MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2267. An act 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, to the Committee on Energy and Natural Resources.

H.R. 2572. An act to direct the Administrator of NASA to design and present an award to the Apollo astronauts; to the Committee on Commerce, Science, and Transportation.

H.R. 4429. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such business 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; to the Committee on Commerce, Science, and Transportation.

H.R. 4519. An act 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; to the Committee on Environment and Public Works.

H.R. 4835. An act 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; to the Committee on Energy and Natural Resources.

H.R. 4944. An act 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; to the Committee on Small Business.

H.R. 4946. An act 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; to the Committee on Small Business.

H.R. 5034. An act to expand loan forgiveness for teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5117. An act 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; to the Committee on Finance.

H.R. 5273. An act 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; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolution were read the first and second time by unanimous consent, and placed on the calendar:

H.R. 1248. An act to prevent violence against women.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.J. Res. 100. Joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, without amendment:

S. 3121: A bill to reauthorize programs to assist small business concerns, and for other purposes (Rept. No. 106–422).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3059: A bill to amend title 49, United States Code, to require motor vehicle manufacturers and motor vehicle equipment manufacturers to obtain information and maintain records about potential safety defects in their foreign products that may affect the safety of vehicles and equipment in the United States, and for other purposes (Rept. No. 106–423).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2899: A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes (Rept. No. 106–424).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 4868: A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

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. DASCHLE (for Mrs. FEINSTEIN):

S. 3117. A bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children to ensure that their best interests are held paramount in immigration proceedings and actions involving them; to prescribe standards for their custody, release, and detention; to improve policies for their permanent protection; and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 3118. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits adjustment on crude oil (and products thereof) and to fund heating assistance for consumers and small business owners; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 3119. A bill to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes''; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DURBIN, and Mr. FEINGOLD):

S. 3120. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. BOND:

S. 3121. A bill to reauthorize programs to assist small business concerns, and for other purposes; from the Committee on Small Business; placed on the calendar.

By Mr. HUTCHINSON:

S. 3122. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAMS:

S. 3123. A bill to provide for Federal class action reform; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. THURMOND):

S. 3124. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 3125. A bill to amend the Public Health Service Act, the Internal Revenue Code of 1986, and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas; to the Committee on Finance.

By Mr. HAGEL (for himself and Mr. BIDEN):

S. 3126. A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. HUTCHINSON, and Mr. FITZGERALD):

S. 3127. A bill to protect infants who are born alive; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. SARBANES, and Mr. BIDEN):

S.J. Res. 53. A resolution to commemorate fallen firefighters by lowering the American flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for Mrs. FEINSTEIN):

S. 3117. A bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children to ensure that their best interests are held paramount in immigration proceedings and actions involving them; to prescribe standards for their custody, release, and detention; to improve policies for their permanent protection; and for other purposes; to the Committee on the Judiciary.

UNACCOMPANIED ALIEN CHILD PROTECTION ACT OF 2000

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to change the way unaccompanied immigrant children are treated while in the custody of the Immigration and Naturalization Service (INS). The Unaccompanied Alien Child Protection Act of 2000 would ensure that the federal government addresses the special needs of thousands of unaccompanied alien children who enter the U.S. It would ensure that these children have a fair opportunity to obtain humanitarian relief when eligible.

Central throughout this legislation are two concepts:

(1) The United States government has a special responsibility to protect unaccompanied children in its custody; and

(2) In all proceedings and actions, the government must have as its paramount priority the protection of the best interests of the child.

The Unaccompanied Alien Child Protection Act of 2000 would ensure that children who are apprehended by the INS are treated humanely and appropriately by transferring jurisdiction over the welfare of unaccompanied minors from the INS Detention and Deportation division to a newly created Office of Children Services within the INS.

This legislation would also centralize responsibility for the care and custody of unaccompanied children in a new Office of Children's Services. By doing so, the legislation would resolve the conflict of interest inherent in the current system—that is, the INS retains custody of children and is charged with their care while, at the same time, it seeks their deportation.

Under this bill, the Office of Children's Services would be required to establish standards for the custody, release, and detention of children, ensuring that children are housed in appropriate shelters or foster care rather than juvenile jails. In 1999, the INS held some 2,000 children in juvenile jails even though they had never committed a crime. Equally as important, the bill would require the Office to establish clear guidelines and uniformity for detention alternatives such as shelter care, foster care, and other child custody arrangements.

The bill would strengthen options for the permanent protection of alien children in the United States, including providing asylum or adjustment of status to those who qualify.

Finally, the Unaccompanied Alien Child Protection Act would provide unaccompanied minors with access to legal counsel, who would ensure that the children appear at all immigration proceedings and assist them as the INS and immigration court considers their cases. The bill would also provide access to a guardian ad litem to ensure that they are properly placed in a safe environment. The guardian ad litem would also make sure that the child's attorney is, in fact, operating in his or her best interest.

Let me turn for a moment to the issue of access to counsel. Children, even more than adults, have immense difficulty tackling the complexities of the asylum system without the assistance of counsel. Despite this reality, most children in INS detention are unrepresented. Without legal representation, children are at risk of being returned to their home countries where they may face further human rights abuses.

I am aware of two cases that demonstrate the compelling need for counsel on behalf of these children. The first case involves two 17-year-old boys from China. Li and Wang were apprehended on an island near Guam and have been in INS custody for 16 months. During their detention on Guam, the two boys testified in federal court against the smugglers who brought them to Guam. In their testimony, they described being beaten by the smugglers even before leaving China, and stated that others were beaten during the trip to Guam. In the spring of 2000, the two boys were brought to a corrections facility in Los Angeles and are currently being held in the INS section of that facility. This is where the similarity in their cases end.

While both of the boys would face danger from the smugglers if they returned to China because of their testimony, only one was granted asylum. Li applied for asylum and was denied. He was not represented by counsel at his hearing. Despite the fact that the INS trial attorney mentioned that Li had testified in federal court against the smugglers, the judge did not include this information in her decision on the claim. Luckily for Li, an attorney overheard the hearing, and after speaking with Li, agreed to appeal his asylum claim. Li is still being held in a Los Angeles corrections facility. The story is different for Wang. Wang had an attorney and won his asylum hearing. But INS is appealing the decision so Wang still sits in a Los Angeles corrections facility, too.

These cases demonstrate the pressing need of legal representation for children. Li may have won his asylum claim if he had been represented by counsel and if the evidence regarding his testimony in federal court had been incorporated into his asylum claim. Instead, a 17-year-old boy unfamiliar with our immigration system and our language was forced to navigate the tricky court system alone.

According to Human Rights Watch, children detained by the INS, whether in secure detention or less restrictive settings, often have great difficulty obtaining information about their legal rights. On a visit to the Berks facility in 1998, Human Rights Watch staff found that none of the children they interviewed had received information about their rights or available legal services from either the INS or the facility's staff. Neither could local INS or facility staff identify how these children might receive this information.

In one way or another, we have been affected by the six-year-old shipwreck survivor from Cuba, Elian Gonzalez. His tragic story brought to light the plight of numerous other youngsters who find their way to the United States, unaccompanied by an adult and, in many cases, traumatized by the experiences provoking their flight.

Unaccompanied alien children are among the most vulnerable of the immigrant population; many have entered the country under traumatic circumstances. They are unable to protect themselves adequately from danger. Because of their youth and the fact that they are alone, they are often subject to abuse or exploitation.

Because of their age and inexperience, unaccompanied alien children are not able to articulate their fears, their views, or testify to their needs as accurately as adults can. Despite these facts, U.S. immigration laws and policies have been developed and implemented without careful attention to their effect on children, particularly on unaccompanied alien children.

Each year, the INS detains more than 5,000 children nationwide. They are apprehended for not having proper documentation at the ports-of-entry for entering the United States. Their detention may last for months—and sometimes for years—as they undergo complex immigration proceedings.

Under current immigration law, these children are forced to struggle through a system designed primarily for adults, even though they lack the capacity to understand nuanced legal principles and procedures. Children who may very well be eligible for relief are often vulnerable to being deported back to the very abuses they fled before they are able to make their case before the INS or an immigration judge.

Under current law, the INS is responsible for the apprehension, detention, care, placement, legal protection, and deportation of unaccompanied children. I believe that these are conflicting responsibilities that undercut the best interests of the child. Too often, the INS has fallen short in fulfilling the protection side of the these responsibilities.

The INS uses a variety of facilities to house children. Some are held in children's shelters in which children are offered some of the services they need but still may experience prolonged detention, lack of access to counsel, and other troubling conditions.

The INS relies on juvenile correctional facilities to house many children, even in the absence of any criminal wrongdoing. Today, one out of every three children in INS custody is detained in secure, jail-like facilities. These facilities are highly inappropriate, particularly for children who have already experienced trauma in their homelands.

There is currently no provision of federal law providing guidance for the placement of unaccompanied alien

children. In 1987, the Flores v. Reno settlement agreement on behalf of minors in INS detention established the nationwide policy for the detention, release, and treatment of children in the custody of INS. The Flores agreement requires that the INS treat minors with dignity, respect, and special concern for their particular vulnerability. It also requires the INS to place each detained minor in the least restrictive setting appropriate to the child's age and special needs.

In response to Flores, the INS issued regulations that permitted its officers to detain children in secure facilities only in limited circumstances. The INS officers were required to provide written notice to the child of the reasons for such placement. More importantly, the regulations required the INS to segregate immigration detainees from juvenile criminal offenders.

