not originally imagined. Trimble's GPS technology now accompanies pilots in the air, climbers on Mount Everest, farmers in the Mid-West and merchants at sea. Trimble's products have increased the accuracy of scientific research, hygrographic surveying and even golf course construction. Charles Trimble's ability to communicate his vision is the source of Trimble Navigation's great success. For his work, he earned the 1996 Kershner Award and the American Institute of Aeronautics and Astronautics' 1994 Piper General Aviation Award.

But Charles Trimble is more than just a voice for his company—he is also a voice for his industry. Since 1996, Charles Trimble has served as Chairman of the United States GPS Industry Council, unifying the industry behind a common message to policy makers, industry officials and the media.

Charles Trimble's expertise and influence extend beyond the GPS industry. He sat on the Vice President's Space Policy Advisory Board's task group exploring the future of the U.S. Space Industrial Base for the National Space Council. He is an elected member of the National Academy of Engineering. Charles Trimble was also a member of the Board of Governors for the National Center for Asia-Pacific Economic Cooperation (APEC), and a Member of the Council on Foreign Relations.

AEA's Medal of Achievement award recognizes that behind all great scientific achievements are exceptional people. I join the Silicon Valley community and the electronics industry in recognizing Charles Trimble as one of the remarkable individuals that has shaped the direction of this new economy and this new era of technological advancement.

I ask my colleagues, Mr. Speaker, to join me in honoring this great and good man whom I am proud to know and represent. We are indeed a better nation and a better people because of him.

HONORING THE ANIMAS FIRE PROTECTION DISTRICT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor a truly remarkable group of individuals who risk their lives to protect the health and safety of their community. The individuals I speak of make-up the Animas Fire Protection District, a volunteer program that has worked to ensure safety in Southern Colorado for nearly three decades. It is the dedication and hard work from the members of the District that I would like to congratulate as they celebrate their 30th Anniversary.

Unlike many fire protection programs, this one is primarily volunteer. It began in 1970 under the name Durango Fire with $12,000 and under two dozens volunteers. In the time since, it has grown to encompass a $1.6 million budget, using over 100 volunteers in 12 different fire stations.

During the last three decades, through long hours and many perilous situations, the Animas District has maintained an efficient and effective program that guarantees rapid response and much needed protection from the harm of a fire. Whether it is fighting structure fires within town or battling the blazes at nearby Mesa Verde National Park, the volunteers of Animas Protection District have ensured that there community is as safe as possible from one of Mother Nature's most dangerous elements.

Volunteers and Staff of the Animas Fire Protection District, you have served your community, State and Nation bravely and admirably, and for that your neighbors are grateful.

On behalf of the State of Colorado and the U.S. Congress, I thank you for you commitment to the safety and well being of the members the La Plata County and its surrounding communities. You make us all very proud!

TRIBUTE TO JOHN TROUTT, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansan, and I am proud to recognize John Troutt, Jr. in the Congress for his invaluable contributions and service to our nation.

John Troutt, Jr. for many defines the daily newspaperman. Almost anyone can call himself or herself an editor or publisher, but few can fill the role of a newspaperman. He is an anachronism in this corporate-driven world that equates bigger with better.

A highly successful businessman, he has stood at the helm of The Jonesboro Sun for decades, guiding the growth of The Sun from a small afternoon daily newspaper to the largest, independent family-owned publication in Arkansas that serves as the regional morning paper in the Northeast area of the state. His recent announcement that The Sun will be sold to the Paxton Media Group of Paducah, Kentucky, was felt across the state of Arkansas. Other newpapermen have paid tribute to Troutt in recent weeks after learning The Sun was up for sale.

For two decades he has served as editor, overseeing the newsroom, and as publisher, overseeing the business side of the newspaper, in addition to assuming the role of night editor two nights a week, in charge of putting out the next morning's edition. Very few newspapermen have had the love of the business or sufficient stamina—he will be 71 in October—to fulfill his many roles, much less fulfill them with his energy and passion.

Every day he writes The Sun's editorials. Readers have no difficulty understanding where he stands. He has not hesitated to call on public officials and bodies to correct what he views as an errant course.

In newspaper circles, he is best known for his beliefs in the tenets of the first amendment. He has filed more lawsuits than any other Arkansas editor or publisher to enforce the provisions of the state Freedom of Information Act. ''The public's business should be done in public'' is his oft-repeated philosophy.

John has been a mentor, advisor, and friend to all of Northeast Arkansas. He has dedicated his life to serving his fellow citizens as a leader in both his profession and his community, and he deserves our respect and gratitude for his contributions. On behalf of the Congress, I extend congratulations and best wishes to my good friend John Troutt, Jr. on his successes and achievements.

HONORING AL MOLITOR

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. HOEFFEL. Mr. Speaker, today I recognize the outstanding achievements of an extraordinary man, Al Molitor. For 35 years, Mr. Molitor has served in the administration of public health and welfare programs for nonprofit organizations and the Commonwealth of Pennsylvania. In addition, the contributions he has made within the Montgomery County community and particularly the Abington-Rockledge Democratic Committee are invaluable.

Al earned his bachelor of arts from Temple University and continued his studies at the Bryn Mawr School of Social Work and Research where he received his master of social service degree. Al has held leadership positions in state public health and social work professional associations. He has served on the Abington Township Library Board, in parent-teacher organizations and the Boy Scouts. He also organized the Old York Road Genealogical Society, and served as its president for nearly 4 years.

Al has been a prominent figure within the Abington-Rockledge Democratic Committee for a number of years and became chairman in 1994. He also served as chair of the Montgomery County Voter Registration Drive from 1992–1994. His work within the Democratic community in Montgomery County is unparalleled and much appreciated. With a solid Republican background, Al found himself as a non-partisan when the moved to Abington in 1958, but quickly found a home within the Democratic community in Montgomery County. In spite of an extremely busy public life, Al remains devoted to his family. He and his wife, Natalie, have two children, Elizabeth and Steve, and three grandchildren.

It is an honor and a privilege to acknowledge the dedication and contributions of Al Molitor who has served his community well.

VALUE OF ESTABLISHING THE SWISS CENTER OF NORTH AMERICA

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Ms. BALDWIN. Mr. Speaker, our nation was built on the dreams of immigrants who came here to create a better life for themselves and their families. The ethnic diversity of the American patchwork quilt makes this nation strong and has helped our nation become the envy of much of the world.

I am proud to be from a state whose ethnic heritage can be seen in our faces, our foods and families. Wisconsin is a state made up of settlers who came from the far corners of the world to build their businesses, raise their families and stake their claims for a piece of the American Dream.

There is an exciting new project underway in my congressional district that has national and international implications. The Swiss Center of North America is proposed to be located in New Glarus, Wisconsin. This new center will facilitate historical research, cultural exchanges and business partnerships extending beyond the beautiful rolling countryside of America's Dairyland.

