duly constituted committee of the Senate.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 1794. A bill to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse.''

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. HATCH (for himself, Mr. NICKLES, Mr. LOTT, Mr. ABRAHAM, Mr. THURMOND, Mr. KYL, Mr. ASHCROFT, Mr. SESSIONS, Mr. SMITH of New Hampshire, and Mr. COVERDELL):

S. 2042. A bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2043. A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building''; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 2044. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. GRAMM, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. SPECTER, Mr. DEWINE, Mr. MCCONNELL, Mr. GORTON, Mr. HAGEL, Mr. BENNETT, Mr. GRAMS, Mr. ASHCROFT, Mr. BROWNBACK, Mr. SMITH of Oregon, and Mr. WARNER):

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. BREAUX, and Mr. HOLLINGS):

S. 2046. A bill to reauthorize the Next Generation Internet Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. REED, and Mr. LEAHY):

S. 2047. A bill to direct the Secretary of Energy to create a Heating Oil Reserve to be available for use when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2048. A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2049. A bill to extend the authorization for the Violent Crime Reduction Trust Fund; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. BRYAN, Mr. TORRICELLI, and Mr. BAUCUS):

S. 2050. A bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 255. A resolution recognizing and honoring Bob Collins, and expressing the condolences of the Senate to his family on his death; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. NICKLES, Mr. LOTT, Mr. ABRAHAM, Mr. THURMOND, Mr. KYL, Mr. ASHCROFT, Mr. SESSIONS, Mr. SMITH of New Hampshire, and Mr. COVERDELL):

S. 2042. A bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency; to the Committee on the Judiciary.

THE PARDON ATTORNEY REFORM AND INTEGRITY ACT

Mr. HATCH. Mr. President, today I am introducing a bill that will help restore public confidence in the Department of Justice by reforming the way that the Office of Pardon Attorney investigates candidates for executive clemency. This bill, the Hatch-Nickles-Abraham Pardon Attorney Reform and Integrity Act, which is co-sponsored by Senators LOTT, THURMOND, KYL, ASHCROFT, SESSIONS, SMITH of New Hampshire, and COVERDELL, addresses the problems that led to the widespread public outrage at the Department of Justice's role in President Clinton's decision last September to release 11 Puerto Rican nationalist terrorists from prison.

The beneficiaries of President Clinton's grant of clemency were convicted terrorists who belong to violent Puerto Rican independence groups called the FALN and Los Macheteros. They were in prison for a seditious conspiracy that included the planting of over 130 bombs in public places in the United States, including shopping malls and restaurants. That bombing spree—which killed several people, injured many others and caused vast property damage—remains the most prolific terrorist campaign within our borders in United States history.

The Judiciary Committee has thoroughly investigated the facts and circumstances surrounding the decision to release those terrorists from prison. We read thousands of documents produced by the Department of Justice and the White House. We interviewed law enforcement officials knowledgeable about the FALN and Los Macheteros organizations. We spoke to victims, and we held two hearings on the many issues raised by the grant of clemency. Our investigation has led me to a very troubling conclusion: the Justice Department ignored its own rules for handling clemency matters, exercised very poor judgment in ignoring the opinions of law enforcement and victims, and sacrificed its integrity by bowing to political pressure to modify its original recommendation against clemency.

I do not come to this conclusion lightly. I base it on an examination of the facts. The facts show that the clemency recipients were never asked for information relevant to open investigations or the apprehension of fugitives—despite the fact that one of their co-defendants, Victor Gerena, is on the FBI's ''ten most wanted'' list. Many of the killings associated with the FALN bombings, including the infamous Fraunces Tavern bombing, remain unsolved. The failure to ask for such information from the clemency recipients, several of whom held leadership positions in the FALN, means that the rest of the perpetrators of those crimes may never be brought to justice. My legislation will require the Justice Department to notify law enforcement of pending clemency requests, and to assess whether a proposed clemency recipient could have information on open investigations and fugitives.

Our investigation also revealed that the White House and the Justice Department ignored the many victims of FALN crimes, even while senior officials were holding numerous meetings with the terrorists' advocates for clemency. While top government officials actually gave strategic advice to the terrorists, no one lifted a finger to find, interview, or even notify the victims about the pending clemency request. My legislation would help ensure that the Justice Department remembers who it is supposed to be working for by requiring it to notify and seek input from victims.

Finally, a disturbing connection has come to light between the FALN, Los Macheteros and the Cuban government. Jorge Masetti, a former Cuban intelligence agent, has stated that Cuba helped Los Macheteros to plan and execute the $7.1 million Wells Fargo robbery—the biggest cash heist in US history—by providing funding, training and assistance in smuggling the money out of the country. Some sources estimate that 4 million dollars from the robbery ended up in Cuba. We don't

know whether the Pardon Attorney knew of or told the President about this Cuban connection because the Pardon Attorney currently has no obligation to contact intelligence agencies for information relevant to proposed grants of executive clemency. My legislation would require the Justice Department to solicit from law enforcement and intelligence agencies necessary information concerning the nature of the threat posed by potential clemency recipients so that the Pardon Attorney can properly advise the President whether a particular grant of clemency will impact future crime or terrorism.

Before describing how this bill works, I want to explain how the Office of Pardon Attorney currently operates. The job of the Office of Pardon Attorney is not complicated: it is to investigate potential grants of clemency and, in appropriate cases, to produce a report and recommendations to the President. Ordinarily, this work begins when the office receives a petition from a prisoner or someone who has already completed a prison sentence. The Department's rules require that an individual seeking clemency submit such a petition to the Pardon Attorney. After receiving a petition, the Pardon Attorney makes an initial determination of whether the request has enough merit to warrant further investigation. If so, the Pardon Attorney researches the potential clemency recipient and prepares a report analyzing the information in light of the grounds for granting clemency. As described by the United States Attorneys' Manual, those grounds ''have traditionally included disparity or undue severity of sentence, critical illness or old age, and meritorious service rendered to the government by the petitioner.''

It is to be expected that the Administration and the Department of Justice Office of Legal Counsel (''OLC'') would question the constitutionality of this bill by asserting an expansive view of executive power. That is their nature. This is the same Administration and Department that resisted any oversight of the FALN clemency decision. The OLC and the Department have a history of taking a liberal view of laws and privileges that would shield the President from scrutiny. This is evidenced by the Department's sound defeats on assertions of government attorney-client privilege and its ill-fated attempt to create a protective function privilege out of whole cloth. Anyone examining the merits of the OLC's attacks against this bill, therefore, must acknowledge that the Administration and the Department have a track record of overstating executive power.

With that background, let me clarify that the Pardon Attorney Reform and Integrity Act was carefully drafted to avoid offending the separation of powers. The Act does not attempt to dictate how the President uses the pardon power. Far from it. The Constitution gives that power to the President, and this bill does not restrict it in any way. This bill affects only those cases where the President delegates the responsibility to investigate a particular potential grant of clemency. Nothing in the bill requires the President to ask the Pardon Attorney for assistance or requires the Pardon Attorney to take any particular position or recommend any particular outcome. It doesn't even require the Department to submit a report to the President, but simply make it available. Furthermore, the bill does not require the President to read any report, consider any particular information, or avail himself of any resource. The President will still be able to disregard the Justice Department's reports, use another agency, ask anyone in the world for advice, or exercise the ''pardon power'' without anyone's counsel. Only if the President chooses to ask the Justice Department for assistance will the procedural requirements of this bill apply—and they will apply only to the Justice Department, not to the President.

The Act is consistent with the Supreme Court's opinions relating to the pardon power. The Act neither ''change[s] the effect of . . . a pardon'' as described in *United States* v. *Kline*, 80 U.S. (13 Wall.) 128 (1872), nor will it ''modif[y], abridge[], or diminish[]'' the President's authority to grant clemency as discussed in *Schick* v. *Reed*, 419 U.S. 256, 266 (1974). In fact, the Act will have no effect whatsoever on the President's ability to exercise the pardon power as he or she sees fit.

Moreover, the Supreme Court has recognized that Congress can legislate in areas that touch upon the pardon power. In *Carlesi* v. *New York*, 233 U.S. 51 (1914), the Court found that it was within the power of the legislative branch to determine what effect a pardon would have on future criminal sentences. The Supreme Court has also acknowledged that the pardon power has limits; the President cannot use that power as an excuse to wield power over departments that he or she otherwise could not. In *Knote* v. *United States*, 95 U.S. 149 (1877), the Court held that the pardon power does not give the President authority to order the treasury to refund money taken from a prisoner—even though that prisoner had just been pardoned for the crime that gave rise to the government's seizure of that money.

