

SEC. 2. AUTHORITY TO ESTABLISH NONPROFIT ENTITIES.

Section 105(f) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, (22 U.S.C. 2255(f)) is further amended—

(1) by inserting “(1)” after “(f)”; and by adding at the end the following new paragraphs:

(2) The Secretary of State is authorized to provide for the establishment of private, nonprofit entities to assist in carrying out the purposes of the Act. Any such entity shall not be considered an agency or instrumentality of the United States government, nor shall its employees be considered employees of the United States government for any purposes.

(3) The entities may, among other functions, (a) encourage participation and support by U.S. multinational companies and other elements of the private sector for cultural, arts and educational exchange programs, including those programs that will enhance international appreciation of America’s cultural and artistic accomplishments; (b) solicit and receive contributions from the private sector to support these cultural arts and educational exchange programs; and (c) provide grants and other assistance for these programs.

(4) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of these entities, including the solicitation and receipt of funds for the entity; designation of a program in recognition of such contributions; and designation of members, including employees of the U.S. government, on any board or other body established to administer the entity.

(5) Any funds available to the Department of State may be made available to such entities to cover administrative and other costs for their establishment. Any such entity is authorized to invest any amounts provided to it by the Department of State, and such amounts, as well as any interest or earnings on such amounts, may be used by the entity to carry out its purposes.

ADDITIONAL COSPONSORS

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2789

At the request of Mr. COCHRAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2789, a bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2938

At the request of Mr. BROWNBACk, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3139

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor

of S. 3139, a bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien

S. 3147

At the request of Mr. ROBB, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3181

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

At the request of Mr. HAGEL, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3181, *supra*.

S. 3183

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. CON. RES. 153

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Con. Res. 153, a concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes.

SENATE CONCURRENT RESOLUTION 156—TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 1474

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1474) providing for the conveyance of the Palmetto Bend project to the State of Texas, the Secretary of the Senate shall make the following correction:

In section 7(a), insert “not” after “shall”.

AMENDMENTS SUBMITTED

OLDER AMERICANS AMENDMENTS OF 1999

GREGG AMENDMENT NO. 4343

Mr. GREGG proposed an amendment to the bill (H.R. 782) to amend the Older Americans Act of 1965 to author-

ize appropriations for fiscal years 2000 through 2003; as follows:

Beginning on page 151, strike line 1 through line 23, page 153, and insert the following:

“(d) RESPONSIBILITY TESTS.—

“(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall make an assessment of the applicant agency or State’s overall responsibility to administer Federal funds.

“(2) REVIEW.—

“(A) IN GENERAL.—As part of the assessment described in paragraph (1), the Secretary shall conduct a review of the available records to assess the applicant agency or State’s proven ability and history with regard to the management of other grants, including Department of Labor grants, and may consider any other information.

“(B) EXISTING GRANTEEES.—As part of the assessment described in paragraph (1), any applicant agency or State who in the prior year received funds under this title shall be assessed in accordance with subparagraph (A), and particular consideration shall be given to such agency or State’s proven ability to manage funds under this title.

“(C) TIME FOR REVIEW.—The Secretary shall conduct the review described in this paragraph in a timely manner to ensure that, if such agency or State is determined to be not responsible and ineligible as a grantee, any competition of funds from such agency or State who in the prior year received funds under this title will be accomplished without disruption to any employment of older individuals provided under this title. Such competition shall be performed in accordance with paragraph (7).

“(3) FAILURE TO SATISFY TEST.—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A), (B), and (C) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

“(4) TEST.—The responsibility test shall include the following factors:

“(A) Efforts by the Secretary to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

“(B) Established fraud or criminal activity of a significant nature within the organization.

“(C) Established misuse of funds, including the use of funds to lobby or litigate against any Federal entity or official or to provide compensation for any lobbying or litigation activity identified by the Secretary, independent Inspector General audits, or other official inquiries or investigations by the Federal Government.

“(D) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

“(E) Willful obstruction of the audit process.

“(F) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

“(G) Failure to correct deficiencies brought to the grantee’s attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

“(H) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.