Like many ethnic groups, the Swiss came to North America in large numbers in the 19th Century, settling in each state of this Union and every province of Canada. They brought their traditions, culture, languages, foods and a rich heritage that have made a lasting impact throughout this continent. The Swiss government helped these new immigrants by setting up colonies for their countrymen and women on this side of the Atlantic to ease the transition into the New World.

One such colony remains largely intact, located in New Glarus, Wisconsin. This community, which I am honored to represent in Congress, continues to celebrate its Swiss heritage, attracting Swiss immigrants and welcome visitors from around the world.

Many in North America are not aware of the accomplishments of their Swiss-American neighbors. The Swiss have brought a multicultural background encompassing elements from German, French, Italian and Roman heritages. Many thing of Switzerland as a land of Alpine meadows, decorated cowbells and colorful window boxes. Yet this fails to fully recognize the very modern, multilingual and multi-cultural aspects of this small, yet diverse, nation.

Those of Swiss descent in North America are very proud of their heritage, as Switzerland has made many important contributions to the world. Yet, unlike many other nationalities, there is no permanent venue to showcase Swiss cultural, economic, historic, and social contributions in North America. I hope that is about to change.

The Swiss Center of North America aims to be a state-of-the-art facility located in New Glarus, Wisconsin. It will highlight the contributions of the Swiss of yesterday, today and tomorrow. With historical exhibits, modern interactive displays, genealogical research facilities and premiere meeting space, the Swiss Center will help spread the word that Swiss living in the United States, Canada and Mexico continue to offer much to the North American melting pot. The State of Wisconsin has already committed $2 million to this project and an international fund-raising drive is now well underway.

I support the Swiss Center of North America not just because it will be located in my district. I support it because those of Swiss heritage need a place to house their artifacts and tell their story. This is a valuable project, in part, because learning more about where we come from helps guide us to where we are going. The more future generations learn about this nation, the more they understand about our rich diversity. The Swiss Center of North America will help foster a better understanding between cultures and will offer us the promise of a broader appreciation of the heritage of our international ancestors.

THANKING WOLODYMYR LUCKHAN FOR HIS SERVICE TO THE UNITED STATES DURING WORLD WAR II

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank one of my constituents, Wolodymyr Luckhan, for the heroic action he took during World War II to save an American tank division from an enemy ambush near Swizel, Germany, in April 1945. Mr. Luckhan, seized by the Germans into forced labor, overheard the impending attack against an American tank force approaching the city of Swizel. Mr. Luckhan commandeered a boy's bicycle and peddled through German lines, risking his life to reach the Allied forces. Without his timely warning, the loss of American lives would have been considerable. Mr. Luckhan's example once again demonstrates that the virtue of selflessness merits recognition.

After the war, Mr. Luckhan came to the United States, became a citizen and raised a family. At age 91, Mr. Luckhan still recalls the event that changed the course of history for so many. Walt Whitman wrote that ''To have great poets, there must be great audiences, too.'' I present Mr. Wolodymyr Luckhan as a spokesperson for freedom whose stage for heroism was made possible by the great audience of men and women who gave their lives in service of our country and those who, thanks to the efforts of people such as Mr. Luckhan, have survived to share in the quality of life that only this great nation can afford.

SERBIA DEMOCRATIZATION ACT OF 2000

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1064, the Serbia and Montenegro Democracy Act. This resolution coincides with the highly important general elections held in Serbia on September 24, 2000. We can only hope that the ongoing election count at this hour reflects a fair, free, and open election, Mr. Speaker.

As we all know, Yugoslav President Milosevic has maintained his power in Serbia throughout the 1990s through a combination of virulent Serb nationalism and outright oppression.

The violence that occurred in Kosovo was brutal and a dramatic affront to the inhabitants of those environs. He has also tried to silence democratic opponents in Montenegro—the only remaining republic outside Serbia in the Yugoslav Federation. Now, the democratic opposition must be given every incentive to flourish in Serbia and Montenegro.

This bill authorizes as much as $50 million to support democratization of the Republic of Serbia (excluding Kosovo) and $55 million in support of ongoing political and economic reforms and democratization in the Republic of Montenegro.

H.R. 1064 directs the radio and television broadcasting to Yugoslavia in both the Serbo-Croatian and Albanian languages be carried out by the Voice of America and Radio Free Europe/Radio Liberty Inc. The message of democracy and human rights can be disseminated directly to the people of Serbia if we use all technological means at our disposal. The bill also provides funds for the Organization for Security and Cooperation in Europe to facilitate contacts by democracy activists in Serbia and Montenegro with their counterparts in other countries.

The bill contains some measures that hold the worst human rights abusers accountable. H.R. 1064 maintains sanctions against the government of Yugoslavia until the following conditions are met—agreement on a lasting settlement in Kosovo; compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina; implementation of internal democratic reform; settlement of all succession issues with the other republics that emerged from the break-up of the Socialist Federal Republic of Yugoslavia; and cooperation with the International Criminal Court for the former Yugoslavia indicted by the tribunal.

The bill also blocks all Yugoslav assets in the United States; restricts U.S. citizens from doing business with the Yugoslav government; prohibits U.S. visas to senior Yugoslav government officials and their families; and restricts non-humanitarian U.S. assistance to Yugoslavia.

Finally, the bill directs the President to coordinate multilateral sanctions on the governments of Serbia and Yugoslavia; requires that the United States fully support the investigation of President Slobodan Milosevic by the International Criminal Court for the former Yugoslavia for genocide, crimes against humanity, war crimes and grave breaches of the Geneva Convention; directs the President to report to Congress on the information provided to the tribunal; and urges the President to condemn the harassment of ethnic Hungarian inhabitants in Vojvodina.

HONORING JOHN KIDNEY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. HOEFFEL. Mr. Speaker, today I acknowledge the accomplishments of John Kidney. John has been an integral member of the Abington Rockledge Democratic Committee in Montgomery County, Pennsylvania since 1966 and it has been a privilege to work so closely with him over the years.

John was raised in Hartford, Connecticut where his political career began. At the age of 17, he was appointed a delegate from East Windsor, Connecticut to the 1944 Democratic State Convention. While earning his undergraduate degree from Yale University, John served as president of the Yale Young Democrats and was invited to be a political commentator at a local radio station during the 1948 presidential election.

Upon completion of an MBA from Harvard University, John and his wife Polly moved to Montgomery County. In 1958 they relocated to Italy and did not return to the United States until the mid 1960's. He and Polly have four children and six beautiful grandchildren. John has served as a committee person and the Treasurer of the Abington-Rockledge Democratic Committee since 1971.