It is Congress, not the President, that has the authority—indeed, the responsibility—to examine and legislate the manner in which the Justice Department performs its work. Congress created an ''attorney in charge of pardons'' within the Department of Justice in 1891, and appropriated money for an ''attorney in charge of pardons'' in that same year. To this day, the Office of the Pardon Attorney depends on funds appropriated annually by the Congress. In the most recent appropriations legislation, the Congress appropriated $1.6 million for the Pardon Attorney for the fiscal year ending September 30, 2000. This Congressional involvement—creation and funding of the office—provides a compelling basis for the Judiciary Committee's investigation and the present legislation.

''The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes.'' *Watkins* v. *United States*, 354 U.S. 178, 187 (1957). The scope of this power '''is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.''' *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491, 504 n. 15 (1975) (quoting *Barenblatt* v. *United States*, 360 U.S. 190, 111 (1959)). The Supreme Court has also recognized ''the danger to effective and honest conduct of the Government if the legislative power to probe corruption in the Executive Branch were unduly hampered.'' *Watkins*, 354 U.S. at 194–95. Once having established its jurisdiction and authority, and the pertinence of the matter under inquiry to its area of authority, a committee's investigative purview is substantial and wide-ranging. *Wilkinson* v. *United States*, 365 U.S. 408–09 (1961).

Congress also has broad powers under the Constitution to ''make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.'' The areas in which Congress may potentially legislate or appropriate are, by necessary implication, even broader. Thus, in determining whether Congress has jurisdiction to oversee and enact legislation, deference should be accorded to Congress' decision.

Because of this legal history, the administration of the Department of Justice and its various components has long been considered an appropriate subject of Congressional oversight. Early this century, in *McGrain* v. *Daugherty*, 273 U.S. 135, 151 (1927), the Supreme Court endorsed Congress' authority to study ''charges of misfeasance and nonfeasance in the Department of Justice.'' In that case, which involved a challenge to Congress' inquiry into the DOJ's role during the Teapot Dome scandal, the Court concluded that Congress had authority to investigate ''whether [DOJ's] functions were being properly discharged or were being neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties in

respect of the institution.'' Id. at 177. These precedents make clear that the Judiciary Committee has jurisdiction to investigate the Pardon Attorney's role in the pardon process, and to enact legislation concerning the way in which that office operates.

We have discussed this bill with the Department of Justice, and we have reviewed the regulations the Department has proposed. The problems with the Office of the Pardon Attorney, however, cannot be fixed by a mere change in department regulations. It has been six months since the public outcry over the FALN clemency shined a spotlight on the Pardon Attorney's practices. Despite having half-a-year to reform itself, the Department has suggested only minimal changes in the way it does business. In its draft regulations, the Department agrees that it should ascertain the views of victims, but only in cases involving ''crimes of violence.'' Victims of other crimes deserve the right to be heard, too. Victims of so-called identity theft, for example, have compelling stories of the horror of being forced into bankruptcy to avoid collections lawyers, losing their jobs due to issues related to wage garnishments, and trying to rebuild their lives without the ability to obtain credit or sign an apartment lease. Victims of such crimes also deserve to be heard. Similarly, the Department's proposed regulations acknowledge the need to determine whether releasing a particular prisoner would pose a risk, but limit their focus to past victims and ignore other possible targets including witnesses, informants, prosecutors and court personnel. The Department's proposal also fails to notify victims when it undertakes a clemency investigation, when it completes its report to the President, or when the President makes a decision. Under the Department's scheme, victims may still learn of a prisoner's release from prison by watching the event on TV.

Equally important, the Department's suggested regulations ignore the Department's main job: to protect law-abiding people from criminal acts. The Department does not see a need to require the Pardon Attorney to talk to law enforcement officials about whether a particular person could provide helpful information about criminal investigations or searches for fugitives. Nor does the Department see the value of asking law enforcement whether a potential release from prison would pose a risk to specific people other than victims or to a broader societal interest such as enhancing a particular criminal organization or decreasing the deterrent value of prison sentences. The Department's proposed regulations also ignore the importance of whether a potential clemency recipient has accepted responsibility for, or feels remorse over, criminal acts.

Even if the Department's proposed regulations were identical to this bill, moreover, those regulations could not overcome what is perhaps the most important weakness of all: Regulations are not law. They do not have the force of statutes, and they can be changed very easily. The FALN case proves the need for a statute because the Attorney General ignored even the current, weak regulations in the FALN matter. Although the Justice Department and the White House refuse to let anyone in Congress review the reports produced by the Pardon Attorney about the FALN clemency, it is clear that the Pardon Attorney did not follow the Justice Department regulations when analyzing the issues for the President. For starters, the Pardon Attorney began investigating a potential grant of clemency for the FALN terrorists even though no personal petitions for clemency had been filed. That's right—these terrorists had not asked for clemency prior to the Justice Department's efforts to free them. Indeed, no such petitions were ever filed. And the absence of petitions was not a mere oversight: the FALN terrorists refused to file such petitions because they do not recognize that their criminal acts were wrongful or that the United States government had the right to punish them for committing those acts.

I have the utmost respect for the career men and women at the Justice Department. It appears, however, the Department caved in to political pressure in this case. Although it submitted a report in December 1996 recommending against the granting of clemency for the FALN terrorists—which should have ended its involvement—the Pardon Attorney produced another report two-and-a-half years later reportedly changing its recommendation. The second report did not recommend either for or against the granting of clemency, violating the Justice Department regulation requiring that in every clemency case the Department ''shall report in writing [its] recommendation to the President, stating whether in [its] judgment the President should grant or deny the petition.''

Why did the Justice Department's recommendation change? What happened between the first report in December 1996 and the second one in the summer of 1999 that justified a reexamination and change of the Department's conclusion? Because of the President's assertion of executive privilege, we may never know for sure. It was a mistake for the President to let politics affect such an important clemency decision, but is much worse than a mistake when political pressure forces an independent agency to alter its advice against its better judgment.

The Pardon Attorney Reform and Integrity Act will help prevent this from happening again. It will make available to the President access to the most pertinent facts concerning the exercise of executive clemency, including information from law enforcement agencies about the risks posed by any release from prison. It will also help ensure that—if the President chooses to have the Department of Justice conduct a clemency review—the victims of crime will not be shut out of the clemency process while terrorists and their organized sympathizers have access to—and obtain advice from—high government officials. In other words, this Act will insure that the taxpayer funded Justice Department will, when assisting the President in a clemency review, focus on public safety, not politics. Let me be clear that the Department of Justice is an agency which I have great respect for. Its employees are loyal, dedicated public servants. This bill is aimed at helping the Department, not hurting it.

Specifically, our bill will do the following:

1. Give victims a voice by insuring that they are notified of key events in the clemency process and by giving them an opportunity to voice their opinions.

2. Enhance the voice of law enforcement by requiring the Pardon Attorney to notify the law enforcement community of a clemency investigation and permitting law enforcement to express its views on: the impact of clemency on the individuals affected by the decision—for example, victims and witnesses; whether clemency candidates have information which might help in other investigations; and whether granting clemency will increase the threat of terrorism or other criminal activity.

Of course, it is the hope of all the cosponsors—and all Americans—that presidents will use the congressionally created and funded Office of the Pardon Attorney in order to make the best possible decisions regarding executive clemency. I believe that when Congress passes this bill—and should President Clinton sign it into law—future Presidents, victims, and the American public will be well served. If President Clinton wants to help in this effort to restore integrity to the clemency process, he will announce his support for this bill.

Mr. President, I thank the many cosponsors of this act, and I ask the rest of my colleagues to support this much-needed legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2042

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 ''Pardon Attorney Reform and Integrity Act''.

SEC. 2. REPRIEVES AND PARDONS.

(a) DEFINITIONS.—In this section—

(1) the term ''executive clemency'' means any exercise by the President of the power to grant reprieves and pardons under clause 1 of section 2 of article II of the Constitution of the United States, and includes any pardon, commutation, reprieve, or remission of a fine; and

(2) the term ''victim'' has the meaning given the term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

(b) REPORTING REQUIREMENT.—If the President delegates to the Attorney General the responsibility for investigating or reviewing, in any particular matter or case, a potential grant of executive clemency, the Attorney General shall prepare and make available to the President a written report, which shall include—

(1) a description of the efforts of the Attorney General—

(A) to make each determination required under subsection (c); and

(B) to make the notifications required under subsection (d)(1); and

(2) any written statement submitted by a victim under subsection (c).

(c) DETERMINATIONS REQUIRED.—In the preparation of any report under subsection (b), the Attorney General shall make all reasonable efforts to—

(1) inform the victims of each offense that is the subject of the potential grant of executive clemency that they may submit written statements for inclusion in the report prepared by the Attorney General under subsection (b), and determine the opinions of those victims regarding the potential grant of executive clemency;

(2) determine the opinions of law enforcement officials, investigators, prosecutors, probation officers, judges, and prison officials involved in apprehending, prosecuting, sentencing, incarcerating, or supervising the conditional release from imprisonment of the person for whom a grant of executive clemency is petitioned or otherwise under consideration as to the propriety of granting executive clemency and particularly whether the person poses a danger to any person or society and has expressed remorse and accepted responsibility for the criminal conduct to which a grant of executive clemency would apply;

(3) determine the opinions of Federal, State, and local law enforcement officials as to whether the person for whom a grant of executive clemency is petitioned or otherwise under consideration may have information relevant to any ongoing investigation or prosecution, or any effort to apprehend a fugitive; and

(4) determine the opinions of Federal, State, and local law enforcement or intelligence agencies regarding the effect that a grant of executive clemency would have on the threat of terrorism or other ongoing or future criminal activity.