Although INS officials have contended that these children are placed in these facilities largely because they are charged with other offenses, the INS statistics do not bear out this claim. In fiscal year 1999, only 19 percent of the children placed in secure detention were chargeable or adjudicated as delinquents.

According to non-governmental organizations (NGOs) such as Human Rights Watch and the Women's Commission on Refugee Women and Children, the INS regularly violates these regulations. The NGOs contend that too often children are placed in jail-like facilities for seemingly arbitrary reasons, seldom notified of the reasons why, and forced to share rooms and have extensive contact with convicted juvenile offenders.

I was also astonished to learn that many of these children, some as young as four and five years old, are placed behind multiple layers of locked doors, surrounded by walls and barbed wire. They are strip searched, patted down, placed in solitary confinement for punishment, forced to wear prison uniforms and shackles, and are forbidden to keep personal objects. Often they have no one to speak with because of the language barrier.

The Unaccompanied Alien Child Protection Act of 2000 would ensure that the particular needs of the thousands of unaccompanied alien children who enter INS custody each year are met and that these children have a fair opportunity to obtain immigration relief when eligible.

In 1999, the INS held approximately 4,600 children under the age of 18 in its custody. Some of these children fled human rights abuses or armed conflict in their home countries, some were victims of child abuse or had otherwise lost the support and protection of their families, some came to the United States to join family members, and some came to escape economic deprivation.

Many of these children came from troubled countries around the world, including the Peoples Republic of China, Honduras, Afghanistan, Somalia, Sierra Leone, Colombia, Guatemala, Cuba, former Yugoslavia, and others. They range in age from toddlers to teenagers. Some traveled to the United States alone, while others were accompanied by unrelated adults.

Sadly, a significant number are victims of smuggling or trafficking rings. In one recent instance, Phanupong Khaisri, a two-year-old Thai child, was brought to the U.S. by two individuals falsely claiming to be his parents, but who were actually part of a major alien trafficking ring. The INS was prepared to deport the child back to Thailand. It was not until Members of Congress and the local Thai community had intervened, however, that the INS decided to allow the child to remain in the U.S. until the agency could provide proper medical attention and determine what course of action would be in his best interest. Now his case is before a federal district court judge who will determine whether he should be eligible to apply for asylum.

The Unaccompanied Alien Child Protection Act aims to prevent situations like this from recurring by centralizing the care and custody of unaccompanied children into a new Office of Children's Services within the INS, but outside the jurisdiction of the District Directors. By doing so, the Act resolves the conflict of interest inherent in the current system—that is, the INS retains custody of children and is charged with their care while, at the same time, it seeks their deportation.

I would like to take a moment to share with you a few other examples of how the federal government has fallen short in the manner in which we handle vulnerable unaccompanied minors. One would think that our country would treat unaccompanied minors with the sensitivity and care their situations demands. Unfortunately, in too many instances, that has not been the case. Too often, these children are often treated like adults and, under the worst circumstances, like criminals.

Xaio Ling, a young girl from China who spoke no English, was detained by the INS at the Berks County Juvenile Detention Center. The INS placed her among children guilty of violent crimes, including rape and murder. Xaio was never guilty of any crime, and yet she slept in a small concrete cell, was subjected to humiliating strip searches, and forced to wear handcuffs. She was forbidden to keep any of her clothes or possessions and, under the policies of the Berks Center, Xaio was not allowed to laugh.

Imagine the fear this child had: thrust into a system she did not understand, given no legal aid, placed in jail that housed juveniles with serious criminal convictions, including murder, car jacking, rape, and drug trafficking. She did not speak English and was unable to speak to any staff who knew her language, and she had to submit to strip searches. It is hard to believe that our country would have allowed this innocent child to be treated in such a horrible manner.

Situations like that of the young Chinese girl make a compelling case for a change in the way our nation treats unaccompanied alien children. Under the legislation I have introduced today, this youngster would never have been placed in a detention center with criminal offenders. Rather, she would have immediately been placed in shelter care, foster care, or a home more appropriate for her situation. She would have been provided an attorney for her immigration proceedings and a social worker would have been appointed as guardian ad litem to ensure that the child's needs were being met. Sadly, this young girl was given none of these options. Neither was a 16-year-old boy from Colombia.

This youngster fled Colombia to escape a life of violence on the streets of Bogota, where FARC guerrillas attempted to recruit him and the F–2 branch of the Colombian government harassed him in its attempt to get rid of street children. Fearing for his life, he fled Colombia for Venezuela where he lived without shelter or sufficient food. In search of a safer life, he sneaked into the machine room of a cargo ship bound for the United States. He was lucky to survive; many other stowaways were thrown overboard when discovered by the ship's crew.

The boy remained on the ship from November 1998 until March 1999, when he arrived in Philadelphia. He was soon turned over to the INS and placed into the same detention center the young Chinese girl was held in. He, too, was kept with criminal offenders. He did not understand English, which created a myriad of problems because he was unable to understand what was expected of him in the detention center. He was held in an inappropriately punitive environment for six months.

I have one last story to share with you today. Placed on a boat bound for the United States by her very own parents, a 15-year-old girl fled China's rigid family planning laws. Under these laws she was denied citizenship, education, and medical care. She came to this country alone and desperate. And what did our immigration system do when they found her? They held her in a juvenile jail in Portland, Oregon. She was held for eight months and was detained for an additional four months after being granted political asylum. At her asylum hearing, the young girl could not wipe away the tears from her face because her hands were chained to her waist. According to her lawyer, ''her only crime was that her parents had put her on a boat so she could get a better life over here.''

For years children's rights and human rights organizations have implored Congress to improve the way our immigration system handles unaccompanied minors—just like the ones whose stories I have just told. I believe my bill would do just that.

We cannot continue to allow children, who come to our country, often

traumatized and guilty of no crime, to be held in jails and treated like criminals. We cannot continue to allow children, scared and helpless, to be thrown into a system they do not understand without sufficient legal aid and a guardian to look after their best interests. We must adhere to the principles of our justice system. What kind of message do we send when we deprive children who come to our country seeking refuge of their basic rights and protections?

As a nation that holds our democratic ideals and constitutional rights paramount, how then can we continue to avert our attention from repeated violations of some of the most basic human rights against children who have no voice in the immigration system? We should be outraged that children who come to the U.S. alone, many against their will, are subjected to such inhumane, excessive conditions.

I am proud to have the support of the United States Catholic Conference and the Women's Commission on Refugee Women and Children, with whom I have worked closely to develop this legislation.

Although we are nearing the end of the session, I want to highlight this issue now so that we can begin to think about the importance of protecting the rights of children in immigration custody and work towards passing this legislation in the next Congress.●

By Mr. LEAHY:

S. 3118. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits adjustment on crude oil (and products thereof) and to fund heating assistance for consumers and small business owners; to the Committee on Finance.

WINDFALL OIL PROFITS FOR HEATING ASSISTANCE ACT OF 2000

Mr. LEAHY. Mr. President, the Windfall Oil Profits for Heating Assistance Act of 2000 is a bit of a mouthful, but let me explain what this does. My legislation imposes a windfall profits adjustment on the oil industry so we can fund heating help for consumers and small business owners across America.

Mr. President, while American families have been paying sky-high prices at the gas pump and are bracing for record-high home heating costs this winter, the oil industry is savoring phenomenal profits. Something is wrong when working families are struggling to pay for basic transportation and home heat while Big Oil rakes in obscene amounts of cash by the barrel.

Indeed, the overall net income for the 14 major petroleum companies more than doubled in the second quarter of 2000 relative to the second quarter of 1999, to $10.3 billion.

In the second quarter of 2000, BP Amoco PLC reported profits of $2.87 billion, Chevron Corporation reported profits of $1.14 billion, Conoco reported profits of $460 million, Exxon Mobil Corporation reported profits of $4.53 billion, Marathon Oil Company reported profits of $367 million, Phillips Petroleum Company reported profits of $439 million, Royal Dutch/Shell Group reported profits of $3.15 billion and Texaco, Inc. reported profits of $641 million.

Look at these huge profits. When people in Vermont and New England want to know why they are paying so much extra for home heating oil, pick up the phone and call Texas and ask them how they justify these huge windfall profits.

This chart illustrates the phenomenal profits of the oil industry. Keep in mind, these profits came as gasoline prices soared and heating oil stocks fell. The oil industry executives said: It is the people of OPEC. It is not our fault. We love our customers. We are your friends. We wouldn't raise these prices. It is the naughty people overseas. We are not making any money from this. We are sorry you have to pay so much more to commute to work. We are sorry you can't heat your home.

In my State, where it can drop down to 20 below zero, this is not a matter of comfort. It is a matter of whether you will live or not.

But the oil industry executives say: We are sorry you have to pay so much more. Gee, maybe you should fill up early. Stocks are low. It is not our fault. We are not making anything out of this. We are not making any money out of it.

They are liars. They are making money. They are making windfall profits.

I have a chart here that illustrates the phenomenal profits of the oil industry for the past year when gasoline prices soared and heating oil stocks fell. Compared to the second quarter of 1999, the profits in the second quarter of 2000 increased 133 percent for BP Amoco, 136 percent for Chevron, 205 percent for Conoco, 123 percent for Exxon Mobil, 208 percent for Marathon, 275 percent for Phillips, 96 percent for Shell and 124 percent for Texaco.

Not surprisingly, these multi-million and even multi-billion dollar profits in the second quarter of 2000 for BP Amoco, Chevron, Conoco, Exxon Mobil and Shell were record quarterly profits.