John worked for Rohm and Haas Corporation in various financial positions from 1951 to 1991. After retiring from Rohm and Haas, he managed investments and administered charitable grant programs for the Haas family.

John's expertise and knowledge in the political arena are invaluable assets. It is an honor and a privilege to recognize John Kidney and the outstanding contributions he has made to the Democratic community in Montgomery County, Pennsylvania.

COMMENDING THE PEOPLE OF SWITZERLAND FOR REJECTING A LIMIT ON FOREIGNERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. LANTOS. Mr. Speaker, we tend to be quick to criticize and slow to praise. Earlier the Swiss were subjected to intense international criticism for the policies and practices of Swiss banks during World War II. The Swiss government and Swiss banks have moved in the right direction since that matter became an issue of international concern.

Mr. Speaker, this past weekend the people of Switzerland in a national referendum demonstrated their willingness to act in a remarkably enlightened fashion on an issue that is sensitive and that has been subject to demagoguery. By a vote of nearly 64 percent, Swiss voters decisively rejected a proposal to reduce the number of foreigners in their country to 18 percent of the total population. A majority of voters in all of the 26 Swiss cantons rejected the proposal. To their credit, the Swiss Cabinet urged voters to reject the proposal.

This was a serious issue, Mr. Speaker, because foreigners currently make up about 19.3 percent of the population of Switzerland—some 1.4 million out of a population of 7.2 million, almost one in five residents of the country, are foreigners. A quarter of the Swiss work-force is foreign. These figures are high even by European standards. Austria and Sweden, both of which have among the highest foreign population in the nations of the European Union, have only about one in nine foreigners living in their countries.

Mr. Speaker, the action of the Swiss people in this referendum was enlightened and informed, and it dealt a blow in the fight against far-right and neo-Nazi fringe groups, who support placing limits on foreigners in Switzerland. It is important that we acknowledge and commend the Swiss people and the Swiss government on this decisive and most encouraging result.

HMONG VETERANS' NATURALIZATION ACT AMENDMENTS OF 2000—EXTEND NATURALIZATION TO FORMER SPOUSES OF DECEASED HMONG VETERANS

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Ms. ESHOO. Mr. Speaker, I rise today in support of this legislation to exempt the widows of the Hmong veterans from certain citizenship requirements.

The Hmong are a mountain people mainly found in southern China and northern areas of Burma, Laos, Thailand and Vietnam. Beginning in the 1950s, Hmong soldiers fought the communist Pathet Lao movement in Laos and later assisted U.S. forces during the Vietnam War. The Hmong aided U.S. forces, collected intelligence, rescued downed American pilots, protected sensitive U.S. military installations monitoring the Ho Chi Minh Trail and tied down an estimated 50,000 North Vietnamese troops in Laos. When the war ended, the Pathet Lao took power in Laos and persecuted and imprisoned many of the Hmong allies of the United States.

The Hmong come from a tribal society that, until recently, had no written language and many have found it difficult to naturalize because of their difficulty in learning English. This legislation would exempt them from this difficult requirement. Currently this same exemption has been given to those men and their spouses who served with a special unit, operating from a base in Laos in support of the U.S. military. It is time to extend this same exemption to the widows of these men.

This is a great step for the widows who were not covered under the Hmong Veterans' Naturalization Act. The Hmong have faced insurmountable odds with the English language portion of the citizenship exam. This bill provides a needed form of relief in the citizenship process by exempting the widows from that portion of the exam.

Mr. Speaker, these women are the same spouses of men who sacrificed everything to help us. Many of their husbands gave their lives to save U.S. pilots and other Americans. They fought side-by-side with the U.S. forces and then lost everything. This legislation represents what the Congress can do to provide for the widows of these brave men.

DEBT RELIEF AND RETIREMENT SECURITY RECONCILIATION ACT

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. STARK. Mr. Speaker, there is absolutely no reason for us to be here today debating this bill. Recently the House passed the ''Debt Relief Lockbox Reconciliation Act'' which was nothing more than an attempt by my Republican colleagues to grandstand on their new conversion to a party that claims to care about reducing the national debt. Today, we are here with another version of a bill that does the same thing. In addition, this bill tack on a so-called pension reform bill that has also already passed the House. The Comprehensive Retirement Security and Pension Reform Act passed the House this summer by a vote of 401–25. It didn't have my support then and it won't have my support today.

So why are we here again debating the same measures we've already debated—and passed? The leadership believes it will help them in the upcoming elections. This debt relief bill is meaningless filler for the GOP agenda. And the pension bill is bad policy. It benefits the wealthy and does nothing to help low-income workers who are most in need of retirement incentives.

Although the pension bill implies that it will help all workers, it serves to help those earning an average income of $337,800. More than forty-two percent of the pension and IRA tax breaks will go the 5% of the population with the highest incomes—those making over $134,000 annually and an average income of $337,000. In sharp contract, the bottom 60 percent of the population (those making less than $41,000) would receive less than 5% of these tax benefits.

When the Democrats offered a substitute bill to give low-income workers incentives to save for their retirement, my GOP colleagues scoffed at the idea claiming that it was too expensive. In other words, it's too expensive to help rank and file workers save for their retirement, but it's completely affordable to help top executives accumulate wealth for their retirement. The Democratic substitute offered incentives to small businesses to sponsor retirement plans for their low-wage and young workers. I supported this substitute bill because it attempted to help those workers who need it most.

If this Congress plans to spend $55 billion on the wealthy, then we should be able to offer the same pension opportunities to those who currently do not save for retirement. I opposed H.R. 1102 when it came to the floor in July and I oppose the bill before us today.

TWENTY-FIFTH ANNIVERSARY OF EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to join my colleagues in voicing my support for House Concurrent Resolution 399, which recognizes the federal government's responsibility to educate all handicapped children in our nation. November 29, 2000 will mark the 25th Anniversary of the Education for all Handicapped Children's Act passage into law (Public Law 94–142). The act was later renamed the Individuals with Disabilities Education Act (IDEA).

The IDEA established the federal government's objective of educating all of America's children, including those with severe disabilities. In 1986, the act was amended to create a preschool grant program for children ages 3 to 5, with disabilities and an early intervention program for infants and toddlers with disabilities.

Currently, IDEA programs serve an estimated 200,000 infants and toddlers, 600,000 preschoolers and 5.4 million children ages 6 through 21 nationwide. The Houston Independent School District provides educational opportunities for about 21,000 students in the City of Houston through this important program.

I would like to recognize the outstanding work that the Council for Exceptional Children Chapter 100 located in the City of Houston has done. This organization represents the teachers who teach these special children in the Houston area. Because of the dedication of administrators, teachers, parents and the students themselves IDEA can be called an ''American Success Story.''