(d) NOTIFICATION TO VICTIMS.—

(1) IN GENERAL.—The Attorney General shall make all reasonable efforts to notify the victims of each offense that is the subject of the potential grant of executive clemency of the following events, as soon as practicable after their occurrence:

(A) The undertaking by the Attorney General of any investigation or review of a potential grant of executive clemency in a particular matter or case.

(B) The making available to the President of any report under subsection (b).

(C) The decision of the President to deny any petition or request for executive clemency.

(2) NOTIFICATION OF GRANT OF EXECUTIVE CLEMENCY.—If the President grants executive clemency, the Attorney General shall make all reasonable efforts to notify the victims of each offense that is the subject of the potential grant of executive clemency that such grant has been made as soon as practicable after that grant is made, and, if such grant will result in the release of any person from custody, such notice shall be prior to that release from custody, if practicable.

(e) NO EFFECT ON OTHER ACTIONS.—Nothing in this section shall be construed to—

(1) prevent any officer or employee of the Department of Justice from contacting any victim, prosecutor, investigator, or other person in connection with any investigation or review of a potential grant of executive clemency;

(2) prohibit the inclusion of any other information or view in any report to the President; or

(3) affect the manner in which the Attorney General determines which petitions for executive clemency lack sufficient merit to warrant any investigation or review.

(f) APPLICABILITY.—Notwithstanding any other provision of this section, this section does not apply to any petition or other request for executive clemency that, in the judgment of the Attorney General, lacks sufficient merit to justify investigation or review, such as the contacting of a United States Attorney.

(g) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate regulations governing the procedures for complying with this section.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2043. A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building''; to the Committee on Governmental Affairs.

HECTOR G. GODINEZ POST OFFICE BUILDING

● Mrs. FEINSTEIN. Mr. President, I rise to ask my colleagues to support a bill to name the Santa Ana, California Post Office as the ''Hector G. Godinez Post Office Building.''

Hector Godinez, who passed away in May of 1999, was a true leader in his community of Santa Ana, California. He was a pioneer in the United States Postal Service rising from letter carrier to become the first Mexican-American to achieve the rank of District Manager within the United States Postal Service. He served with honor in World War II, was a ardent civil rights activist and an active participant in civic organizations and local government.

After graduation from Santa Ana High School, Mr. Godinez enlisted into the armed services and was a tank commander in World War II under General George Patton. For his service, he earned a bronze star for bravery under fire and was also awarded a purple heart for wounds received in battle.

Upon his return home in 1946, Mr. Godinez started his first of 48 years of distinguished service as a United States postal worker.

Hector Godinez was a true pillar within the Santa Ana community devoting his tireless energy to such civic groups as the Orange County District Boy Scouts of America, Santa Ana Chamber of Commerce, Orange County YMCA and National President of the League of United Latin American Citizens, one of the country's oldest Hispanic civil rights organizations.

On behalf of the Godinez family and the people of Santa Ana, California, it is my pleasure to introduce this bill to name the Santa Ana, California Post Office in his honor.●

By Mr. CAMPBELL:

S. 2044. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Governmental Affairs.

THE STAMP OUT DOMESTIC VIOLENCE ACT OF 2000

Mr. CAMPBELL. Mr. President, today I introduce the Stamp Out Domestic Violence Act of 2000.

The bill will allow every American to easily contribute to the fight against domestic violence through the voluntary purchase of certain specially issued U.S. Postal stamps, generally referred to as semi-postals. Proceeds raised from the stamps would fund domestic violence programs nationwide.

The national statistics on domestic violence are reprehensible and shocking. Consider the following: A woman is battered every 15 seconds in the United States. According to the Justice Department, four million American women were victims of violent crime last year. Two thirds of these women were victimized by someone they knew. In fact, 30 percent of female murder victims are killed by current or former partners. In Colorado alone, the Colorado Coalition Against Domestic Violence reported 59 domestic violence related deaths in 1998. We can and must make every effort to change that. But, before we can eliminate the incidence of domestic violence we must acknowledge the problem and identify the resources needed to combat the problem.

Mr. President, I believe this bill represents an innovative way to generate money for the fight against domestic violence. In the 105th Congress, as Chairman of the Treasury and General Government Appropriations Subcommittee, I supported the first semi-postal issued in the United States, the Breast Cancer Research Stamp. So far, more than 104 million stamps have been sold nationally, raising $8 million for breast cancer research. My bill is modeled after the breast cancer stamp, and I am confident it will be just as successful.

Specifically, under the ''Stamp Out Domestic Violence Act of 2000,'' the Postal Service would establish a special rate of postage for first-class mail, not to exceed 25 percent of the first-

class rate, as an alternative to the regular first-class postage. The additional sum would be contributed to domestic violence programs. The rate would be determined in part, by the Postal Service to cover administrative costs, and the remainder by the Governors of the Postal Service. All of the funds raised would go to the Department of Justice to support local domestic violence initiatives across the country.

In a country as blessed as America, the horrid truth is more women are injured by domestic violence each year than by automobile and cancer deaths—combined. We can no longer ignore that fact, for our denial is but a small step from tacit approval. The funds raised by this stamp will represent another step forward in addressing this national concern. I urge my colleagues to act quickly on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2044

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 ''Stamp Out Domestic Violence Act of 2000''.

SEC. 2. SPECIAL POSTAGE STAMPS RELATING TO DOMESTIC VIOLENCE.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

''§ 414a. Special postage stamps relating to domestic violence

''(a) In order to afford the public a convenient way to contribute to funding for domestic violence programs, the Postal Service shall establish a special rate of postage for first-class mail under this section.

''(b) The rate of postage established under this section—

''(1) shall be equal to the regular first-class rate of postage, plus a differential not to exceed 25 percent;

''(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

''(3) shall be offered as an alternative to the regular first class rate of postage.

''(c) The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

''(d)(1) Amounts becoming available for domestic violence programs under this section shall be paid by the Postal Service to the Department of Justice. Payments under this section shall be made under such arrangements as the Postal Service shall, by mutual agreement with the Department of Justice, establish in order to carry out the purposes of this section, except that under those arrangements, payments to the Department of Justice shall be made at least twice a year.

''(2) For purposes of this section, the term 'amounts becoming available for domestic violence programs under this section' means—

''(A) the total amount of revenues received by the Postal Service that it would not have received but for the enactment of this section; reduced by

''(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including costs attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

''(e) It is the sense of Congress that nothing in this section should—

''(1) directly or indirectly cause a net decrease in total funds received by the Department of Justice or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

''(2) affect regular first-class rates of postage or any other regular rates of postage.

''(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but not later than 12 months after the date of the enactment of this section.

''(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect, information concerning the operation of this section, except that, at a minimum, each report shall include—

''(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

''(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

''(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.''.

(b) REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 3 months (but no earlier than 6 months) before the end of the 2-year period referred to in section 414a(h) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall include—

(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fundraising; and

(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

''414. Special postage stamps relating to breast cancer.

''414a. Special postage stamps relating to domestic violence.''.

(2) SECTION HEADING.—The heading for section 414 of title 39, United States Code, is amended to read as follows:

''§414. Special postage stamps relating to breast cancer''.

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. GRAMM, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. SPECTER, Mr. DEWINE, Mr. MCCONNELL, Mr. GORTON, Mr. HAGEL, Mr. BENNETT, Mr. GRAMS, Mr. ASHCROFT, Mr. BROWNBACK, Mr. SMITH of Oregon, and Mr. WARNER):

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; to the Committee on the Judiciary.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. HATCH. Mr. President, I rise today to introduce what I believe is one of the most important pieces of legislation the Senate will consider this year, the American Competitiveness in the 21st Century Act.

At the outset, I would like to express my gratitude to my two lead cosponsors, Senator ABRAHAM and Senator GRAMM. Both have worked tirelessly with me to craft this legislation. Senator ABRAHAM, of course, as chairman of the Immigration Subcommittee, has long led the way on this matter. I also thank our Democrat sponsors, Senators GRAHAM, LIEBERMAN, and FEINSTEIN, as well as our majority leader and assistant majority leader for their contributions to this effort.