These gushering profits are not new for the oil industry in 2000. In the first quarter of 2000, Big Oil also reaped record profits.

In the first quarter of 2000, ARCO reported profits of $333 million, BP Amoco reported profits of $2.68 billion, Chevron reported profits of $1.10 billion, Conoco reported profits of $391 million, Exxon Mobil reported profits of $3.35 billion, Phillips reported profits of $250 million, Shell reported profits of $3.13 billion, and Texaco reported profits of $602 million.

I have a second chart here that illustrates the phenomenal profits of the oil industry for the first quarter of the past year. Compared to the first quarter of 1999, the profits in the first quarter of 2000 increased 136 percent for ARCO, 296 percent for BP Amoco, 291 percent for Chevron , 371 percent for Conoco, 108 percent for Exxon Mobil, 257 percent for Phillips, 117 percent for Shell and 473 percent for Texaco.

Again, these multi-million and multi-billion dollar profits in the first quarter of 2000 for BP Amoco, Conoco, Exxon Mobil and Shell were record quarterly profits.

Yet these same oil company executives can tell the people of Vermont, the Northeast and elsewhere: Sorry you have to pay so much more for your gasoline. Sorry you have to pay so much more for your home heating oil. It is not our fault. We are not making any profits. It is those mean people in the Middle East.

Man, what hypocrisy.

Somebody once said, in Vermont: We will rely on the facts. Vermonters are not fooled by this. But how frustrating it is for all of us, how frustrating it is for middle America, to pay these bills, feeling they are helpless. Because the fact comes down, in our State, in an extraordinarily cold winter, we have to have heat. The fact comes down, when men and women have to go to work and they have to commute, they have to pay the price of going there. Everybody expects to pay what it costs to live. But they do not expect to have to pay windfall profits for a cartel of companies.

Big Oil reaped record profits while American consumers and small business owners dug deeper into their pockets to pay for soaring gasoline prices. And more record profits for Big Oil at the expense of consumers and small business owners are expected this winter when heating costs go through the roof.

Even more disturbing are the recent press reports that the major oil companies are not using their record profits to boost production and lower future prices, but are instead cutting back on exploration and production.

If they were using some of these huge profits to create more fuel, to create more production ability to be able to stave off shortages in the future, I would say let them have the profits because we will all benefit. They are not. They are just pocketing the profits. They are not doing a thing to find new oil, to find new production facilities.

Listen to this from a report in yesterday's Wall Street Journal: ''Exploration and production expenditures at the so-called super majors—Exxon Mobil Corp., BP Amoco PLC, and Royal Dutch/Shell Group—fell 20 percent to $6.91 billion in the first six months of the year from a year earlier. . . .'' Mr. President, that is outrageous.

The oil industry is made up of corporations formed under the laws of the United States. These oil industry corporations have a responsibility to the public good as well as their shareholders.

To reap record windfall profits and then cut back on exploration and production to further increase future profits is poor corporate citizenship and an abuse of the public trust by these oil industry corporations and their executives.

Well I for one have had enough of Big Oil making record profits at the expense of the working families and the small business owners who pay the oil bills, live by the rules and struggle mightily when fuel and heating costs skyrocket.

In response to the energy crisis of the 1980s, Congress enacted the Crude Oil Windfall Profit Tax Act of 1980. This windfall profits tax, which was repealed in 1988, funded low-income fuel assistance and energy and transportation programs.

Similar to the early 1980s, American families again face an energy crisis of high prices and record oil company profits. This past June, gasoline prices hit all-time highs across the United States, with a national average of $1.68 a gallon, according to the Energy Information Administration.

This winter, the Department of Energy estimates that heating oil inventories are 36 percent lower than last year with heating oil inventories in New England estimated to be 65 percent lower than last year. In my home state of Vermont, energy officials estimate heating oil costs will jump to $1.31 per gallon, up from $1.19 last winter and 80 cents in 1998.

Given the oil industry's record windfall profits in the face of this energy crisis, it is time for Congress to act and again limit the windfall profits of Big Oil.

The Leahy bill would do just that and dedicate the revenue generated from this windfall profits adjustment to help working families and small business owners with their heating oil costs this winter.

If they are not going to put more money into providing more energy for us, then the Windfall Oil Profits For Heating Assistance Act of 2000 would impose a 100 percent assessment on windfall profits from the sale of crude oil. My legislation builds on the current investigation by the Federal Trade Commission, a well deserved investigation into the pricing and profits of the oil industry.

My bill requires the Federal Trade Commission to expand this investigation to determine if the oil industry is reaping windfall profits.

The revenue collected from windfall oil industry profits, under my legislation, would be dedicated to two separate accounts in the Treasury for the following: 75 percent of the revenues to fund heating assistance programs for consumers such as the Low Income Home Energy Assistance Program (LIHEAP), weatherization and other energy efficiency programs; and 25 percent of the revenues to fund heating assistance programs for small business owners.

American consumers and small business owners continue to pay sky-high gasoline prices and home heating oil costs are expected to hit an all-time high this winter while U.S. oil corporations reap more record profits. We ought to restore some basic fairness to the marketplace. It is time for Congress to transfer the windfall profits from Big Oil to fund heating oil assistance for working families.

If big oil executives say: But we need these profits so we can continue our exploration, we can continue to increase refineries—then let them spend the money for that. If they are actually spending the money for that, it is not a problem. But they want to have it both ways: They want to have a shortage, they want to force up the price, they want to have a windfall profit, and they want to stick it in their pocket and they don't want to do anything to help the consumer. If they are unwilling to help the consumer, the Congress ought to stand up and help the consumer.

I ask unanimous consent the text of the bill be printed in the RECORD at the conclusion of my remarks and the bill be appropriately referred.

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

S. 3118

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 ''Windfall Oil Profits For Heating Assistance Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The overall net income for the 14 major petroleum companies more than doubled in the second quarter of 2000 relative to the second quarter of 1999, to $10,300,000,000.

(2) In the second quarter of 2000, BP Amoco reported profits of $2,870,000,000, Chevron Corporation reported profits of $1,140,000,000, Conoco reported profits of $460,000,000, Exxon Mobil Corporation reported profits of $4,530,000,000, Marathon Oil Company reported profits of $367,000,000, Phillips Petroleum Company reported profits of $439,000,000, Royal Dutch/Shell Group reported profits of $3,150,000,000, and Texaco, Inc. reported profits of $641,000,000.

(3) When compared to the second quarter of 1999, the profits in the second quarter of 2000 increased 133 percent for BP Amoco, 136 percent for Chevron, 205 percent for Conoco, 123 percent for Exxon Mobil, 208 percent for Marathon, 275 percent for Phillips, 96 percent for Shell, and 124 percent for Texaco.

(4) The profits in the second quarter of 2000 for BP Amoco, Chevron, Conoco, Exxon Mobil, and Shell were record quarterly profits for these oil companies.

(5) In the first quarter of 2000, ARCO reported profits of $333,000,000, BP Amoco reported profits of $2,680,000,000, Chevron reported profits of $1,100,000,000, Conoco reported profits of $391,000,000, Exxon Mobil reported profits of $3,350,000,000, Phillips reported profits of $250,000,000, Shell reported profits of $3,130,000,000, and Texaco reported profits of $602,000,000.

(6) When compared to the first quarter of 1999, the profits in the first quarter of 2000 increased 136 percent for ARCO, 296 percent for BP Amoco, 291 percent for Chevron, 371 percent for Conoco, 108 percent for Exxon Mobil, 257 percent for Phillips, 117 percent for Shell, and 473 percent for Texaco.

(7) The profits in the first quarter of 2000 for BP Amoco, Conoco, Exxon Mobil, and Shell were record quarterly profits.

(8) On June 19, 2000, gasoline prices hit all-time highs across the United States, with a national average of $1.68 per gallon, according to the Energy Information Administration.

(9) On September 22, 2000, the Department of Energy estimated that heating oil inventories nationwide are 36 percent lower than in 1999, in the East such inventories are 40 percent lower than in 1999, and in New England such inventories are 65 percent lower than in 1999.

(10) American consumers continue to pay sky-high gasoline prices and home heating oil prices are expected to hit an all-time high in the winter of 2000–2001 while the oil industry continues to reap record profits.

(b) PURPOSE.—The purpose of this Act is to transfer windfall profits from the oil industry to fund heating assistance for consumers and small business owners.

SEC. 3. WINDFALL PROFITS ADJUSTMENT.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

"CHAPTER 55—WINDFALL PROFITS ON CRUDE OIL AND PRODUCTS THEREOF

''Sec. 5886. Imposition of tax.

"SEC. 5886. IMPOSITION OF TAX.

''(a) IN GENERAL.—An excise tax is hereby imposed an the windfall profit from any domestic crude oil or other taxable product removed from the premises during the taxable year at a rate equal to 100 percent of such windfall profit.

''(b) DEFINITIONS.—For purposes of this section—

''(1) PREMISES.—The term 'premises' has the same meaning as when used for purposes of determining gross income from property under section 613.

''(2) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or taxable product.

''(3) REASONABLE PROFIT.—The term 'reasonable profit' means the amount determined by the Chairman of the Federal Trade Commission to be a reasonable profit on the crude oil or taxable product.

''(4) TAXABLE PRODUCT.—The term 'taxable product' means any fuel which is a product of crude oil.

''(5) WINDFALL PROFIT.—The term 'windfall profit' means, with respect to any removal of crude oil or taxable product, so much of the profit on such removal as exceeds a reasonable profit.