I would urge all of my colleagues to vote in favor of this important Act. I would like to also urge the Senate to act on their version of the Full Funding Bill for IDEA, which is currently awaiting action in the Senate. The House version of this bill H.R. 4055, IDEA Full Funding Act, was passed in the House on Representatives on May 3rd of this year.

TRIBUTE TO BENICIA POLICE CHIEF OTTO GIULIANI UPON HIS RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Benicia Police Chief Otto William Giuliani on the occasion of his retirement after a very busy and successful twenty-eight years of service in law enforcement.

Otto Giuliani began his law enforcement career with the Hayward Police Department, holding numerous positions in his 15-year career there. He was awarded the Hayward Police Department's highest honor, the Medal of Valor, for extraordinary duty on the night of November 29, 1978, when he pried open the door, removed and carried an unconscious man from a wrecked vehicle stuck on the Western Pacific Railroad tracks just as the train struck the vehicle, almost sweeping Officer Giuliani and the victim back into the path of the train. For his action he was recognized by Kiwanis International as Police Officer of the year for 1979 for the California, Nevada and Hawaii Districts, and received the Nathan Hale Award for Heroism.

Otto was a member of the Hayward Kiwanis Club for fifteen years, with eleven years of perfect attendance, he served as president in 1981. He was charter president and two-time distinguished president of the Livermore Kiwanis Club in 1986 and 1987, with seven years of perfect attendance.

He was a member of the Livermore Police Department for seven years, holding the positions of Captain of both the patrol and investigation divisions during separate and concurrent terms, and fulfilling the role of Acting Chief of Police.

Otto is a graduate of the Federal Bureau of Investigations National Academy (FBI/NA 153rd). He was Chief of Police for the Benicia Police department for eight years during which the department initiated Community Oriented Policing, began a formal School Resource Officer Program dedicating police officers to the campuses of Benicia High School and Benicia Middle School, expanded the DARE program to all fifth grade classes in each public and private school in the city; added three police officers to the department by means of federal and state grants; created a Citizen and Police Partnership Program; began the GREAT program to prevent gang activity from entering Benicia from other cities; conducted Citizen Police Academies; created a Parking Adjudication program which was the first of its kind in the nation for which the department received the Helen Putnam Award for Excellence (the League of California Cities' highest recognition); began a Citizen on Patrol program for which the department received national recognition from the International Association of Chiefs of Police in the form of the Webber Seavey Award for Excellence in Police Service to the Community, and raised the professional development of the department by successful completion of either the FBI National Academy or California POST Command College by all management personnel and enrollment or completion of the California POST Supervisory Leadership Institute by first line supervisors.

Chief Giuliani was appointed City Manager/Chief of Police for the City of Benicia in December, 1994, and served in that capacity for six years, serving the longest career in the State of California in the dual role of City Manager/Chief of Police.

Otto is a member of the Benicia Rotary Club and currently serves as President, is an ex-officio member of the Benicia Chamber of Commerce, and a member of the Board of Directors of the Benicia Police Athletic League (PAL).

Chief Giuliani and his wife Jan have been married for twenty-five years and have a set of twins, Mario and Melissa, age 22. Otto is retiring from law enforcement after twenty-eight years of service, but he will continue to serve as the City Manager of Benicia.

It is clear from his record of achievement that Chief Giuliani has never taken his positions of authority for granted and has excelled at his every endeavor. Many communities in our area have been enriched by his efforts. I wish Chief Giuliani a very happy, healthy and much deserved ''retirement,'' and I thank him for his many contributions to law enforcement.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. CLEMENT. Mr. Speaker, on Rollcall vote No. 487, I was unavoidably detained. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. BURTON of Indiana. Mr. Speaker, on September 25th, I was unavoidably detained in my home district, and therefore, I was unable to be present on the House floor during votes. Had I been here I would have voted ''aye'' on rollcall vote 487.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 487 and 488. I was unavoidably detained and therefore, could not vote for this legislation. Had I been present, I would have voted, ''aye'' on rollcall 487 and voted, ''aye'' on rollcall 488.

HONORING THE SURVIVORS OF STALAG III–C

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. GEKAS. Mr. Speaker, today I rise to honor the survivors of Stalag III–C in Germany during World War II. These brave men endured hardship that few of us can imagine today. These men were starved nearly to death and subjected to bitterly cold winters in unheated huts. Many men languished there for years before being liberated by a Russian tank convoy. However, their ordeal was not over yet.

Stalag III–C was located near the Polish border in the eastern part of Germany. It was January of 1945 when the men were set free. With a war still raging around them, the men set forth to make it to Allied lines. The men traveled on foot through the snow and frigid winds with little food and clothing not suitable for the trek. It took a month and a half for a majority of the men to reach Odessa, Russia. These hardy men walked a distance of approximately 700 miles. Though their struggle had been long, they had reached freedom.

On the weekend of October 13, a group of survivors from Stalag III–C will gather in Hershey, PA, for a time of remembrance. Jackie Kruper of Lebanon, PA, has organized this event inspired by the journal of her father, Sergeant John E. Kruper, who was interned at the prison camp. Mr. Kruper passed away in 1992.

Let us remember these valiant soldiers in our prayers. Their service to the United States and to democracy around the world shall never be forgotten. I pray that the stories of bravery and survival of these men transcend this one weekend. It is my wish that these stories get passed down through generations, for their sacrifice has truly made this country the land of the free and the brave.

The names of the gentlemen attending the reunion are Kenneth Bargmann, William A. Bonsall, Robert Bell Bradley, William E. Clark, Arley Goodengauf, Maurice J. Markworth, Acie D. Milner, Frank Rosenthal, Kenneth Schaeffer, Christopher Schweitzer, Bernard Sterno, Raymond Ulrich, and Mae Hande, who will be attending in place of her departed husband Norman Hande. I know that the United States House of Representatives joins me in saluting these fine men who served their country with honor.

CHANDLER PUMPING PLANT WATER EXCHANGE FEASIBILITY STUDY

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 3986, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3986, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

If you wish further details of this estimate, we will be pleased to provide them. The CBO staff contact if Rachel Applebaum, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE, SEPTEMBER 20, 2000

(H.R. 3986: A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, as reported by the House Committee on Resources on September 19, 2000)

SUMMARY

The Kennewick and Columbia Irrigation Districts in Washington use water diverted from the Yakima River. H.R. 3986 would authorize the Secretary of the Interior to conduct a feasibility study, prepare an environmental assessment, and acquire right-of-way areas necessary to divert water from the Columbia River rather than the Yakima River to meet the needs of these irrigation districts.

Based on information from the Bureau of Reclamation, CBO estimates that implementing H.R. 3986 would cost $6 million over the 2001–2003 period, assuming the appropriation of the necessary funds. Enacting H.R. 3986 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 3986 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3986 is shown in the following table. The costs of this legislation fall within budget funding 300 (natural resources and environment).