Last month, the national jobless rate hit 4 percent, the lowest level in 30 years. That jobless rate is even lower in my home State of Utah at 3.3 percent. That's great news; but at the same time, serious labor shortages threaten our continued economic prosperity and global competitiveness. A recent study, for example, concluded that a shortage of high-tech professionals is currently costing the U.S. economy $105 billion a year.

A look at last Sunday's Washington Post makes the problem very clear. High-tech jobs even have their own separate section of help wanted ads. Twenty-one pages of jobs, jobs, jobs.

The Clinton administration recently projected that in the next 5 years, high-tech and related employment will grow ''more than twice as fast as employment in the economy as a whole.'' The growth of the high-tech industry is being felt across this country, and nowhere more than in my State of Utah. Common sense tells us that we must allow American high-tech companies to fill their labor needs in the United States, or they will be forced to take these opportunities of growth abroad.

We want the high tech industry to thrive in the United States and to continue to serve as the engine for the growth of jobs and opportunities for American workers. If Congress fails to act promptly to alleviate today's high-tech labor shortage, today's low jobless rate will be a mere precursor to tomorrow's lost opportunities.

The purpose of our important bipartisan legislation is twofold: (1) To allow for a necessary infusion of high-

tech workers in the short term, and (2) to make prudent investments in our own workforce for the long term.

It is clear that in the short term we need to raise the limits of the number of temporary visas for highly skilled labor. Our bill does this by increasing the cap to 195,0000 visas over each of the next 3 years. We also exempt persons from the cap who come to work in our universities and persons who have recently received advanced degrees in our educational institutions.

But this, by itself, is not a satisfactory solution either in the short item or long term. Thus, we need to redouble our efforts to provide training and educational opportunities for our current and future workforce. Thus, we raise an additional $150 million for scholarships and training of American workers for these jobs for a total of $375 million for education and training under this program over 3 fiscal years. Our legislation, in other words, seeks to address both the short and long term needs.

My hope is that the administration will come to support this important high-tech legislation. In our new knowledge-based economy, where ideas and innovations rather than land or natural resources are the principal well springs of economy growth, American competitiveness depends greatly on intellectual assets and capacity. The most successful economics of the 21st century will be those which maximize intellectual assets. In recognition of this fact, the administration has worked with me over the years to improve intellectual property protection and to encourage developing nations to invest in doing likewise. For this reason, I believe that the administration appreciates the need for this legislation. In the end, I hope they will have the smarts to listen to Alan Greenspan—who has testified about the need for this bill—and that the administration will support its passage.

I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 2045

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 ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

In addition to the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101 (a)(15)(H)(i)(b)), the following number of aliens may be issued such visas or otherwise provided such status for each of the following fiscal years:

(1) 80,000 for fiscal year 2000;

(2) 87,500 for fiscal year 2001; and

(3) 130,000 for fiscal year 2002.

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A)(iii) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).''.

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), be counted toward the numerical limitations contained in paragraph (1)(A)(iii) the first time the alien is employed by an employer other than one described in paragraph (5)(A).''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(2) would be subject to the per country limitations applicable to immigrants under those paragraphs but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, employment authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous application for new employment or extension of status before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who has not been employed without authorization in the United States before or during the pendency of such petition for new employment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. EXTENSION OF AUTHORIZED STAY IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since the filing of a labor certification application on the alien's behalf, if required for the alien to obtain status under section 203(b), or the filing of the petition under section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(b) FEE REQUIREMENTS.—Section 212(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(c)(9)(A)) is amended

in the text above clause (i) by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

(c) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

SEC. 9. NSF STUDY AND REPORT ON THE ''DIGITAL DIVIDE''.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

Mr. ABRAHAM. Mr. President, I rise to join Senator HATCH in introducing the American Competitiveness in the 21st Century Act.

Mr. President, no company can grow if it fails to find enough employees with the skills needed to get the job done. And that is precisely the situation faced by our high-tech companies today. A Joint Venture: Silicon Valley study found that a lack of skilled workers is costing Silicon Valley companies $3 to $4 billion every year. A Computer Technology Industry Association study concluded that a shortage of information technology professionals is costing the U.S. economy as a whole $105 billion per year.

These costs should not be seen as mere abstractions. Because of skilled labor shortages, an increasing number of highly productive firms have had to curtail their economic activities and/or move offshore. At an October 21, 1999 Senate Immigration Subcommittee hearing, Susan DeFife, CEO of womenCONNECT.com, noted that ''as investment capital flows into start-ups and puts them on a fast growth track, the demand for workers will continue to far exceed the supply. In order to fill these positions, the options for tech companies are not particularly attractive: we can limit our growth, but then we lose the ability to compete; we can 'steal' employees from other companies, which makes none of us stronger and forces us to constantly look over our shoulders; or, in the case of larger companies I know, move operations off-shore.''

None of these solutions is good for our economy or our workers. As e-commerce and other forms of high technology become increasingly integrated throughout our economy, the long-term solution to our dilemma will be for earlier and better training for our young people to qualify them for high-tech tasks. But we are losing productivity and opportunities for growth right now. If we are to maintain our high-tech edge in an increasingly competitive global market, we must find the skilled workers we need wherever we can.

We must meet our training and education needs. And we need wise and careful reforms to our immigration laws. This is not an either/or proposition. We have studied this approach for some time. In February of 1998 the Senate Judiciary Committee held a hearing on high technology workforce issues. This hearing demonstrated that many companies could not find enough qualified professionals to fill key jobs. It also showed that the foreign-born individuals hired by companies on H–1B temporary visas typically many additional jobs for Americans through their skills and motivations.

Mr. President, shortly after that hearing, Congress raised the cap on H–1B visas from 65,000 to 115,000 in FY1999 and 2000, and 107,500 in 2001. A number of provisions in this legislation increased enforcement efforts and established a $500 fee per visa—currently generating $75 million per year—for training and scholarships to encourage Americans to enter high-tech related fields.

Unfortunately, this was not enough. Despite the raised cap, a tight labor market, increasing globalization and burgeoning economic growth all combined to increase demand for skilled workers. The 1999 cap on H–1B visas was reached by June of last year.

We must do more to enable American employers to hire job-creating high-tech professionals. That is why I have sponsored this legislation that would:

Provide a temporary increase in H–1B visas. Caps would be increased by 80,000 for FY 2000; 87,500 for FY 2001; and 130,000 for FY 2002.

Create exemptions for universities, research facilities, and graduate degree recipients to help keep in the country top graduates and those who help educate Americans.

Modify per-country limits on permanent employment visas to allow companies to hire talent without regard to nationality.

Increase labor mobility by allowing H–1B professionals to change jobs as soon as the new employer files the initial paperwork, instead of waiting for a new H–1B application to be approved.

Continue and extend the $500 per visa fee to provide over $150 million in additional funding over three years for training and scholarships. Counting the existing money brought in by the fee, this will raise the total to over $375 million over three years and will help over 50,000 American students receive scholarships in math, science or engineering.

These provisions will increase our economic competitiveness, sustain our economic growth, and provide new opportunities for workers and entrepreneurs. Julie Holdren, President and CEO of the Olympus Group, told the Immigration Subcommittee that ''For every H–1B worker I employ, I am able to hire ten more American workers.'' A study for the Public Policy Institute of California by U.C. Berkeley Professor Annalee Saxenian bears this testimony out. It found that Chinese and Indian immigrant entrepreneurs in northern California alone were responsible for employing 58,000 people, with annual sales of nearly $17 billion.

Critics of the last H–1B visa increase have been proven spectacularly wrong, as the U.S. economy added 387,000 new jobs in January and the unemployment rate dropped to a 30-year low of 4 percent. Specialty jobs in the computer industry alone are projected to grow by 1.5 million between 1998 and 2008, according to the Department of Labor.

President Clinton's former chief economic advisor, Laura D'Andrea Tyson argues that ''it's time to raise the cap on H–1B visas yet again and to provide room for further increases as warranted. Silicon Valley's experience reveals that the results will be more jobs and higher incomes for both Americans and immigrant workers.''

Mr. President, the final word should belong to Federal Reserve Chairman Alan Greenspan. At a Budget Committee hearing last month he was asked ''Do you believe we should do something with our laws—immigration—that would allow high tech . . . labor to come into the country to ease the burden'' on our labor force?

Chairman Greenspan responded: ''I would certainly agree with that. It's clear that under existing circumstance . . . aggregate demand is putting very significant pressures on an ever-decreasing available supply of unemployed labor. The one obvious means that one can use to offset that is expanding the number of people we allow in, either generally or in a specifically focused area.''

By increasing the number of highly skilled professionals we allow to work in America, and providing additional funding for training and scholarships, we will create jobs for all Americans and keep our high-tech driven economic expansion on the move.

Mr. GRAMM. Mr. President, today I am proud to join in the introduction of legislation which will increase the number of H–1B temporary work visas used to recruit and hire workers with very specialized skills, particularly in high technology fields. This bill will ensure that the dramatic U.S. economic expansion will not be stalled by a lack of skilled workers in critical positions. It retains the language of current law which protects qualified U.S. workers from being displaced by H–1B visa holders.