''(c) LIABILITY FOR PAYMENT OF TAX.—The tax imposed by subsection (a) shall be paid by the producer of the crude oil or taxable product.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of such Code is amended by adding at the end the following new item:

''CHAPTER 55. Windfall profits on crude oil and products thereof.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or other products removed from the premises on or after January 1, 2000.

SEC. 4. FEDERAL TRADE COMMISSION INVESTIGATION AND DETERMINATION OF REASONABLE PROFITS.

(a) INVESTIGATION OF OIL INDUSTRY PROFITS.—The Chairman of the Federal Trade

Commission shall investigate the profits of the oil industry, including the 14 major petroleum companies, on the sale in the United States of any crude oil or other taxable product (as defined in section 5886(b) of the Internal Revenue Code of 1986) made after January 1, 1999.

(b) DETERMINATION OF REASONABLE OIL INDUSTRY PROFITS.—The Federal Trade Commission shall make reasonable profit determinations for purposes of applying section 5886 of the Internal Revenue Code of 1986 (relating to windfall profit on crude oil and products thereof).

(c) FUNDING.—There are authorized to be appropriated to the Federal Trade Commission such funds as are necessary to carry out this section.

SEC. 5. ALLOCATION OF REVENUES FROM WINDFALL OIL PROFITS ADJUSTMENT TO HEATING ASSISTANCE.

(a) ESTABLISHMENT OF TRUST FUND.—Subchapter A of chapter 98 of subtitle I of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

"SEC. 9511. WINDFALL OIL PROFITS TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Windfall Oil Profits Trust Fund', consisting of such amounts as may be appropriated or credited to the Windfall Oil Profits Trust Fund as provided in this section.

''(b) TRANSFERS TO WINDFALL OIL PROFITS TRUST FUND.—There are hereby appropriated to the Windfall Oil Profits Trust Fund amounts equivalent to the taxes received in the Treasury under section 5886.

''(c) EXPENDITURES FROM WINDFALL OIL PROFITS TRUST FUND.—Amounts in the Windfall Oil Profits Trust Fund shall be available, as provided by appropriations Acts, for making expenditures—

''(1) in an amount not to exceed 75 percent of amounts transferred under subsection (b), for heating assistance for consumers, and

''(2) in an amount not to exceed 25 percent of amounts transferred under subsection (b), for heating assistance for small businesses.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of subtitle I of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 9511. Windfall oil profits trust fund.''

Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 3119. A bill to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes''; to the Committee on Energy and Natural Resources.

THE FORT CLATSOP NATIONAL MEMORIAL EXPANSION ACT OF 2000

Mr. WYDEN. Mr. President, today I am pleased to introduce, with my friend and colleague from Oregon, Senator GORDON SMITH, the Fort Clatsop National Memorial Expansion Act of 2000. I am also pleased that Congressman DAVID WU, representing Fort Clatsop and Clatsop County in the United States House of Representatives, is introducing companion legislation in the House.

The Fort Clatsop Memorial marks the spot where Meriwether Lewis, William Clark and the Corps of Discovery spent 106 days during the winter of 1805. The bicentennial of their historic journey is fast approaching and it is estimated that over a quarter-million people will visit the Memorial during the bicentennial years of 2003 through 2006. Despite this anticipated influx of visitors, the Memorial is still legally limited to no more than 130 acres. This legislation would authorize the boundary expansion of the Memorial to no more than 1500 acres so as to help accommodate the large number of expected visitors.

Since the 1980s, the U.S. Park Service in Astoria, Oregon has been trying to negotiate a land purchase with Williamette Industries to acquire approximately 928 acres for the expansion of the Ft. Clatsop National Memorial. These acres are integral to the interpretation and enjoyment of the Memorial's historic site. Over the past 13 months the Park Service and Willamette Industries negotiated and, recently, reached an agreement that will lead to the Park Service acquiring this property. Before that can happen, however, this legislation, authorizing the expansion of the park boundary, will allow the Park Service to acquire the Willamette land administratively. The bill also authorizes a study of the national significance of Station Camp, another Lewis and Clark stopping point in 1805, located in Washington State.

The Park Service has targeted the expansion of the Fort Clatsop Memorial as one of its highest priorities. The Clatsop County Commission supports this legislation, as do the local landowners in and around the Memorial. In addition, I have heard from the National Parks and Conservation Association [NPCA], the Trust for Public Lands and the Conservation Fund, all of whom support efforts to expand the Ft. Clatsop Memorial.

I look forward to working with my colleagues to see this legislation pass because the protection of this important American historic area will enable us to illustrate the story of Oregon and America's western expansion for all who visit this special place. 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. 3119

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 ''Fort Clatsop National Memorial Expansion Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, where they spent 106 days waiting for the end of winter and preparing for their journey home. The Fort Clatsop National Memorial was created by Congress in 1958 for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent, and is the only National Park Service site solely dedicated to the Lewis and Clark Expedition.

(2) The 1995 General Management Plan for the Fort Clatsop National Memorial, prepared with input from the local community, calls for the addition of lands to the memorial to include the trail used by expedition members to travel from the fort to the Pacific Ocean and to include the shore and forest lands surrounding the fort and trail to protect their natural settings.

(3) The area near present day McGowan, Washington where Lewis and Clark and the Corps of Discovery camped after reaching the Pacific Ocean, performed detailed surveying, and conducted the historic ''vote'' to determine where to spend the winter, is of undisputed national significance.

(4) The National Park Service and State of Washington should identify the best alternative for adequately and cost effectively protecting and interpreting the ''Station Camp'' site.

(5) Expansion of the Fort Clatsop National Memorial would require Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop for both the trail to the Pacific and, possibly, the Station Camp site would be both timely and appropriate before the start of the national bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.

The Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes'', approved May 29, 1958 (Chapter 158; 72 Stat. 153), is amended—

(a) by inserting in section 2 ''(a)'' before ''The Secretary''.

(b) by inserting in section 2 a period, ''.'', following ''coast'' and by striking the remainder of the section.

(c) by inserting in section 2 the following new subsections:

''(b) The Memorial shall also include the lands depicted on the map entitled 'Fort Clatsop Boundary Map', numbered and dated '405–80016–CCO–June–1996'. The area designated in the map as a 'buffer zone' shall not be developed but shall be managed as a visual buffer between a commemorative trail that will run through the property, and contiguous private land holdings.

(c) The total area designated as the Memorial shall contain no more than 1,500 acres.''

(d) by inserting at the end of section 3 the following:

''(b) Such lands included within the newly expanded boundary may be acquired from willing sellers only, with the exception of corporately owned timberlands.''

SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.

The Secretary of the Interior shall conduct a study of the area known as ''Station Camp'' near McGowan, Washington, to determine its suitability, feasibility, and national significance, for inclusion into the National Park System. The study shall be conducted in accordance with Section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DURBIN, and Mr. FEINGOLD):

S. 3120. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

THE IMMIGRANT FAIRNESS RESTORATION ACT OF 2000

Mr. KENNEDY. Mr. President, I am honored to join my colleagues, Senators GRAHAM, LEAHY, KERRY, WELLSTONE, DURBIN, and FEINGOLD in introducing the Immigrant Fairness Restoration Act. This legislation will restore the balance to our immigration laws that was lost when Congress enacted changes in 1996 that went too far.

The 1996 law has had harsh consequences that violate fundamental principles of family integrity, individual liberty, fairness, and due process. Families are being torn apart. Persons who are no danger to the community have languished in INS detention. Individuals who made small mistakes and atoned for their crimes long ago are being summarily deported from the United States to countries they no longer remember, separated from all that they know and love in this country.

The Immigrant Fairness Restoration Act will repeal the harshest provisions of the 1996 changes. It will eliminate retroactive application of these laws. The rules should not change in the middle of the game. Permanent residents who committed offenses long before the enactment of the 1996 laws should be able to apply for the relief from removal as it existed when the offense was committed. Unfair new consequences should not attach to old conduct.

Our legislation will also restore proportionality to our immigration laws. Current immigration laws punish permanent residents out of proportion to their crimes. Relatively minor offenses are now considered aggravated felonies. Permanent residents who did not receive criminal convictions or serve prison sentences should not be precluded from all relief from deportation.

Our proposal also restores the discretion of immigration judges to evaluate cases on an individual basis and grant relief from deportation to deserving families. Currently, these judges are unable to grant such relief to many permanent residents, regardless of their circumstances or equities in the cases. Their hands are tied, even in the most compelling cases, and deserving legal residents are being unfairly treated by these laws.

In addition, our proposal will end mandatory detention. The Attorney General will have authority to release person from detention who do not pose a danger to the community and are not a flight risk. The traditional standards governing such determinations should be restored to immigrants. Dangerous criminals should be detained and deported. But indefinite detention must end. Those who have lived in the United States with their families for years, established strong ties in our communities, paid taxes, and contributed to the Nation deserve to be treated fairly.

The 1996 changes also stripped the Federal courts of any authority to review the decisions of the INS and the immigration courts. As a result, life-shattering determinations are often now made at the unreviewable discretion of an INS functionary. Immigrants deserve this day in court, and our proposal will provide it.

It is long past time for Congress to end these abuses. Real individuals and real families continue to be hurt by the unacceptable changes made four years ago.

Armando Baptiste of Boston was recently featured in a column in the New York Times by Anthony Lewis. Armando came to the United States at the age of 9 from Cape Verde. As a teenager, he became involved in a gang and was convicted of assault. Later, he joined a church-sponsored group and turned his life around. He became a key figure in the city, helping other young people in the Cape Verdean community avoid the mistakes that he had made.