	By fiscal year, in millions of dollars				
	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	6	0	0	0	0
Estimated Outlays	1	2	3	0	0

BASIS OF ESTIMATE

Based on information from the Bureau of Reclamation, CBO estimates that the feasibility study and the environmental assessment authorized by the bill would cost $4 million, and that the acquisition of right-of-way areas for this water diversion project would cost $2 million.

Current law authorizes the appropriation of $4 million for an electrification project at the Chandler pumping plant. Although H.R. 3986 authorizes the exchange of water as an alternative to this electrification project, appropriated funds for the electrification project have already been spent by the bureau to study this project and on other activities. Consequently, H.R. 3986 appears to provide new authority to study the exchange of water from the Yakima to the Columbia River and for the acquisition of right-of-way areas.

Pay-as-you-go considerations: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 3986 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local or tribal governments.

Estimate prepared by: Federal Costs: Rachel Applebaum (226–2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220); Impact on the Private Sector: Lauren Marks (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Ms. WOOLSEY. Mr. Speaker, yesterday I delivered the keynote address at the Geothermal Resources Council's 2000 Annual Meeting. As a long-time advocate of alternative and renewable energy sources, I was honored to be recognized for my work in this field and privileged to share my thoughts with the more than 450 attendees from across the globe representing geothermal professionals and businesses.

As a result, I missed rollcall vote No. 487. Had I been present, I would have voted ''yea.''

COMMENDING THE PROFESSIONAL LAWN CARE ASSOCIATION OF AMERICA

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. LINDER. Mr. Speaker, last July, the Professional Lawn Care Association of America held its annual legislative conference in Washington to address the issues important to its industry.

While they were here, members of the PLCAA took the time to donate their services to two of the most historic sites in this area—Arlington National Cemetery and Congressional Cemetery. In both of these cemeteries, members of the PLCAA enhanced the turf, cut grass, and trimmed trees.

PLCAA members have donated their services to Arlington in past years, but this is the first time they have been to Congressional Cemetery. Congressional Cemetery is of particular interest to me because some illustrious Georgians are buried there: James Jackson, Revolutionary War General, Governor of Georgia, and U.S. Senator; John Forsyth, U.S. Senator and Secretary of State; and William Shorey Coodey, Senator in the Cherokee Nation.

In 1997 Congressional Cemetery was named by the National Trust for Historic Preservation one of the Eleven Most Endangered Historic Sites in America. It relies on contributions and volunteers to keep up its 32 acre grounds. I commend the PLCAA for its civic responsibility and generosity in donating its valuable services to these two important sites.

Daily Digest

HIGHLIGHTS

The House passed H.J. Res. 109, FY 2001 Continuing Appropriations.

The House passed 24 Sundry Measures.

Senate

Chamber Action

Routine Proceedings, pages S9215–S9330

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 3107–3116, and S. Res. 360–361. **Page S9267**

Measures Reported:

Report to accompany S. 353, to provide for class action reform. (S. Rept. No. 106–420)

S. 893, to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels. (S. Rept. No. 106–421) **Page S9267**

Measures Passed:

Red River Boundary Compact: Senate passed H.J. Res. 72, granting the consent of the Congress to the Red River Boundary Compact. **Page S9316**

Kansas and Missouri Metropolitan Culture District Compact: Senate passed H.R. 4700, to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact, clearing the measure for the President. **Page S9316**

Fort Pierre, South Dakota Reconciliation Place: Senate passed S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, after agreeing to a committee amendment in the nature of a substitute. **Pages S9316–18**

Native Hawaiian Health Care Improvement Act: Senate passed S. 1929, to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act, after agreeing to a committee amendment in the nature of a substitute. **Pages S9318–26**

Strengthening Abuse and Neglect Courts Act: Senate passed S. 2272, to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997, after agreeing to the following amendment proposed thereto: **Pages S9326–29**

Gorton (for DeWine) Amendment No. 4209, to extend the authorization of appropriations for an additional year. **Page S9326**

America's Law Enforcement and Mental Health Project: Senate passed S. 1865, to provide grants to establish demonstration mental health courts, after agreeing to a committee amendment in the nature of a substitute. **Pages S9329–30**

H–1B Nonimmigrant Visa: Senate resumed consideration of S. 2045, to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens, taking action on the following amendments proposed thereto: **Pages S9215–29, S9247–51**

Pending:

Lott (for Abraham) Amendment No. 4177 (to the committee substitute), in the nature of a substitute. **Page S9216**

Lott Amendment No. 4178 (to Amendment No. 4177), of a perfecting nature. **Page S9215**

Lott (for Conrad) Amendment No. 4183 (to the text of the bill proposed to be stricken), to exclude certain "J" nonimmigrants from numerical limitations applicable to "H–1B" nonimmigrants. **Page S9220**

Lott Amendment No. 4201 (to Amendment No. 4183), in the nature of a substitute. **Page S9220**

During consideration of this measure today, Senate also took the following actions:

By 94 yeas to 3 nays (Vote No. 256), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on Lott Amendment No. 4178 (listed above). **Pages S9219–20**

Subsequently, Lott Motion to Recommit the bill to the Committee on the Judiciary, with instructions to report back forthwith, was ruled out of order.

Page S9215, S9220

Subsequently, Lott Amendment No. 4179 (to the Motion to Recommit), of a perfecting nature, and Lott Amendment No. 4180 (to Amendment No. 4179), of a perfecting nature, both fell when Lott Motion to Recommit was ruled out of order.

Page S9215, S9220

A motion was entered to close further debate on Lott Amendment No. 4177 (listed above) and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, September 28, 2000.

Page S9248

A motion was entered to close further debate on the committee substitute and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, September 28, 2000. **Page S9248**

A motion was entered to close further debate on the bill and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, September 28, 2000. **Page S9248**

Continuing Resolution Agreement: A unanimous-consent-time agreement was reached providing for consideration of H.J. Res. 109, making continuing appropriations for the fiscal year 2001, at 9:30 a.m. on Thursday, September 28, 2000. **Page S9247**

Suspension of Rule XXII: Pursuant to Rule V, Senator Daschle gave notice in writing of his intention to move to suspend Rule XXII, to permit the consideration of Amendment No. 4184, to S. 2045.

Page S9247

Nominations Received: Senate received the following nominations:

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

James F. Dobbins, of New York, to be an Assistant Secretary of State (European Affairs), vice Marc Grossman, resigned.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001. (New Position)

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment) **Page S9330**

Messages From the House: **Pages S9264–65**

Measures Referred: **Page S9265**

Measures Placed on Calendar: **Page S9265**

Measures Read First Time: **Pages S9254–55**

Communications: **Pages S9265–67**

Petitions: **Page S9267**

Statements on Introduced Bills: **Pages S9267–71**

Additional Cosponsors: **Pages S9271–72**

Amendments Submitted: **Pages S9272–S9316**

Notices of Hearings: **Page S9316**

Additional Statements: **Pages S9263–64**

Enrolled Bills Presented: **Page S9265**

Enrolled Bills Signed: **Page S9265**

Record Votes: One record vote was taken today. (Total—256) **Page S9220**

Recess: Senate convened at 9:32, and recessed at 7:30 p.m., until 9:30 a.m., on Wednesday, September 27, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9330.)