With record low unemployment, U.S. companies already have been forced to slow their expansion or even to cancel projects, and some may be forced to move their operations overseas because of an inability to find qualified individuals to fill job vacancies. We will achieve our full economic potential only if we ensure that high-technology companies can find and hire the people whose unique qualifications and skills are critical to America's future.

Last year, the Congress temporarily increased the number of annual H–1B visas from 65,000 to 115,000 for Fiscal Years 1999 and 2000, and to 107,500 in 2001. The number of H–1B visas is scheduled to drop back to 65,000 for Fiscal Year 2002 and subsequent years. Our legislation will increase the H–1B visa cap to 195,000 for Fiscal Years 2000, 2001, and 2002. By the end of that period, we will have the data we need to make an informed decision on the number of such visas required beyond 2002.

According to a recent study by the American Electronics Association (AEA), Texas has the fastest growing high technology industry in the country and is second only to California in the number of high technology workers. This legislation would ensure that these companies have access to highly educated workers, in order that America can continue to grow and prosper, and in doing so, create more jobs and opportunity for U.S. workers.

I believe that this legislation represents a fair and effective way to address a critical need in our Nation's economy, and I hope my colleagues will quickly approve this important proposal.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. BREAUX, and Mr. HOLLINGS);

S. 2046. A bill to reauthorize the Next Generation Internet Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NEXT GENERATION INTERNET 2000 ACT

Mr. FRIST. Mr. President, I rise today to introduce the Next Generation Internet 2000 Act, a multi-agency research and development program designed to fund advanced networking infrastructure and technologies. Two and a half years ago, I stood in this exact spot and introduced its predecessor, the ''Next Generation Internet Research Act of 1998.'' While scientists throughout the country have made tremendous inroads since that time, the digital divide makes the truth clear and simple: we are leaving many of our fellow Americans behind. The Next Generation Internet 2000 will attempt to eliminate these geographical barriers, while providing research funding for a faster, more secure and robust network infrastructure for all Americans.

The Internet is one of the most significant developments of the last decade. Its significance is not limited to the new industries that it has created nor the new educational opportunities that it affords. The impact of the Internet goes beyond those things. With the development of electronic commerce, the Internet has radically altered the economic landscape of this country. Advances in industries are taking place at a faster and faster pace. At the heart of this dizzying pace of change are two things: computers and communications. More and more we are seeing that computers and communications means the Internet.

If you had to find a prototypical success story, it could very well be the Internet. There are in fact, multiple dimensions to its success. It was and is a successful public-private collaboration. It demonstrated successful commercial application of technology developed as part of mission directed research program. It showed a successful transition of an operational system from the public to the private sector. Perhaps most of all, it is a prime example of a successful federal investment.

In some respects the Internet is now ''suffering'' from too much success. With the advent of tools that have made the Internet easy to use, there has been an explosion in the growth of network traffic. As computers become more powerful, applications more sophisticated, and the user interfaces get easier to use, we can look forward to an even greater demand for network bandwidth.

The Internet and its promising applications have transformed our daily lives. They have reshaped the ways in which we communicate at work, and with our families; they have made revolutionary medical advances a reality that we once thought impossible only a few years ago. But each day, as more and more of our neighbors become connected to the World Wide Web and experience the amazement of its potential, certain segments of our nation are left without these same opportunities.

Since the enactment of the Next Generation Internet Research Act of 1998, the National Science Foundation has connected hundreds of new sites to a testbed providing a 100-fold increase in network performance. And the Department of Defense is currently deploying a testbed with 1,000-fold increased performance at over twenty sites to support networking research and applications deployment. As we applaud the success of the first three years of the Next Generation Internet (NGI) initiative, we must also realize its current limitations.

In the review of the first two years of the initiative, the President's Information Technology Advisory Committee recommended that the NGI program should continue to focus on the utility of the Next Generation Internet's gigabit bandwidth to end-users, its increased security, and its expanded quality of service. More importantly, the committee shared Congress' concern that no federal program specifically addresses the geographical penalty issue—the imposition of costs on users of the Internet in rural or other locations that are disproportionately greater than the costs imposed on users in locations closer to high populations. I must admit that this is a great disappointment for myself and my colleagues who fought to combat this geographical penalty through the authorization of NGI in 1998. Unfortunately, the White House did not take us seriously and did not follow through with the complete implementation of the original act.

The Next Generation Internet 2000 makes a distinct departure from its predecessor. First, it designates ten percent of the overall program funding for research to reduce the cost of Internet access services available to all users in geographically remote areas. It further prioritizes that these research grants be awarded to qualified college-level educational institutions located in Experimental Program to Stimulate Competitive Research states.

Second, the act requires that five percent of the research grants shall be made available to minority institutions including Hispanic, Native American, Historically Black Colleges and small colleges and universities. The most efficient way to open the Internet superhighway to everyone is to provide scientists in every corner of the nation with opportunities to perform peer-reviewed and merit-based research.

Finally, the National Academy of Sciences is requested to conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the digital divide. The study will further assess the existing geographical penalty and its impact on all users and their ability to obtain secure and reliable Internet access.

I urge my colleagues to support this bipartisan legislation.

By Mr. DODD (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. REED, and Mr. LEAHY):

S. 2047. A bill to direct the Secretary of Energy to create a Heating Oil Reserve to be available for use when fuel

oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather; to the Committee on Energy and Natural Resources.

THE HOME HEATING OIL PRICE STABILITY ACT

Mr. DODD. Mr. President, I am pleased to be joined by Senators LIEBERMAN, SNOWE, JEFFORDS, LAUTENBERG, REED and LEAHY in introducing the Home Heating Oil Price Stability Act.

For the past several weeks, Connecticut and the Northeast have been gripped by cold weather and skyrocketing heating oil prices. Approximately 36 percent of households in the Northeast rely on home heating oil. On Friday, February 4th, home heating oil cost $2 per gallon in Hartford, Connecticut and $1.80 per gallon a little farther east in Groton, Connecticut, almost double the price from mid-January. Prices averaged $.86 per gallon during the winter of 1998/1999.

Independent, family-owned heating oil retailers in Connecticut are struggling to meet their delivery demands because of supply constraints. Local oil terminals are at dangerously low levels. Last week, supply levels of heating oil were so low in Bridgeport and New Haven that the Connecticut Department of Environmental Protection issued a 48-hour waiver to allow the sale of 7–9 million gallons of heating oil with sulphur content above the level permitted by state law.

To be sure, the extreme cold weather and isolated refinery problems have contributed to the supply strain. Icy waters around New Haven had slowed the off-loading of some heating oil in late January and early February. However, even after tankers were able to unload millions of gallons last weekend, customers throughout Connecticut are still paying record-high prices as high as $2.10 per gallon—supply is still tight.

The Northeast is always cold in winter, so why are consumers and retailers suffering so much this winter? Many analysts believe that the precarious petroleum situation was precipitated by a calculated decision by OPEC and others to cut back production, and by major oil companies adhering to a practice of just-in-time inventories. As petroleum prices began to rise in reaction to OPEC action, refiners drew down from their already low stock of lower-priced crude rather than purchasing higher-priced crude and thus replenishing the stocks. Inventories dwindled and the supply is now at record low levels. For the week ending January 14, the total distillate stock for the East Coast was 33.5 million barrels compared with 69.1 million barrels a year ago.

What do these events mean to the average consumer in Connecticut and the Northeast? Dramatically higher costs, for starters. Heating oil bills are averaging 30–60 percent higher than last year. The wide range is due to the extent to which people are turning down their thermostats to ration supply and stretch their dollars. Schools, libraries and small businesses are seeing their budgets burst as more money is allocated for fuel. The Middletown, Connecticut school system has spent more than twice as much for heating oil from October to January than during the same period a year ago, despite a warmer than average December.

Some market analysts believe this is a temporary situation. Mr. President, this is not a temporary situation. Just-in-time inventory practices appear to be here to stay. OPEC has intimated that the petroleum production drawbacks may continue beyond March, thus causing further instability at a time when peak demand for gasoline begins. This is a perennial problem—unusually high heating oil prices in winter followed by skyrocketing gasoline prices in the summer.

Today's legislation is an effort to address the heating oil problem for the long-term. It would create a heating oil reserve of 2 million barrels in leased storage facilities in New York Harbor and 4.7 million barrels of heating oil in one of four Strategic Petroleum Reserve (SPR) caverns along the Gulf Coast. The Secretary of Energy may fill the reserve by trading crude oil from the SPR for heating oil. The President may draw down the reserve when fuel oil prices in the United States rise sharply because of anticompetitive activity, during a fuel oil shortage, or during periods of extreme winter weather.