But the 1996 law made Armando deportable as a result of his earlier conviction. In February, he was jailed by the INS, and he now awaits deportation. The immigration judge will not be able to consider his positive contributions to his community, his family ties, or the hardship that severing those ties will cause.

Mary Anne Gehris was born in Germany and adopted by a family in Georgia when she was 2 years old. She is married and has two children, including a 14-year-old with cerebral palsy. Eleven years ago, she pulled another woman's hair during an argument and pled guilty to a misdemeanor. Although she never spent a day in jail, the crime is a deportable offense under the 1996 laws. Mary Anne was pardoned by the Georgia Board of Pardons this year. The Board does not usually grant pardons for misdemeanor convictions, but it decided to do so because, it said, the 1996 laws have ''adversely affected the lives of numerous Georgia residents.''

Ana Flores also deserves a chance. For several years, she complained to police about physical abuse by her husband. In 1998, she bit her husband during a domestic dispute. Without consulting a lawyer, she pleaded guilty at the urging of a judge and was placed on probation for six months. Because the 1996 immigration law calls domestic violence a deportable offense, she is now being deported to Guatemala, even though she has two children who are U.S. citizens.

We still have time to act this year to end these abuses. The House of Representatives has already passed legislation that is an important first step in this process, but it fails to deal with many of the most harmful aspects of the 1996 laws. The legislation we are introducing today is needed to end these festering abuses once and for all, and we urge Congress to enact it.

Mr. GRAHAM. Mr. President, I rise today, with my colleagues, Senators KENNEDY, LEAHY, DURBIN, KERRY, and WELLSTONE to introduce legislation that will help restore fairness and justice to our legal system.

Our nation is known worldwide for our system of justice.

We proclaim that everyone is equal under the eyes of the law.

Since the passage of the 1996 immigration law and the Anti-Terrorism and Effective Death Penalty Act, this statement has been only partially true.

There have been thousands of individuals who have been, in simple terms, punished twice: once for a crime, even a very minor crime, that was committed, and once again for their immigration status.

These are individuals who are legally here in the United States; but they are not U.S. citizens.

I do a workday once a month.

On these days I work a full shift on jobs ranging from garbage collection to teaching.

In my 345th workday, in May 1999, I spent the day at the INS Krome Detention Center near Miami.

I met individuals who had been legally present in the United States for years.

They had committed a crime, and for that they had fully served any criminal sentence that was imposed.

When I met them, they were being indefinitely detained by the INS solely because of their immigration status.

Under the two laws we passed in 1996, the United States could not release them.

And because we don't have a treaty with their country of origin—in this case—Cuba, we could not deport them.

Cuba won't take them back.

So we are locking up for life individuals who may have bounced a check, or stolen a car radio and have already been sentenced, and have completed their sentence, for those crimes by a court of law.

Allow me to offer a few examples from my home state of Florida.

Catherine Caza was born in Canada but came to this country as a legal permanent resident when she was three years old.

She has always considered herself an American.

Until recently, she had no reason to believe otherwise.

Twenty years ago Ms. Caza made a terrible mistake. She sold drugs to an undercover policeman. For this she pleaded guilty and received five years probation—which she successfully completed.

That was 20 years ago. Now she is 40 years old. She is the mother of a 7-year-old girl. She is attending college, hoping to someday become a social worker. The INS wants to deport her.

Ms. Caza is scared, and justifiably so. She wonders how she will be able to build a new life for herself and her daughter, her American-born daughter, in a country that is wholly unfamiliar.

Roberto and Sheila Salas are facing an equally bleak future.

Mrs. Salas dreamed of going overseas with the United States Air Force. Naturally, she planned to take her husband and two children with her.

Her husband, 31-year-old Roberto Salas, came to this country from Peru as a permanent legal resident when he was 17.

At 19, he was sentenced to five years probation. He was released from probation two years early because he followed all the rules. He has followed the rules ever since.

His family calls him a loving husband and father and a good provider. In 1997 he applied for naturalization so his wife could go overseas. Months later he was told that his adopted country was sending him back to Peru. The rules had changed.

These are, as I have said, just two of countless stories from every state in the nation. This is not fair. This is not humane. This is simply not reasonable.

Our legislation tries to restore a measure of sanity to the laws governing deportation of legal aliens.

First and foremost: It is blatantly unfair to change the rules in the middle of the game. This is what we did in 1996.

We passed a bill that applied new rules retroactively. We need to fix this. Under our legislation, if you committed a crime 10 years ago, the rules that will punish you will be the rules that were in place then.

This bill restores proportionality to our immigration law. With the passage of Immigrant Fairness Restoration Act, the ''punishment will fit the crime.''

Under our current law, an individual can be deported for very minor crimes.

They can be punished even if a judge and jury hand down no jail time.

This person may have children who were born in this country, a spouse who is a U.S. citizen, even a business with many U.S. citizen employees.

This legislation returns to judges the discretion they had before 1996. There are some cases where deportation is the appropriate sanction. There are other cases where it is clearly not.

Let's let judges look at the facts and decide instead of taking over their role and insisting on a one-size-fits-all system of justice.

Let's not treat someone who stole a car as a teenager, served his time, and has since become a law-abiding productive adult, the same way we treat someone who has committed violent crimes over and over again.

Let's also not lock someone up for life because they have the bad fortune to come from a country that won't take them back. Long-term detention is an extremely powerful judicial tool.

We ask that the INS use this action only when necessary—not as a first option.

This is a very difficult issue to advocate. These are criminals. I absolutely believe they should be punished. They should fully repay their debt to society through incarceration, monetary restitution, community service, or any other sanction.

Judges and juries decide these punishments, and the legal immigrant should fully comply with each and every decision. However, from that point on, they should be allowed to start over.

As Americans, we cannot and should not re-punish them.

What we are doing now is locking up everyone: car radio thieves, check bouncers, and others, all mixed in with the most dangerous felons. Everyone should get an equal change to plead their case.

Experienced judges should have the discretion to keep together American families who now face the prospect of lifetime separation. I do not want a mass release of legal immigrants who pose a threat to our society.

However—I do want fairness and discretion restored to all those who legally live in the United States.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of a bill as important as the Immigrant Fairness Restoration Act, which would restore a number of the due process rights that were taken away by the passage in 1996 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Anti-Terrorism and Effective Death Penalty Act (AEDPA). With those laws, we turned our back on our historical commitment to immigration and the rule of law. It is long past time to undo the damage that was done then, and this bill provides an excellent foundation for such important change.

First, this bill would eliminate the retroactive effects of the 1996 laws. Those laws not only contained new and overly harsh provisions calling for increased deportations for minor offenses, it applied those new provisions retroactively. Under those laws, immigrants who may have committed a crime years before and had since gone on to live productive lives suddenly faced removal from the United States. Some had plead guilty to minor offenses—many of which did not even require jail time—with the understanding that such a plea would have no effect on their immigration status. And that was true at the time. But suddenly, with the passage of this law, they face removal and are not even allowed to apply for relief. They receive no due process, despite the fact that they have American families and legal immigration status.

This part of our immigration law simply must be changed. I have previously introduced legislation that would at least provide noncitizen veterans of our Armed Forces the right to due process before being removed for past offenses under these laws—the Fairness to Immigrant Veterans Act (S. 871). This bill has the support of the American Legion, the Vietnam Veterans of America, and other veterans' groups. It is unconscionable that those who served our country would be forced to leave it for a crime they committed 20 years ago, under a different immigration law regime, without even receiving the chance to convince a judge that they deserve the opportunity to stay. But in truth, this country should not treat any immigrant in that way, and I welcome a total eradication of the retroactivity provisions of these laws.

The Immigrant Fairness Restoration Act also refines the definition of ''aggravated felony'' that was itself altered in the 1996 legislation. This redefinition will ensure that immigrants who commit relatively minor offenses will not be classified as aggravated felons and precluded from all relief from deportation. Current law is unfair even when it is not applied retroactively, and we must fight to restore the concept of judicial review in our immigration law. The United States has historically been committed to the idea that people should be judged as individuals, and that we are just to impose penalties—whether they be criminal penalties or severe civil measures such as removal—because we have considered them carefully. We must return to that historical commitment.

The bill will also return the definition of ''crimes involving moral turpitude'' to the pre-1996 definition of that term. Before the 1996 laws were passed, an immigrant had to have been sentenced to a year in prison for a crime involving moral turpitude to be deportable. Today, any crime that could lead to a sentence of a year—even if a judge decides to impose no sentence whatsoever—qualifies as a crime involving moral turpitude. A one-year prison term requirement makes sense and could prevent great unfairness. Our immigration law should respect the decisions of judges and juries, not seek to undermine them.

This bill also touches on an area that I have worked on extensively—expedited removal. Expedited removal allows low-level INS officers with cursory supervision to return people who enter the United States to their home countries without opportunity for review. Although those who say they fear returning are given the opportunity for a credible fear hearing, there is ample evidence that that protection is insufficient to help those who have learned to fear authority in their native lands, or those whose grasp of English is halting or nonexistent. Senator BROWNBACK and I last year introduced S. 1940, the Refugee Protection Act, which would restrict the use of expedited removal to immigration emergencies, as certified by the Attorney General. I have been greatly disappointed that the Judiciary Committee has not scheduled a hearing on this bipartisan bill. I hope that we can still take action in this Congress to resolve this critical human rights issue. Meanwhile, I strongly support this bill's provision to restrict the use of expedited removal to our ports of entry. The INS has recently begun implementing expedited removal inside the United States. I believe an expansion of this program is inappropriate,

considering the bipartisan movement in Congress to reevaluate its existence even at our ports of entry. This bill will limit expedited removal's growth while we continue our efforts to restrict its use altogether.