Committee Meetings

(Committees not listed did not meet)

HUD MANAGEMENT

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded hearings to examine management challenges facing the Department of Housing and Urban Development, and whether reform efforts have demonstrated real and sustainable results, after receiving testimony from Saul Ramirez, Deputy Secretary, and Susan M. Gaffney, Inspector General, both of the Department of Housing and Urban Development;

Stanley J. Czerwinski, Associate Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; Mayor Donald L. Plusquellic, Akron, Ohio; Maurice O. McTigue, George Mason University, Fairfax, Virginia; and Virginia L. Thomas, The Heritage Foundation, Washington, D.C.

AMTRAK

Committee on Commerce, Science, and Transportation: Committee concluded oversight hearings to examine the National Railroad Passenger Corporation's (AMTRAK) financial performance and requirements, and a related proposal to allow a credit to holders of qualified bonds issued by Amtrak, after receiving testimony from Senator Allard; Kenneth M. Mead, Inspector General, Department of Transportation; Phyllis F. Scheinberg, Associate Director, Transportation Issues, General Accounting Office; Wisconsin Governor Tommy Thompson, Madison, on behalf of the AMTRAK Reform Board; Gilbert E. Carmichael, AMTRAK Reform Council, Washington, D.C.; Mayor Timothy M. Kaine, Richmond, Virginia; and Joseph Vranich, Irvine, California.

HEATING AND TRANSPORTATION FUELS

Committee on Energy and Natural Resources: Committee concluded oversight hearings to examine the current status and winter outlook of the current crude oil, heating and transportation fuel markets, Energy Information Administration's short-term forecast for these markets, and energy price prospects, after receiving testimony from Bill Richardson, Secretary, and Mark J. Mazur, Acting Administrator, Energy Information Administration, both of the Department of Energy; Paul Vermylen, Meenan Oil Co., Syosset, New York, on behalf of the Independent Fuel Terminal Operators Association; John J. Huber, Petroleum Marketers Association of America, Arlington, Virginia; John C. Felmy, American Petroleum Institute, and Lee Fuller, Independent Petroleum Association of America, both of Washington, D.C.; and Laurence W. Downes, New Jersey Resources Corporation, Wall, on behalf of the American Gas Association.

SMALL COMMUNITIES EPA IMPROVEMENTS

Committee on Environment and Public Works: Committee concluded hearings on S. 1763, to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency, S. 1915, to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations, S. 2296, to provide grants for special environmental assistance for the regulation of communities and habitat (SEARCH) to small communities, and S. 2800, to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system, after receiving testimony from Senator Allard; Diane E. Thompson, Associate Administrator for Congressional and Intergovernmental Relations, Environmental Protection Agency; George Dana Bisbee, New Hampshire Department of Environmental Services, Concord, on behalf of the Environmental Council of the States; Jeremiah D. Baumann, U.S. Public Interest Research Group, Washington, D.C.; Deborah Spaar Sanchez, Overland Neighborhood Environmental Watch, Denver, Colorado; Kenneth Bruzelius, Midwest Assistance Program, Inc., New Prague, Minnesota; B. Roy Prescott, Jerome County Board of Commissioners, Jerome, Idaho; and Benjamin Y. Cooper, Printing Industries of America, Inc., Alexandria, Virginia.

U.S. FOREIGN POLICY

Committee on Foreign Relations: Committee concluded hearings to examine United States foreign policy at the end of the current administration, after receiving testimony from Madeleine K. Albright, Secretary of State.

WEN HO LEE INVESTIGATION

Committee on the Judiciary/Select Committee on Intelligence: Committees concluded joint oversight hearings to examine certain decisions that were made in the investigation and prosecution of the Wen Ho Lee case, after receiving testimony from Janet Reno, Attorney General, and Louis J. Freeh, Director, Federal Bureau of Investigation, both of the Department of Justice; Norman Bay, United States Attorney for the District of New Mexico; and T.J. Glauthier, Deputy Secretary of Energy.

FOOD AND BIOTECHNOLOGY

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine issues related to biotechnology and genetically engineered food, and the measures needed to ensure consumer safety and confidence with respect to these food products, after receiving testimony from Senators Boxer and Bond; Joseph A. Levitt, Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration, Department of Health and Human Services; Bruce R. Stillings, Food and Agriculture Consultants, Inc., on behalf of the Institute of Food Technologists, and Michael J. Phillips, Biotechnology Industry Organization, both of Washington, D.C.; Vern Grubinger, University of Vermont Center for Sustainable Agriculture, Brattleboro; and Michael K. Hansen, Consumers Union, Yonkers, New York.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 5291–5310; and 4 resolutions, H. Con. Res. 409–410, and H. Res. 594–595, were introduced. **Pages H8199–H8200**

Reports Filed: Reports were filed today as follows.

H.R. 1795, to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering, amended (H. Rept. 106–889);

H.R. 4613, to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program, amended (H. Rept. 106–890);

H.R. 1248, to prevent violence against women, amended (H. Rept. 106–891, Pt. 1);

H.R. 3414, a private bill for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron (H. Rept. 106–892);

H.R. 3184, a private bill for the relief of Zohreh Farhang Ghahfarokhi (H. Rept. 106–893);

H.R. 848, a private bill for the relief of Sepandan Farnia and Farbod Farnia (H. Rept. 106–894).

H.R. 4835, to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia (H. Rept. 106–895, Pt. 1);

H.R. 5036, to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park (H. Rept. 106–896);

H.R. 4904, to express the policy of the United States regarding the United States relationship with Native Hawaiians, amended (H. Rept. 106–897);

S. 1030, to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws (H. Rept. 106–898);

S. 426, to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation (H. Rept. 106–899);

H.R. 4640, to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, amended (H. Rept. 106–900 Pt. 1).