Let me be perfectly clear. The creation of a Government regional heating oil reserve is not intended to compete with the commercial sector for sales under normal conditions. It is intended, rather, to help stabilize supplies and prices during critical periods.

I, along with Senator LIEBERMAN, first raised the issue of establishing a regional reserve in 1996 when Connecticut consumers were facing unusually high heating oil prices attributed to extreme winter weather and domestic and international events, including the onset of just-in-time inventories. We asked the Department of Energy (DOE) to examine regional reserve feasibility and report back to Congress. Their conclusions form the foundation of our legislation.

Mr. President, I have an article from July 13, 1998 coinciding with the release of the report that states a positive benefit/cost ratio if a small reserve were located in leased terminals in the Northeast and filled by trading crude from the SPR for the distillate. As I stated briefly a moment ago, our legislation also establishes a backup 4.7 million barrel reserve in the Gulf due to excess capacity there.

This legislation should be part of a long-term solution. In the meantime, Connecticut and Northeast residents need near-term action. Advice to just ride out the winter is simply not acceptable. Hardest hit are the poor and elderly who should not have to choose among having a warm house, food on the table, or medicine in the cabinet.

The current home heating oil crisis cuts across all income levels. The 1999/2000 winter will go down in the history books as the year with the highest heating oil prices ever. I am sure you will agree with me that this is one record that need never be broken. I urge our colleagues to join me, Senators LIEBERMAN, and our other cosponsors in support of working families, small businesses, and towns across the Northeast to move forward with this legislation. I ask unanimous consent that a copy of the bill and additional material be entered in the RECORD.

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

S. 2047

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 ''Home Heating Oil Price Stability Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) a sharp, sustained increase in the price of fuel oil would negatively affect the overall economic well-being of the United States, and such increases have occurred in the winters of 1983-84, 1988-89, 1996-97, and 1999-2000;

(2) the United States currently imports roughly 55 percent of its oil;

(3) heating oil price increases disproportionately harm the poor and the elderly;

(4) the global oil market is often greatly influenced by nonmarket-based supply manipulations, including price fixing and production quotas; and

(5) according to the June 1998 Department of Energy ''Report to Congress on the Feasibility of Establishing a Heating Oil Component to the Strategic Petroleum Reserve''—

(A) the use of a Government-owned distillate reserve in the Northeast would provide benefits to consumers in the Northeast and to the Nation;

(B) the Government would make a profit of $46,000,000 from drawing down and selling the distillate;

(C) consumer savings, including reductions in jet fuel, would total $425,000,000;

(D) there are a number of commercial petroleum storage facilities with available capacity for leasing in the New York/New Jersey area; and

(E) it would be cost-effective to keep a Government stockpile of approximately 2,000,000 barrels in leased storage in the Northeast, filled by trading some crude oil from the Government's strategic reserve of oil for the refined product.

SEC. 3. AUTHORIZATION OF HEATING OIL RESERVE.

(a) CREATION OF RESERVE.—The Secretary of Energy shall immediately create a heating oil reserve consisting of—

(1) 2,000,000 barrels of heating oil in leased storage facilities in the New York Harbor area; and

(2) 4,700,000 barrels of heating oil in 1 of the 4 Strategic Petroleum Reserve caverns on the coast of the Gulf of Mexico.

(b) EXCHANGE FOR CRUDE OIL.—The Secretary of Energy may acquire heating oil for the reserve by trading crude oil from the Strategic Petroleum Reserve for heating oil.

SEC. 4. DRAWDOWN OF HEATING OIL RESERVE.

The President may immediately draw down the Heating Oil Reserve—

(1) when fuel oil prices in the United States rise sharply because of anticompetitive activity;

(2) during a fuel oil shortage; or

(3) during a period of extreme winter weather.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Energy to carry out this Act $125,000,000 for the period of fiscal years 2000 through 2019.

[From DOE Fossil Energy Techline, July 13, 1998]

DOE SENDS REPORT TO CONGRESS ANALYZING COSTS, BENEFITS OF REGIONAL OIL PRODUCT RESERVE

A Department of Energy (DOE) report, commissioned two years ago when high prices and low stocks of heating oil raised consumer concerns, has concluded that a Government-controlled ''regional petroleum product reserve'' would make economic sense only under a very narrow set of conditions.

The report, which DOE forwarded to Congress late last week, concludes that the benefits of a Government stockpile of heating oil in the Northeast would exceed its costs only if the reserve was relatively small, approximately 2 million barrels, located in leased terminals, and filled by trading crude oil from the government's Strategic Petroleum Reserve for the distillate product.

Storing distillate product in dedicated salt caverns at the Strategic Petroleum Reserve along the Gulf of Mexico coastline would improve the cost-benefit characteristics, the study found, but products would take 7–10 days to reach consumers in the Northeast.

A larger product reserve, sized at around 6.7 million barrels to meet the worst weather contingencies, would not be attractive based on the cost-benefit analysis unless it was constructed entirely within the existing Strategic Petroleum Reserve sites.

Moreover, the study found, the positive economic benefits would be achieved only if the Government adopted the policy of releasing the entire volume of the product reserve at the point heating oil prices reached a predefined ''trigger price.'' A more conservative policy of releasing only enough crude oil to bring wholesale prices back down to a predefined ''ceiling price'' would not provide sufficient benefits to offset the reserve's costs.

The two-volume study is titled ''Report to Congress on the Feasibility of Establishing a Heating Oil Component to the Strategic Petroleum Reserve.'' The Energy Department undertook the study when in 1995–1996 an unusually long winter, uncertainties about production from Iraq and the Organization of Petroleum Exporting Countries (OPEC), and increased global demand for petroleum led to a gasoline price surge and later, a price increase in middle distillate fuels used for heating oil, diesel and jet fuel. Consumers in New England, which has no refineries, became especially concerned about heating oil inventory levels and the rise in heating oil prices.

The events of 1996 prompted several members of Congress from New England states to urge DOE to carry out a study to determine whether or not Government intervention in petroleum markets in the form of a regionally-cited refined product stockpile could be beneficial.

The Federal Government currently stores only crude oil for emergency purposes, principally to protect the United States from disruptions in petroleum supply, especially imported crude oil. The Strategic Petroleum Reserve currently stores 563 million barrels of crude oil along the Gulf Coast in four sites that are accessible to most refining centers in the country.

[From the Boston Globe, Feb. 6, 2000]

BUFFERING OIL PRICES

The surge in home heating and diesel oil prices has shocked householders, truckers, and others and sparked a fresh round of suspicions that massive collusion is responsible. Would that such cooperation existed. Instead, business anarchy has much to do with the rise. The attorney general's consumer protection division should seek to assure that there is no price gouging by individual dealers. In the meantime, prevention of future price spikes is available to government in a form that need not be intrusive. Oil prices spurted because inventories were inadequate. Public reserves are needed.

The impact has been severe. Oil deliveries costing $400 have been a shock for elderly homeowners living on fixed incomes. Even low-cost, emergency suppliers like Joseph Kennedy's Citizens Energy Corp. have been stymied by shortages and high prices.

The American Petroleum Institute keeps track of inventories of gasoline, oil, crude, and other petroleum products around the country. Among all these, heating oil is unique because demand for it is seasonal, peaking in the winter months.

While some extra stockpiling of oil by the private sector takes place every year, the tendency has been to cut reserves as close to the bone as possible. This past fall, despite indications that consumption was on the rise, inventories ran significantly below their year-earlier levels. At the end of December, inventories of distillate fuel oil (both diesel and heating) stood at 124 million barrels compared with 156 million barrels a year earlier. Both these figures run well below comparable statistics in the past, when inventories were frequently above 200 million barrels.

The federal government in the 1970s set up a strategic petroleum reserve of crude oil to dampen the power of OPEC, the international oil cartel. But it needs a similar reserve of distillate to help cope with domestic developments like this year's failure to stockpile adequate oil to cope with predictable seasonal surges, much less unpredictable cold snaps. The mere presence of such a reserve, available for rapid release, would dampen spot markets. To do less condemns everyone to senseless repeats of this painful experience.

Mr. LEAHY. Mr. President, I rise in support of the Home Heating Oil Price Stability Act being introduced today by Senator DODD. In response to Congressional concern raised over volatile heating oil prices, the Department of Energy completed a study of regional oil reserves and issued their report in 1998. This report concluded that regional heating oil reserves, such as the one proposed in this bill, would benefit New England and help guard against the negative effects of volatile fuel prices during the winter months.

The recent price spike in home heating fuel throughout the Northeast and mid-Atlantic regions illustrate the need for a regional fuel reserve. Prices of home heating fuel have increased over the last month to unprecedented levels, putting many families and businesses at risk during these cold winter months. Many areas of New England are now facing fuel costs between $1.70 and $2.00 per gallon—nearly double last January's average price of .80 cents per gallon. Home heating fuel has not seen average prices over $1 dollar in nearly ten years. These prices are endangering the welfare of low income Vermonters and threatening the stability of our economy.