I would also like to note this bill's restoration of the authority of federal courts to review INS decisions. Portions of this authority were stripped in both 1996 bills, a move I opposed at the time and continue to oppose today. Congress should not be in the business of micromanaging the federal docket, especially in politically sensitive areas such as immigration law. We should restore the pre-1996 status quo and give federal courts back the power we improvidently removed in the midst of the anti-immigration movement that seized this Congress.

I have highlighted only some of the excellent provisions in this bill today. This legislation also contains good provisions addressing the detention of immigrants, and allowing immigrants who have already been deported under the 1996 laws to reopen their cases. We cannot be content simply to fix these problems while ignoring those who have already been harmed by them. Rather, we must find a way to rectify the situations of those who have been treated unfairly over the last four years.

Although it is late in this Congress, there is a real opportunity for action on these issues. The House has already passed bipartisan legislation eliminating some of the retroactive effects of the 1996 laws. That legislation is not comprehensive enough in my view, but it is a good start, and it shows that members on both sides of the aisle are concerned about the effects—perhaps unintended—of those laws.

I would like to thank Senator KENNEDY and Senator GRAHAM for their hard and consistent work on these issues. I am happy to be able to join with them and I hope that we can work together to gain attention for this bill, and convince our colleagues and the Administration that these are changes that need to be made this year.

Mr. HUTCHINSON:

S. 3122. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on Health, Education, Labor, and Pensions.

ADA NOTIFICATION ACT

Mr. HUTCHINSON. 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. 3122

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 ''ADA Notification Act''.

SEC. 2. AMERICANS WITH DISABILITIES ACT OF 1990; AMENDMENT TO PROVIDE OPPORTUNITY TO CORRECT ALLEGED VIOLATIONS AS PRECONDITION TO CIVIL ACTIONS REGARDING PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES.

Section 308(a)(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12188(a)(1)) is amended—

(1) by striking ''(1) AVAILABILITY'' and all that follows through ''The remedies and procedures set forth'' and inserting the following:

''(1) AVAILABILITY OF REMEDIES AND PROCEDURES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the remedies and procedures set forth'';

(2) in subparagraph (A) (as designated by paragraph (1) of this section), by striking the second sentence; and

(3) by adding at the end the following subparagraphs:

''(B) OPPORTUNITY FOR CORRECTION OF ALLEGED VIOLATION.—A court does not have jurisdiction in a civil action filed under subparagraph (A) with the court unless—

''(i) before filing the complaint, the plaintiff provided to the defendant notice of the alleged violation, and the notice was provided by registered mail or in person;

''(ii) the notice identified the specific facts that constitute the alleged violation, including identification of the location at which the violation occurred and the date on which the violation occurred;

''(iii) 90 or more days has elapsed after the date on which the notice was so provided;

''(iv) the notice informed the defendant that the civil action could not be commenced until the expiration of such 90-day period; and

''(v) the complaint states that, as of the date on which the complaint is filed, the defendant has not corrected the alleged violation.

''(C) CERTAIN CONSEQUENCES OF FAILURE TO PROVIDE OPPORTUNITY FOR CORRECTION.—With respect to a civil action that does not meet the criteria under subparagraph (B) to provide jurisdiction to the court involved, the following applies:

''(i) The court shall impose an appropriate sanction upon the attorneys involved (and notwithstanding the lack of jurisdiction to proceed with the action, the court has jurisdiction to impose and enforce the sanction).

''(ii) If the criteria are subsequently met and the civil action proceeds, the court may not under section 505 allow the plaintiff any attorneys' fees (including litigation expenses) or costs.''.

By Mr. GRAMS:

S. 2123. A bill to provide for Federal class action reform; to the Committee on the Judiciary.

CONSUMER RIGHTS IN FEDERAL CLASS ACTIONS ACT OF 2000

• Mr. GRAMS. Mr. President, I offer today legislation entitled the ''Consumer Rights in Federal Class Actions Act of 2000.'' It is designed to incorporate checks upon the abuses of class action law that has led to an increasing number of suits where the primary benefit accrues to the attorney, and not the class represented. The bill also takes steps to ensure that attorney fees in class action resolutions are in proportion to the benefits that actually accrue to the class.

The last few years have seen the rise of ''coupon settlements'' in class action suits, in which attorneys reap literally hundreds of thousands of dollars in fees while the class members merely receive coupons for discounts on later purchases. For instance, in one well-known airline price-fixing settlement, class members received coupons in $8, $10, and $25 denominations which could not be pooled. In another class action settlement, a manufacturer was sued because its dishwashers caught on fire under conditions of normal use. Under the settlement, customers were provided coupons to purchase replacement dishwashers from the very same maker. So not only are the trial lawyers hitting the jackpot for themselves, but the defendants in many coupon settlements actually receive the benefit of a promotional tool for their products. These types of deals only further erode the credibility of our judicial system.

Moreover, notices to class members are so densely worded and difficult to slog through that they are routinely ignored, and the class action attorneys are free to proceed and negotiate without true accountability to their supposed clients. The idea of attorneys working for the benefit of their clients has been turned on its head, and now in many class action lawsuits class members exist for the benefit of the lawyer, and the lawyer walks away from the table with a large fee while the class members receive next to nothing.

The Senate Judiciary Committee has recently addressed the problem of ''coupon settlements'' with S. 353, the Class Action Fairness Act, which would move more large, multi-state claims into federal court where there has been more vigilance in reviewing class action certifications and settlements. This is an important reform, but I think we can take specific steps that go beyond this reform to cut down on the number of ''coupon settlements'' in class action lawsuits.

The first reform in my bill requires that the attorney filing the class action lawsuit file a pleading, including a disclosure of the recovery sought for class members and the anticipated attorney's fees, along with an explanation of how any attorney's fees will be calculated. This will give the court and the public notice of what the attorney is actually attempting to accomplish with the litigation for the class, and for themselves.

The second reform would require that, after a proposed settlement agreement has been filed by the parties, counsel for the class shall provide notice to the class members of the expected benefits they will receive, the rights they will waive through the settlement, the fee amount class counsel will seek, an explanation of how the attorney fee will be calculated and funded, and the right of any class member to enter comments into the court record about the proposed settlement terms. This will give class members a

more thorough knowledge about what they will receive in the settlement compared to what the attorney would receive, and will provide the court a mechanism for receiving comments from the class about the proposed settlement terms before rejecting or approving the agreement.

The third reform would require a regular, continuing disclosure as to how many members of the class are participating in the settlement. One of the dirty secrets of coupon settlements is that the benefits to the class are often of such minimal value that the class members do not even bother to take the steps necessary to receive the benefit, making the high fees received by the attorneys even more outrageous. Some settlements even offer cash recoveries to class members that are so minimal that it is not worth their time to recover the funds. The required disclosure will be via Internet so that the public and legal researchers can access the information, and also will be mailed directly to the class members for their information and use.

The final reform is that Congress will authorize a report by the Judicial Conference of the United States on ways to correct a particular abuse by class action lawyers in which they use polling surveys of the class to determine how many class members would utilize the settlement, and then submit it to the court as evidence for determining an appropriate fee. Courts have indeed used these tools to determine fees, however, the polling numbers regularly overestimate class utilization of the settlements by a wide margin, leading to inflated fee awards for class attorneys. My legislation directs the Conference to make recommendations to ensure that attorneys receive fees that are commensurate with the degree that the lawsuit benefits the class. The Judicial Conference is also directed to make recommendations affecting the broader topic of ensuring that proposed class action settlements are fair to the class members for whom the settlements are supposed to benefit.

My legislation will expose the trial bar to greater scrutiny in lawsuits that are filed primarily to line their own pockets, give class members greater rights in assessing the settlement offers, and set in motion other reforms that will put attorneys fees in line with the benefit they bring to the class. This is a true consumers' rights bill that will cut down on the abuses by the trial bar and shed more light on who is actually being benefited by these lawsuits. I urge all of my colleagues to join me in supporting this commonsense reform.●

Mr. CONRAD:

S. 3125. A bill to amend the Public Health Service Act, the Internal Revenue Code of 1986, and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas; to the Committee on Finance.

SUSTAINING ACCESS TO VITAL EMERGENCY MEDICAL SERVICES ACT OF 2000

Mr. CONRAD. Mr. President, today I am introducing the Sustaining Access to Vital Emergency Medical Services (EMS) Act of 2000. This bill would take important steps to strengthen the emergency medical service system in rural communities and across the nation.

Across America, emergency medical care reduces human suffering and saves lives. According to recent statistics, the average U.S. citizen will require the services of an ambulance at least twice during his or her life. As my colleagues surely know, delays in receiving care can mean the difference between illness and permanent injury, between life and death. In rural communities that often lack access to local health care services, the need for reliable EMS is particularly crucial.

Over the next few decades, the need for quality emergency medical care in rural areas is projected to increase as the elderly population in these communities continues to rise. Unfortunately, while the need for effective EMS systems may increase, we have seen the number of individuals able to provide these services decline. Nationwide, the majority of emergency medical personnel are unpaid volunteers. As rural economies continue to suffer, and individuals have less and less time to devote to volunteering, it has become increasingly difficult for rural EMS squads to recruit and retain personnel. In my state of North Dakota, this phenomenon has resulted in a sharp reduction in EMS squad size. In 1980, on average there were 35 members per EMS squad; today, the average squad size has plummeted to 12 individuals per unit. I am concerned that continued reductions in EMS squad size could jeopardize rural residents' access to needed medical services.