H. Res. 594, providing for consideration of the Senate amendment to H.R. 4365, to amend the Public Health Service Act with respect to children's health (H. Rept. 106–901); and

H. Res. 595, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 106–902). **Page H8199**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Jerry Pruitt of Beloit, Wisconsin. **Page H8065**

Journal: Agreed to the Speaker's approval of the Journal of Monday, Sept. 25 by a yea and nay vote of 332 yeas to 47 nays with 1 voting "present", Roll No. 488. **Pages H8065, H8067–68**

Recess: The House recessed at 9:20 a.m. and reconvened at 10 a.m. **Page H8065**

FY 2001 Continuing Appropriations: The House passed H.J. Res. 109, making continuing appropriations for the fiscal year 2001 by a yea and nay vote of 415 yeas to 2 nays, Roll No. 493. **Pages H8114–23**

H. Res. 591, the rule that provided for consideration of the joint resolution was agreed to by voice vote. **Pages H8108–14**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Missing Children Tax Fairness: H.R. 5117, amended, to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit for missing children (passed by a yea and nay vote of 419 yeas with none voting "nay", Roll No. 489); **Pages H8068–72, H8105–06**

Baylee's Law: H.R. 4519, amended, to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration. Agreed to amend the title; **Pages H8072–75**

Apollo Exploration Award: H.R. 2572, to direct the Administrator of NASA to design and present an award to the Apollo astronauts (passed by a yea and nay vote of 419 yeas with none voting "nay", Roll No. 490); **Pages H8075–78, H8106**

Electronic Commerce Enhancement: H.R. 4429, amended, to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such

businesses to successfully integrate and utilize electronic commerce technologies and business practices. Agreed to amend the title; **Pages H8079–81**

Small Business Regulatory Assistance: H.R. 4946, amended, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns; **Pages H8081–84**

Export Working Capital Loan Improvement: H.R. 4944, to amend the Small Business Act to permit the sale of guaranteed loans made for export purposes before the loans have been fully disbursed to borrowers; **Pages H8084–86**

Violence Against Women Act: H.R. 1248, amended, to prevent violence against women (passed by a yea and nay vote of 415 yeas to 3 nays, Roll No. 491); **Pages H8086–H8105, H8106–07**

25th Anniversary of the Helsinki Final Act: H.J. Res. 100, calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act (debated on Monday, Sept. 25 and passed by a yea and nay vote of 413 yeas with none voting ''nay'', Roll No. 492); **Pages H8107–08**

Beaches Environmental Assessment, Cleanup, and Health Act: Concurred in the Senate amendment to H.R. 999, to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters—clearing the measure for the President; **Pages H8132–36**

Effigy Mounds National Monument, Iowa: H.R. 3745, amended, to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; **Pages H8136–37**

Historic Lighthouse Preservation: H.R. 4613, amended, to amend the National Historic Preservation Act for purpose of establishing a national historic lighthouse preservation program; **Pages H8137–40**

National Trails System Amendments: H.R. 2267, amended, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails; **Pages H8140–41**

Lincoln County, Nevada Land Act: H.R. 2752, amended, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county. Agreed to amend the title; **Pages H8141–43**

Dayton Aviation Heritage Preservation Amendments: H.R. 5036, amended, to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park; **Pages H8143–44**

Expansion of Gettysburg National Park to Include Wills House Where President Lincoln Edited His Gettysburg Address: S. 1324, to expand the boundaries of the Gettysburg National Military Park to include Wills House—clearing the measure for the President; **Pages H8144–46**

United States Relationship with Native Hawaiians: H.R. 4904, amended, to express the policy of the United States regarding the United States relationship with Native Hawaiians. Agreed to amend the title; **Pages H8146–53**

George Washington Memorial Parkway, Virginia Land Exchange: H.R. 4835, to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia; **Pages H8153–54**

Protection of Infants Who Are Born Alive: H.R. 4292, amended, to protect infants who are born alive (a yea and nay vote of 380 yeas to 15 nays with 3 voting ''present'', Roll No. 495); **Pages H8154–62**

Peace Process in Northern Ireland—Urging the Implementation of the Patten Commission Report on Policing: H. Res. 547, amended, expressing the sense of the House of Representatives with respect to the peace process in Northern Ireland; **Pages H8163–76**

Loan Forgiveness for Teachers: H.R. 5034, to expand loan forgiveness for teachers; **Pages H8180–84**

Congratulating Home Educators and Home Schooled Students: H. Res. 578, congratulating home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting and ensuring a brighter, stronger future for this Nation; **Pages H8184–88**

American Buffalo Coin Commemorative Coin Act: H.R. 4259, to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution; **Pages H8188–91**

Coin Clarification Act: H.R. 5273, to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins. **Pages H8191–92**

Suspensions Proceedings Postponed—Opposition to Unilateral Declaration of a Palestinian State: Proceedings were postponed on the motion to suspend the rules and pass H.R. 5272, amended, to provide for a United States response in the event of a unilateral declaration of a Palestinian state. **Pages H8176–79**

Suspension Failed—Small Business Liability Relief: The House failed to suspend the rules and pass H.R. 5175, amended, to provide relief to small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (with ⅔ required for passage, failed to pass by a yea and nay vote of 253 yeas to 161 nays, Roll No. 494). **Pages H8123–32, H8154**

Consideration of Measures on Wednesday, Sept. 27: Agreed that it be in order at any time on Wednesday, September 27 for the Speaker to entertain motions to suspend the rules and pass or adopt the following measures: H.R. 1795, National Institute of Biomedical Imaging and Engineering Establishment; H.R. 2641, Technical Corrections to Title X of the Energy Policy Act; H.R. 2346, Enforcement of FCC Regulations on the Use of Citizens Band Radio Equipment; H. Res. 576, Childhood Cancer Awareness, Treatment, and Research; S. 1295, Designation of the Lance Corporal Harold Gomez Post Office in East Chicago, Indiana. Further agreed that it be in order to direct the Clerk to call up the bill H.R. 3100, Know Your Caller Act, on the Corrections Calendar. **Pages H8179–80**

Correction of Enrollment: The House agreed to H. Con. Res. 409, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1654, NASA Authorization Act. **Pages H8078–79**

Senate Message: Message received from the Senate appears on page H8063.

Quorum Calls—Votes: Eight yea and nay votes developed during the proceedings of the House today and appears on pages H8067–68, H8105–06, H8106, H8106–07, H8107–08, H8123, H8154, and H8162. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:53 p.m.

Committee Meetings

COUNTRY-OF-ORIGIN MEAT LABELING ACT

Committee on Agriculture: Subcommittee on Livestock and Horticulture held a hearing on H.R. 1144, Country-of-Origin Meat Labeling Act of 1999. Testimony was heard from Senator Johnson; Caren A. Wilcox, Deputy Under Secretary, Food Safety, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported the following bills: H.R. 1798, Clinical Research Enhancement Act of 1999; H.R. 762, amended, Lupus Research and Care Amendments of 1999; and H.R. 5291, amended, Beneficiary Improvement and Protection Act of 2000.

IMPORTANCE OF LITERACY

Committee on Education and the Workforce: Held a hearing on the Importance of Literacy. Testimony was heard from public witnesses.