This is not the first time we have seen such volatile prices in New England and will certainly not be the last. I remember Vermont in December 1989, when we experienced the coldest temperatures the Northeast has seen in 100 years, and then again in 1993 when the mercury plummeted and the fuel bills rose. Mr. President we need a regional home heating fuel reserve to protect the welfare and the economy of states such as Vermont. The cold winters and the absence of refiners make New England susceptible to fluctuations in the market which leave other parts of the country virtually untouched.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2048. A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

SAN RAFAEL WESTERN LEGACY DISTRICT AND NATIONAL CONSERVATION ACT

Mr. HATCH. Mr. President, I rise today to introduce the San Rafael Western Legacy District and National Conservation Act. I am proud to sponsor this legislation which is a result of local citizens working together with federal land managers to produce a plan that promotes and protects one of our nation's finest natural treasures, the San Rafael Swell in Emery County, Utah.

This is by no means a standard one-size-fits-all land management scheme. It reflects both local and national interests. I wish to congratulate the elected officials of Emery County, Secretary of Interior Bruce Babbitt, local citizen groups, and local Bureau of Land Management professionals for their willingness to come to the table and craft this proposal. It is a testament to what I have always believed: that those who live on and around our public lands love the land and, given the chance, will find ways to help protect it. I hope that this effort to work

out solutions to land issues with meaningful local input will become the norm for federal land policy.

Mr. President, under this legislation, 2.8 million acres will be designated as the San Rafael Western Legacy District. Visitors to the San Rafael will be able to see where Kit Carson, Chief Walker, Wesley Powell, Butch Cassidy and many others became famous, or infamous as the case may be. Backpackers and day hikers will be surprised by petroglyphs that tell stories of Native American ancestors and that give a picture of life as it once was. Families will enjoy access to one of the largest sources of fossils in the New World. They will also enjoy a variety of quality museums that already exist in the area which take us back in time, whether it be the time of dinosaurs, Native Americans, pioneers and the wild west, early explorers, or even the early atomic arms race.

A the core of this Western Legacy District will be the San Rafael National Conservation Area, which will withdraw approximately 1 million acres from development. Mr. President, Congress cannot create spectacular geologic formations, such as the San Rafael Swell, but this legislation will protect what God has given us. The San Rafael Swell is vast and can accommodate all types of experiences including wilderness, wildlife viewing, fishing, mountain biking, and other activities. The specifics for these uses will be detailed in a forty year planning process led by the Secretary of Interior.

Mr. President, I am very pleased to introduce this legislation along with my good friend and colleague Senator ROBERT BENNETT. A companion measure in the House is sponsored by Representative CHRIS CANNON.

The San Rafael Swell is an area rich in history, beauty, culture, and tradition. This legislation protects the San Rafael for all citizens in a manner that reflects the needs of those directly affected by its bounties. I urge my colleagues to support this legislation.

I ask unanimous consent for the text of the fill to be printed in the RECORD.

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

S. 2048

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''San Rafael Western Legacy District and National Conservation Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

Sec. 101. Establishment of the San Rafael Western Legacy District.
Sec. 102. Management and use of the San Rafael Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

Sec. 201. Designation of the San Rafael National Conservation Area.
Sec. 202. Management of the San Rafael National Conservation Area.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote—

(A) the preservation, conservation, interpretation, scientific research, and development of the historical, cultural, natural, recreational, archaeological, paleontological, environmental, biological, educational, wilderness, and scenic resources of the San Rafael region of the State of Utah; and

(B) the economic viability of rural communities in the San Rafael region; and

(2) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations of people the unique and nationally important values of the Western Legacy District and the public land described in section 201(b) (including historical, cultural, natural, recreational, scientific, archaeological, paleontological, environmental, biological, wilderness, wildlife, educational, and scenic resources).

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the San Rafael National Conservation Area established by section 201(a).

(2) LEGACY COUNCIL.—The term ''Legacy Council'' means the council established under section 101(d).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Area required to be developed under section 202(e).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(5) WESTERN LEGACY DISTRICT.—The term ''Western Legacy District'' means the San Rafael Western Legacy District established by section 101(a).

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—There is established the San Rafael Western Legacy District.

(b) AREAS INCLUDED.—The Western Legacy District shall consist of approximately 2,842,800 acres of land in the Emery County, Utah, as generally depicted on the map entitled ''San Rafael Swell Western Legacy District and National Conservation Area'' and dated _____.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Western Legacy District.

(2) EFFECT.—The map and legal description shall have the same effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) COPIES.—Copies of the map and legal description shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of the Land Management in the State of Utah.

(d) LEGACY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Legacy Council to advise the Secretary with respect to the Western Legacy District.

(2) FUNCTION.—The Legacy Council may furnish advice and recommendations to the Secretary with respect to management, grants, projects, and technical assistance.

(3) MEMBERSHIP.—The Legacy Council shall consist of not more than 10 members appointed by the Secretary as follows:

(A) 2 members from among the recommendations submitted by the Governor of the State of Utah.

(B) 2 members from among the recommendations submitted by the Emery County, Utah, Commissioners.

(C) The remaining members from among persons who are recognized as experts in conservation of the historical, cultural, natural, recreational, archaeological, environmental, biological, educational, and scenic resources or other disciplines directly related to the purposes for which the Western Legacy District is established.

(4) RELATIONSHIP TO OTHER LAW.—The establishment and operation of the Legacy Council shall conform to the requirements of—

(A) the Federal Advisory Committee Act (5 U.S.C. App.); and

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) ASSISTANCE.—

(1) IN GENERAL.—To carry out this section, the Secretary may make grants and provide technical assistance to any nonprofit organization or unit of government with authority in the boundaries of the Western Legacy District.

(2) PERMITTED USES.—Grants and technical assistance under this section may be used for—

(A) planning;

(B) reports;

(C) studies;

(D) interpretive exhibits;

(E) historic preservation projects;

(F) construction of cultural, recreational, educational, and interpretive facilities that are open to the public; and

(G) such other expenditures as are consistent with this Act.

(3) PLANNING.—Grants and technical assistance for use in planning activities may be provided under this subsection only to a unit of government or a political subdivision of the State of Utah in an amount—

(A) not to exceed $100,000 for any fiscal year; and

(B) not to exceed an aggregate amount of $200,000.

(4) MATCHING FUNDS.—Federal funding provided under this section may not exceed 50 percent of the total cost of the activity carried out with the funding, except that non-Federal matching funds are not required with respect to—

(A) planning activities carried out with assistance under paragraph (3); or

(B) use of assistance under this section for facilities located on public land and owned by the Federal Government.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $1,000,000 for each fiscal year, not to exceed a total of $10,000,000.

SEC. 102. MANAGEMENT AND USE OF THE WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—The Secretary shall administer the public land within the Western Legacy District in accordance with—

(1) this Act; and

(2) the applicable provisions of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(b) USE OF PUBLIC LAND.—The Secretary shall allow such uses of the public land as

the Secretary determines will further the purposes for which the Western Legacy District is established.

(c) EFFECT OF ACT.—Nothing in this Act—

(1) affects the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife in the Western Legacy District;

(2) affects private property rights within the Western Legacy District; or

(3) diminishes the authority, rights, or responsibilities of the Secretary for managing the public land within the Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) PURPOSES.—There is established the San Rafael National Conservation Area in the State of Utah.

(b) AREAS INCLUDED.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Conservation Area shall consist of approximately 947,000 acres of public land in Emery County, Utah, as generally depicted on the map entitled ''San Rafael Swell Western Legacy District and National Conservation Area'' and dated _____.

(2) BOUNDARY.—The boundary of the Conservation Area shall be set back 300 feet from the edge of the Interstate Route 70 right-of-way.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description shall have the same effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) COPIES.—Copies of the map and legal description shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of Land Management in the State of Utah.

SEC. 202. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values specified in section 2(2); and

(2) is consistent with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable provisions of law (including this Act).

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area was established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan.

(c) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), all Federal land within the Conservation Area and all land and interests in land that are acquired by the United States after the date of enactment of this Act are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws.

(2) COMMUNICATION FACILITIES.—

(A) IN GENERAL.—The Secretary may authorize the installation of communication facilities within the Conservation Area only to the extent that the facilities are necessary for public safety purposes.

(B) MINIMAL IMPACT.—Communication facilities shall—

(i) have a minimal impact on the resources of the Conservation Area; and

(ii) be consistent with the management plan.

(d) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Utah.

(2) REGULATIONS.—The Secretary, after consultation with the Utah Division of Wildlife Resources, may promulgate regulations designating zones where and establishing periods when no hunting, trapping, or fishing shall be permitted in the Conservation Area for reasons of public safety, administration, or public use and enjoyment.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Conservation Area.