For this reason, the legislation I introduce today includes two components to help communities recruit, retain, and train EMS providers. First, this proposal would establish a Rural Emergency Medical Services Training and Equipment Assistance program. This program would authorize $50 million in grant funding for fiscal years 2001–2006, which could be used by rural EMS squads to meet various personnel needs. For example, this funding could help cover the costs of training volunteers in emergency response, injury prevention, and safety awareness; volunteers could also access this funding to help meet the costs of obtaining State emergency medical certification. In addition, EMS squads would be offered the flexibility to use grant funding to acquire new equipment, such as cardiac defibrillators. This is particularly important for rural squads that have difficulty affording state-of-the-art equipment that is needed for stabilizing patients during long travel times between the rural accident site and the nearest urban medical facility. This grant funding could also be used to provide community education training in CPR, first aid or other emergency medical needs.

Second, the Sustaining Access to Vital Emergency Medical Services Act would help individuals meet the costs of providing services by offering all volunteer emergency medical personnel a $500 income tax credit. Volunteers could use this credit to cover some of the incidental expenses incurred in providing services, such as purchasing gasoline for the vehicles they use to respond to emergencies or to buy medical gear like safety gloves and clothing. It is my hope that this tax credit would provide an incentive for unpaid EMS volunteers to continue providing services and for new volunteers to join rural emergency medical squads.

In addition to the provisions I have just described, this legislation also includes two other measures that would provide additional resources to EMS squads. The Balanced Budget Act (BBA) of 1997 reduced inflationary update payments to ambulance providers through 2002. This means that during this time frame, ambulance providers have not been given adequate resources to keep up with increasing service demands. To ensure ambulance providers receive appropriate resources, this legislation would eliminate the BBA market basket reductions and would instead provide a full inflationary update over the next two years. Also, this bill would provide an extra one percentage point increase in fiscal year 2001 to all EMS providers.

In addition, this proposal takes steps to fix the shortcomings of the newly implemented Medicare ambulance fee schedule. The negotiated rulemaking committee that developed the fee schedule voiced concern that the payment system does not adequately account for the costs of providing emergency care to low-volume rural areas. In response to this concern, the Committee included an add-on payment for services provided to rural areas. While this payment adjustment is a step in the right direction, we must go further in identifying low-volume areas and ensuring EMS providers are paid appropriately for serving these communities. This proposal would direct the Department of Health and Human Services (HHS) to conduct a study and provide recommendations to Congress on options for providing more appropriate payments to the nation's rural EMS providers. In conjunction with providing these recommendations, HHS would be required to implement any appropriate reimbursement changes by January 1, 2002.

It is my hope that the Sustaining Access to Vital Emergency (SAVE) Medical Services Act will help ensure EMS providers can continue providing quality medical care to our communities. I urge my colleagues to support this important effort.

By Mr. HAGEL (for himself and Mr. BIDEN):

S. 3126. A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on Foreign Relations.

FAMINE PREVENTION AND FREEDOM FROM HUNGER IMPROVEMENT ACT OF 2000

• Mr. HAGEL. Mr. President, today I am introducing a bill to amend title XII of the Foreign Assistance Act of 1961. Title XII describes the relationship between American universities and the United States Agency for International Development (USAID), with respect to USAID's international agriculture development programs. I am pleased to be joined in introducing this bill by my distinguished colleague from Delaware, Senator BIDEN.

This bill revitalizes the relationship between our universities, their public and private partners, and USAID. It reflects the fact that agriculture development work has changed dramatically in the past few years. For example, universities have long been important partners in the United States' efforts to promote agricultural development and decrease world hunger, but universities are no longer ivory towers. They now work with a variety of public and private partners to carry out agriculture-related assistance projects. This bill authorizes universities to utilize such partners when carrying out projects for USAID.

The bill also reflects the fact that agriculture development work increasingly focuses on income generation, rather than simply on household subsistence production. In addition to helping farmers grow enough to feed their immediate families, foreign agricultural assistance should also help farmers market and sell their products, and maximize their household income. This bill recognizes this new focus on income generation as a goal of American foreign agricultural assistance programs.

Lastly, the bill reflects the fact that sustainable development has increased in importance. Environmental and natural resource issues should be considered as part of the big picture in agriculture development.

I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following these remarks.

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

S. 3126

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 ''Famine Prevention and Freedom From Hunger Improvement Act of 2000''.

SEC. 2. GENERAL PROVISIONS.

(a) DECLARATIONS OF POLICY.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: ''The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.''.

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

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

(B) in subparagraph (A) (as redesignated), by striking ''in this country'' and inserting ''with and through the private sector in this country and to understanding processes of economic development'';

(C) in subparagraph (B) (as redesignated), to read as follows:

''(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;'';

(D) in subparagraph (C) (as redesignated), to read as follows:

''(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;'';

(E) by striking subparagraphs (E) and (G) (as redesignated);

(F) by striking ''and'' at the end of subparagraph (F) (as redesignated);

(G) by redesignating subparagraph (F) as subparagraph (G); and

(H) by inserting after subparagraph (D) the following:

''(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

''(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);'';

(I) in subparagraph (G) (as redesignated), by striking ''in the United States'' and inserting ''and the broader economy of the United States''; and

(J) by adding at the end the following:

''(H) that there is a need to responsibly manage the world's natural resources for sustained productivity, health and resilience to climate variability; and

''(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.''.

(b) ADDITIONAL DECLARATIONS OF POLICY.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

''(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

''(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

''(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

''(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

''(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

''(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

''(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.''.

(c) SENSE OF THE CONGRESS.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking ''each component'' and inserting ''each of the program components described in paragraphs (1) through (6) of subsection (b)'';

(2) in paragraph (2)—

(A) by inserting ''and public and private partners of universities'' after ''for the universities''; and

(B) by striking ''and'' at the end;

(3) in paragraph (3)—

(A) by inserting ''and public and private partners of universities'' after ''such universities'';

(B) in subparagraph (A), by striking '', and'' and inserting a semicolon;

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

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

''(C) multilateral banks and agencies receiving United States funds;

''(D) development agencies of other countries; and

''(E) United States Government foreign assistance and economic cooperation programs;''; and

(4) by adding at the end the following:

''(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

''(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.''.

(d) DEFINITION OF UNIVERSITIES.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after ''sea-grant colleges;'' the following: ''Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);''; and

(2) in paragraph (1), by striking ''extension'' and inserting ''extension (including outreach)''.

(e) DEFINITION OF ADMINISTRATOR.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting ''United States'' before ''Agency''.

(f) DEFINITION OF PUBLIC AND PRIVATE PARTNERS OF UNIVERSITIES.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.''.

(g) DEFINITION OF AGRICULTURE.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.''.

(h) DEFINITION OF AGRICULTURISTS.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.''.

SEC. 3. GENERAL AUTHORITY.

(a) AUTHORIZATION OF ASSISTANCE.—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

(1) in paragraph (1), to read as follows:

''(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;'';

(2) in paragraph (3), to read as follows:

''(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;''; and

(3) in paragraph (4)—

(A) by inserting ''United States'' before ''universities'';

(B) by inserting ''agricultural'' before ''research centers''; and

(C) by striking ''and the institutions of agriculturally developing nations'' and inserting ''multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs''.

(b) REQUIREMENTS.—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''universities'' and inserting ''United States universities with public and private partners of universities''; and

(B) in subparagraph (C)—

(i) by inserting '', environment,'' before ''and related''; and

(ii) by striking ''farmers and farm families'' and inserting ''agriculturalists'';

(2) in paragraph (2), by inserting '', including resources of the private sector,'' after ''Federal or State resources''; and

(3) in paragraph (3), by striking ''and the United States Department of Agriculture'' and all that follows and inserting '', the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.''.

(c) FURTHER REQUIREMENTS.—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

''(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;''; and

(2) in paragraph (4), to read as follows:

''(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and''.

(d) SPECIAL PROGRAMS.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:

''(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.''.

SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) ESTABLISHMENT.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: ''on a case-by-case basis''.

(b) GENERAL AREAS OF RESPONSIBILITY OF THE BOARD.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

''(b) The Board's general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title.''.

(c) DUTIES OF THE BOARD.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''increase food production'' and all that follows and inserting the following: ''improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;''; and

(B) in subparagraph (B), by inserting before ''sciences'' the following: '', environmental, and related social'';

(2) in paragraph (4), after ''Administrator and universities'' insert ''and their partners'';

(3) in paragraph (5), after ''universities'' insert ''and public and private partners of universities'';

(4) in paragraph (6), by striking ''and'' at the end;

(5) in paragraph (7), by striking ''in the developing nations.'' and inserting ''and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the amendments made by that Act;''; and

(6) by adding at the end the following:

''(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

''(9) investigating and resolving issues concerning implementation of this title as requested by universities; and

''(10) advising the Administrator on any and all issues as requested.''.

(d) SUBORDINATE UNITS.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking ''Research'' and insert ''Policy'';

(B) by striking ''administration'' and inserting ''design''; and

(C) by striking ''section 297(a)(3) of this title'' and inserting ''section 297''; and

(2) in paragraph (2)—

(A) by striking ''Joint Committee on Country Programs'' and inserting ''Joint Operations Committee''; and

(B) by striking ''which shall assist'' and all that follows and inserting ''which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.''.

SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking ''April 1'' and inserting ''September 1''.●

● Mr. BIDEN. Mr. President, I am pleased to join my good friend Senator HAGEL in introducing the Famine Prevention and Freedom from Hunger Improvement Act of 2000.

The challenge facing developing nations whose people live in hunger today is no longer just how to increase food production. As we enter the new millennium, those countries must also confront the problems of inadequate income, lack of access to markets for both producers and consumers, and unsustainable natural resource management practices.

One of the keys to all these issues must be a new, more productive relationship between educational institutions—here in the U.S. and in the affected countries—and their private partners involved in agricultural development. In short, they must become part of the new, higher-tech, international agricultural economy. This bill, an amendment to the Foreign Assistance Authorization Act, is designed to move us in that direction.

Mr. President, when delegates from around the world gathered in Rome in 1996 for the World Food Summit, they pledged to reduce by half the number of people suffering from hunger by the year 2015. At that time the number of hungry people was estimated to be between 830 and 840 million. Now, four years later, the Food and Agriculture Organization of the United Nations estimates that there are 790 million people in the developing world who do not get enough the eat each day. This is positive news, but it is painfully evident that more needs to be done.

Title XII of the FAA, Famine Prevention and Freedom from Hunger, was written in 1975, at a time when there was a significant level of famine and hunger in the world. Its aim was to involve U.S. universities in the fight to increase food production. Mr. President, that mission has achieved a large degree of success. It is time to go beyond the basic issue of production, to take on the further challenges of increasing access to markets, improving shipping and storage, promoting environmentally sustainable agriculture, and turning farming in developing nations from a subsistence activity into a source of income.

The U.S. Action Plan on Food Security was developed to fulfill America's part of the 1996 commitment to cut in half the number of hungry persons by 2015. This plan includes several key priority areas, including strengthened research and educational capacity, increased liberalization of trade and investment, and greater attention to natural resource management and environmental degradation. This legislation furthers U.S. efforts by amending title XII of the Foreign Assistance Act to reflect these priorities.

As a donor country, our task is to channel assistance into the areas in which it is most needed, and to use the most effective means to do so. American land and sea grant colleges have been engaged in agricultural research for years and, increasingly in the past decade, have partnered with private research institutions. In my own state of Delaware, Mr. President, both the University of Delaware and Delaware State University are engaged in just the kind of research that could benefit from the support this legislation will provide.

I would wager, Mr. President, that most Americans are not aware of the many direct benefits that our country's foreign assistance programs can provide for us right here at home. Our commitment to reduce hunger in developing countries not only benefits those in need: with the changes this bill proposes, we will increase the existing benefits to U.S. universities and research institutions, and our private organizations involved in agricultural development. Our assistance programs, while primarily aimed at helping those abroad, can and should reflect our commitment to involve U.S. universities and businesses, with all of their expertise and experience, in making the world a healthier, more productive, and a safer place.

Mr. President, here in the United States, we are experiencing a period of unprecedented growth. At a time in which we have so much, I believe that we have a moral obligation to share our blessings. This bill helps us to shift our priorities to reflect changing realities so that the generosity of the American people is as effective and targeted as possible.●

Mr. SANTORUM (for himself, Mr. HUTCHINSON, and Mr. FITZGERALD:)

S. 3127. A bill to protect infants who are born alive; to the Committee on the Judiciary.

BORN ALIVE INFANTS PROTECTION ACT OF 2000

● Mr. SANTORUM. Mr. President, I rise today to introduce the Born Alive Infants Protection Act. I would like to thank Senator HUTCHINSON and Senator FITZGERALD for joining me as original sponsors. This bill is the Senate companion to H.R. 4292, which the House of Representatives passed by a vote of 380–15.

When I came to the Senate six years ago, I never imagined that the bill I am offering today would be necessary. Simply stated, this measure gives legal status to a fully born living infant regardless of the circumstances of his or her birth. I am deeply saddened that we must clarify federal law to specify that a living newborn baby is, in fact, a person.

One could ask, ''Why do you need federal legislation to state the obvious? What else could a living baby be, except a person?'' I will begin my explanation with events in 1995, when the Senate began its attempts to outlaw a horrifying, inhumane, and barbaric abortion procedure: partial birth abortion. In this particular abortion method, a living baby is killed when he or she is only inches from being fully born. Twice, the House and Senate have stood united in sending a bill to President Clinton to ban this procedure. Twice, the President has vetoed the bill. And twice, the House courageously voted to override the veto. Although support in the Senate grew each time the ban came to a vote, the Senate fell a few votes shy of overriding the veto.

The Supreme Court's ruling in Stenberg v. Carhart, as well as subsequent rulings in lower courts, are disturbing on a number of levels. First, the Supreme Court struck down Nebraska's attempt to ban a grotesque procedure the American Medical Association has called ''bad medicine,'' and thousands of physicians who specialize in high risk pregnancies have called ''never medically necessary.'' Further, the Court said it did not matter that the baby is killed when it is almost totally outside the mother's body in this abortion method. In other known abortion methods, the baby is killed in utero. Finally, the U.S. Supreme Court, and the Third Circuit Court have stated it does not matter when the baby is positioned when it is aborted. This assertion, to me, is the most horrifying of all.

In the five years worth of debates on partial birth abortion, I have asked Senators a very simple question: ''If a partial birth abortion was being performed on a baby, and for some reason the head slipped out and the baby was delivered, would the doctor and the mother have the right to kill that baby?'' In five years, not one Senator who defended the procedure has provided a straightforward ''yes'' or ''no'' response. They would not answer my question. So last year, I revised it. In an effort to try to define when a child may be protected by the Constitution, I asked whether it would be alright to kill a baby whose foot is still inside the mother's body, or what if only a toe is inside? Again, I did not receive an answer.

Unfortunately, evidence uncovered at a recent hearing before the House Judiciary Subcommittee on the Constitution suggests my questions were not so hypothetical. In fact, two nurses testified to seeing babies who were born alive as a result of induced labor abortions being left to die in soiled utility rooms. Furthermore, the intellectual framework for legalization of killing unwanted babies is being constructed by a prominent bioethics professor at Princeton University. Professor Peter Singer has advocated allowing parents a 28 waiting period to decide whether

to kill a disabled or unhealthy newborn. In his widely disseminated book, Practical Ethics, he asserts, ''killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all.''

In response to these events, the Born Alive Infants Protection Act grants protection under federal law to newborns that are fully outside of the mother. Specifically, it states that federal laws and regulations referring to a ''person,'' ''human being,'' ''child,'' and ''individual'' include ''every infant member of the species homo sapiens who is born alive at any stage of development.'' ''Born alive'' 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 definitive 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, caesarean section, or induced abortion.'' The definition of ''born alive'' is derived from a World Health Organization definition of ''live birth'' that has been enacted in 30 states and the District of Columbia.

Again, all this bill says is that a living baby who is completely outside of its mother is a person, a human being, a child, and an individual. Similar legislation passed by the House of Representatives received overwhelming bipartisan support from Members on both sides of the general abortion debate. I am hopeful that the Senate and the President can agree that once a baby is completely outside of its mother, it is a person, deserving protections and dignity afforded to all other Americans.

I ask unanimous consent that the text of the Born Alive Infants Protection Act be printed in the RECORD following my remarks.

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

S. 3127

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 Protections 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 administration bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species home 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 of 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, caesarean 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.''.

Mr. HUTCHINSON. Mr. President, I rise today in support of the Born-Alive Infants Protection Act. While I am profoundly saddened by the fact that such legislation has become necessary, I am proud to be an original cosponsor and commend Senator SANTORUM for his efforts on behalf of those members of our society who don't yet have a voice.

While the abortion lobby announced its vociferous opposition to this common-sense legislation and will most-certainly denounce this as an attack on Role v. Wade, this is not such an attack. Rather, it is an effort to end the brutal practice of infanticide, and to reaffirm that a child may not be killed once it has been born.

I simply do not know how some of my colleagues will be able to defend the practice of killing children who have been born alive. We are talking about children who have been fully delivered. As I think of the moment I first held my grandson Jackson, I am repelled by the fact that our society has degenerated to the point where some people say that Jackson's life should be able to be taken even after his birth. I truly fear that if this practice is not stopped, some day, when the Peter Singers of the world have their way, the weakest members of our society—babies, the mentally retarded, the terminally ill, and the elderly—will have their lives taken from them against their will after someone has determined that their life is not meaningful.

Accordingly, I ask that my colleagues join me and work to enact this legislation.

Mr. ROTH (for himself, Mr. SARBANES, and Mr. BIDEN):

S.J. Res. 53. A resolution to commemorate fallen firefighters by lowering the American flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland; to the Committee on the Judiciary.

Mr. ROTH. Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 53

Whereas 1,200,000 men and women comprise the American fire and emergency services;

Whereas the fire and emergency services is considered one of the most dangerous jobs in the United States;

Whereas fire and emergency services personnel respond to over 16,000,000 emergency calls annually, without reservation and with little regard for their personal safety;

Whereas fire and emergency services personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident;

Whereas approximately one-third of all active fire and emergency personnel suffer debilitating injuries annually; and

Whereas approximately 100 fire and emergency services personnel die annually in the line of duty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each year, the American flags on all Federal office buildings will be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland.

ADDITIONAL COSPONSORS

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Louisiana (Mr. BREAUX), the Senator from North Dakota (Mr. CONRAD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1020

At the request of Mr. MACK, his name was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. CLELAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), the Senator from Connecticut (Mr. DODD), the Senator from Virginia (Mr. ROBB), and the Senator from Georgia (Mr. MILLER) 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