FEDERAL PRISON INDUSTRIES

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on Federal Prison Industries (FPI): Diverting Federal Property from the Computers for Learning and Other Programs to Expand FPI's Commercial Sales. Testimony was heard from Victor Arnold-Bic, Acting Director, Property Management Division, Federal Supply Services, GSA; Sherry Low, Chief, Reutilization, Transfer, and Donation Business Unit, Defense Reutilization and Marketing Service, Defense Logistics Agency, Department of Defense; and public witnesses.

MISSING WHITE HOUSE E-MAILS

Committee on Government Reform: Held a hearing on "Contacts Between Northrup Grumman Corporation and the White House Regarding Missing White House E-Mails." Testimony was heard from Alan Gershel, Deputy Assistant Attorney General, Department of Justice.

WILDLAND FIREFIGHTERS PAY

Committee on Government Reform: Subcommittee on Civil Service held a hearing on Wildland Firefighters Pay: Are There Inequities? Testimony was heard from Representatives Pombo and Udall of New Mexico; Henry Romero, Associate Director, Workforce Compensation and Performance, OPM; and a public witness.

PEACE THROUGH NEGOTIATIONS ACT; U.N. INSPECTIONS OF IRAQ'S WEAPONS

Committee on International Relations: Favorably considered the following bill and adopted a motion urging the Chairman to request that it be considered on the Suspension Calendar: H.R. 5272, amended, Peace Through Negotiations Act of 2000.

The Committee also held a hearing on U.N. Inspections of Iraq's Weapons of Mass Destruction Program: Has Saddam Won? Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 5018, Electronic Communications Privacy Act of 2000; and H.R. 2121, Secret Evidence Repeal Act of 1999.

The Committee also approved private relief bills.

CHILDREN'S HEALTH ACT OF 2000 CONCUR IN THE SENATE AMENDMENT

Committee on Rules: Granted by voice vote, a rule waiving all points of order against a motion to concur in the Senate amendment to H.R. 4365, to amend the Public Health Service Act with respect to children's health. The rule provides one hour of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. Testimony was heard from Representative Scott.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to a special rule reported on the legislative day of September 27, 2000, providing for consideration or disposition of a conference report to accompany the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, or any amendment reported in disagreement from a conference thereon. Finally, the rule lays H. Res. 586 and 592 on the table.

TAX CODE AND THE NEW ECONOMY

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the Tax Code and the New Economy. Testimony was heard from Representative Minge; Jonathan Talisman, Acting Assistant Secretary, Tax Policy, Department of the Treasury; and public witnesses.

Hearings continue September 28.

SOCIAL SECURITY NOTICES

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security Notices. Testimony was heard from William A. Halter, Deputy Commissioner, SSA; and Barbara D. Bovbjerg, Associate Director, Education, Workforce and Income Security Issues, Health, Education, and Human Services Division, GAO.

UPDATE ON DOE/NNSA BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Update on DOE/NNSA. The Committee was briefed by departmental witnesses.

STATUS OF COUNTERESPIONAGE INVESTIGATIONS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Status of Counterespionage Investigations. Testimony was heard from departmental witnesses.

Joint Meetings

VETERANS PROGRAMS

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion, after receiving testimony from Ray G. Smith, American Legion, Washington, D.C.

TRAFFICKING VICTIMS PROTECTION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 27, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Research, Nutrition, and General Legislation, to hold hearings on Department of Agriculture financial management issues, 9:30 a.m., SR–328A.

Committee on Armed Services: to hold hearings to examine the status of U.S. military readiness, 9 a.m., SH–216.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the marketing of violence to children, 9:30 a.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings on proposed legislation authorizing funds for programs of the Clean Air Act, 2:15 p.m., SD–406.

Committee on Finance: business meeting to mark up H.R. 4844, to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider pending calendar business, 2:30 p.m., S–116 Capitol.

Committee on Governmental Affairs: business meeting to consider pending calendar business, 9:30 a.m., SD–342.

Committee on Indian Affairs: to hold hearings on S. 2052, to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities; to be followed by a business meeting to consider pending calendar business, 9:30 a.m., SR–485.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: Subcommittee on Criminal Justice Oversight, to hold oversight hearings to examine the Wen Ho Lee case, 9 a.m., SD–226.

House

Committee on Agriculture, hearing to review the implementation of the Agricultural Risk Protection Act of 2000, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on the state of the Armed Services and future military requirements, 2 p.m., 2118 Rayburn.

Committee on Commerce, Subcommittee on Telecommunications, Trade and Consumer Protection, hearing on the Future of the Interactive Television Services Marketplace: What Should Consumers Expect? 9 a.m., and to continue markup of H.R. 5154, Transportation Information Recall Enhancement Act, 11 a.m., 2322 Rayburn.

Committee on Education and the Workforce, hearing on Urban Renewal in Minority Communities, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on Gulf War Veterans: Linking Exposures to Illnesses, 10 a.m., 2247 Rayburn.

Committee on International Relations, hearing on Russia: How Vladimir Putin Rose to Power and What America Can Expect, 10 a.m., 2172 Rayburn.

Subcommittee on Africa, hearing on AIDS in Africa: Steps to Prevention, 2 p.m., 2172 Rayburn.

Committee on Science, hearing on Computer Security Lapses: Should FAA Be Grounded? 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: GSA's Fiscal Year 2001 Leasing Program; an amendment to a previous resolution in Laredo, Texas; and other pending business, 3 p.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, to consider the following: GSA's Fiscal Year 2001 Leasing Program; an amendment to a previous resolution in Laredo, Texas; and other pending business, 2 p.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on licensing and credentialing of military job skills for civilian employment, 10 a.m., 334 Cannon.

Subcommittee on Oversight and Investigations, hearing on the Veterans Employment and Training Service program effectiveness and strategic planning, 10 a.m., 340 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, to mark up the Flexible Funding for Child Protection Act of 2000, 10:30 a.m., B–318 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings on strategic petroleum reserve, 10 a.m., 2360 Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 27

Senate Chamber

Program for Wednesday: After the recognition of five Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 2045, H–1B Nonimmigrant Visa.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 27

House Chamber

Program for Wednesday: Consideration of the Senate amendment to H.R. 4365, Consideration of H.R. 3100, Know Your Caller Act, (Corrections Calendar); Consideration of Suspensions:

1. H.R. 1795, National Institute of Biomedical Imaging and Engineering Establishment;
2. H.R. 2641, Technical Corrections to Title X of the Energy Policy Act;
3. H.R. 2346, Enforcement of FCC Regulations on the Use of Citizens Band Radio Equipment;
4. H. Res. 576, Increasing Childhood Cancer Awareness, Treatment, and Research; and
5. S. 1295, Designation of Lance Corporal Harold Gomez Post Office, East Chicago, Indiana.

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