(2) CONTENTS.—The management plan—

(A) shall describe the appropriate uses and management of the Conservation Area consistent with this Act; and

(B) may—

(i) incorporate appropriate decisions contained in any management or activity plan for the area; and

(ii) use information developed in previous studies of the land within or adjacent to the Conservation Area.

(f) STATE TRUST LANDS.—The State of Utah and the Secretary may exchange Federal land, Federal mineral interests, or payment of money for land and mineral interests of approximately equal value that are managed by the Utah School and Institutional Trust Lands Administration within the Conservation Area.

(g) ACCESS.—The Secretary, the State of Utah, and Emery County, Utah, may agree to resolve section 2477 of the Revised Statutes and other access issues within the Conservation Area.

(h) WILDLIFE MANAGEMENT.—Nothing in this Act diminishes the responsibility and authority of the State of Utah for management of fish and wildlife within the Conservation Area.

(i) GRAZING.—Where the Secretary permits livestock grazing on the date of enactment of this Act, such grazing shall be allowed subject to all applicable laws (including regulations) and executive orders.

(j) NO BUFFER ZONES.—

(1) IN GENERAL.—Congress does not intend for the establishment of the Conservation Area to lead to the creation of protective perimeters or buffer zones around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—That there may be activities or uses of land outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on the land up to the boundary of the Conservation Area (or on private land within the Conservation Area) consistent with other applicable laws.

(k) WATER RIGHTS.—

(1) IN GENERAL.—The establishment of the Conservation Area shall not constitute any implied or express reservation of any water or water right pertaining to surface or ground water.

(2) STATE RIGHTS.—Nothing in this Act affects—

(A) any valid existing surface water or ground water right in effect on the date of enactment of this Act; or

(B) any water right approved after the date of enactment of this Act under the laws of the State of Utah or any other State.

(l) NO EFFECT ON APPLICATION OF OTHER ACTS.—

(1) IN GENERAL.—Nothing in this Act affects the application of any provision of the Wilderness Act (16 U.S.C. 1131) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to wilderness resources in the Conservation Area.

(2) ISSUE RESOLUTION.—Recognizing that the designation of a wilderness area for inclusion in the National Wilderness Preservation System requires an Act of Congress, the Secretary, the State of Utah, Emery County, Utah, and affected stakeholders may work toward resolving wilderness issues within the Conservation Area.

By Mr. BIDEN:

S. 2049. A bill to extend the authorization for the Violent Crime Reduction Trust Fund; to the Committee on the Judiciary.

RE-AUTHORIZATION OF THE VIOLENT CRIME REDUCTION TRUST FUND

Mr. BIDEN. Mr. President, today, I introduce a bill which will re-authorize the Violent Crime Reduction Trust Fund for an additional five years.

I firmly believe that re-authorization of the Violent Crime Reduction Trust Fund for another five years is the single most significant thing that we can do to continue the war on crime.

In 1994 when we introduced the Biden Crime Bill, which eventually became the crime bill of 1994, some people disagreed with certain aspects of the bill. But, we all agreed that crime control is a place where the federal government can and should play a key role.

We can all argue about how much we should be involved in education or welfare, but no one can argue about the requirement of the government to make our streets safe. That is the starting point for all ordered society.

So, I, along with the Senior Senator from Texas, Mr. GRAMM, and the Senior Senator from West Virginia, Mr. BYRD, worked to set up a Violent Crime Reduction Trust Fund. The way we did that was not to raise taxes—it was to cut the size of the federal government and use the money to fight crime. And so we agreed to let 250,000 Federal employees go. Then we took the paycheck that would have been used to pay John Jones and Sue Smith and we put it into a trust fund to do nothing but deal with violent crime in America. And guess what—it worked.

Since the Fund was established in the Biden Crime Bill, The Office of Management and Budget tells us that Congress had appropriated $16,648,000,000 from the fund through 1998, and $10,300,000,000 was estimated for 1999 and 2000 combined.

What has this money done you ask? Just look at the numbers: To date, the money has funded more than 103,000 police officers under the COPS program to make our streets safer.

As of 1999, over 17,000 new prison, jail or alternative beds had been added under the Violent Offender Incarceration/Truth-in-Sentencing Grants Program.

Under the drug court program nationwide, more than 140,000 offenders have participated in drug courts, receiving the supervision and treatment they need to stop abusing drugs and committing crimes.

Under the National Criminal History Improvement Program, enhancements to the FBI's National Criminal History Background Check System have helped block more than 400,000 gun sales to ineligible persons. And, program improvements now allow 35 states and the District of Columbia to submit data to the FBI's National Sex Offender Registry, which became operational in July 1999.

The fund has provided money to states and localities to help offset the costs of incarcerating criminal illegal aliens under the State Criminal Alien Assistance Program.

Under the Residential Substance Abuse Treatment for State Prisoners program, all 50 states, the District of Columbia, and the five territories, have implemented drug testing and treatment programs that address 80 percent of offenders who have drug or alcohol problems.

Through the largest Violence Against Women Act program, funding for the STOP Violence Against Women Formula Grants Program is changing the way communities work together to respond to domestic violence, sexual assault, and stalking.

And there are other Violence Against Women Act grant programs which have had an impact on many communities. The Grants to Encourage Arrest Policies program encourages jurisdictions to implement mandatory or pro-arrest policies in domestic violence cases. The Rural Domestic Violence and Child Victimization Enforcement Grant Program has recognized the special needs of victims in rural locations. The Civil Legal Assistance Grant Program is designed to strengthen civil legal assistance for domestic abuse victims through innovative, collaborative programs that increase victim access to services. And, the Grants to Combat Violent Crimes Against Women on Campuses Program was first funded in FY 1999 to promote comprehensive, coordinated responses to violent crimes against women on campuses.

The results of these efforts have taken hold. Crime is down—way down. And we didn't add 1 cent to the deficit.

The significance of the Trust Fund, why it was so important, is because it funds the initiatives contained in the Biden Crime Bill. The money has to be used for new cops and crime prevention. It can't be spent on anything else but crime reduction. It is the one place that no one can compete. it is set aside. It is a savings account to fight crime.

This fund works. It ensures that the crime reduction programs that we pass be funded. It ensures that the crime rate will continue to go down instead of up. It ensures that our kids will have a place to go after school instead of hanging out on the street corners. It ensures that violent crimes against women get the individualized attention that they need and deserve. It gives states money to hire more cops and get better technology.

Today our challenge is to keep our focus and to stay vigilant against violent crime. This is one modest step toward meeting that challenge.

This Act shares bipartisan support. No one wants crime and no one wants to raise taxes. Republicans, Democrats, and Independents alike—this should be an easy one for all of us. In July of last year, during debate on the Commerce, Justice, State appropriations bill, my friend from New Hampshire, Senator GREGG, declared his commitment to get the Violent Crime Reduction Trust Fund re-authorized. Senator GRAMM has always stepped up to the plate on this issue as well, and I commend them for their commitment to this program. As Senator BYRD aptly stated back in 1994 when we were first debating this, ''the war on crime is of such an overriding concern that, as in the past, the Committee on Appropriations must take extraordinary actions to confront the issue.'' That still rings true today. Although crime is down, we can not become complacent. We must continue the fight. We need this Violent Crime Reduction Trust Fund more than any other single piece of legislation.

Every member of the Senate is against violent crime—we all say it in speech after speech. Now, I urge all my colleagues to back up their words and follow through on their commitments to defeat violent crime. Pass this bill. Continue the Violent Crime Reduction Trust Fund. Take serious action against violent crime. Show the criminals that we are serious about fighting crime. Show the American people that their safety is of the highest priority for us and that we are taking action.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2049

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

SECTION 1. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;

''(2) for fiscal year 2002, $6,169,000,000;

''(3) for fiscal year 2003, $6,316,000,000;

''(4) for fiscal year 2004, $6,458,000,000; and

''(5) for fiscal year 2005, $6,616,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays;

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,459,000,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.''.

By Mr. REID (for himself, Mr. BRYAN, Mr. TORRICELLI, and Mr. BAUCUS):

S. 2050. A bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem; to the Committee on the Judiciary.

COMBATTING ILLEGAL COLLEGE AND UNIVERSITY GAMBLING ACT

Mr. REID. Mr. President, six years ago we passed a crime bill which, while controversial at the time, has led to an unprecedented decrease in criminal activity. It was a tough bill that was aimed at cracking down on illegal criminal activity. It gave law enforcement the tools it needed to prevent and crack down on criminal conduct. The legislation has been so effective that I believe it should be the model for future federal anti-crime initiatives. At the time, however, supporters of the Crime Bill were attacked for focusing on the root causes of criminal activity. Today, as evidenced by declining crime rates, we see that this was an effective approach.

I raise this issue today because I am concerned that some may be moving in the wrong direction in the worthwhile effort to crack down on illegal gambling on college sports. Recently introduced legislation attempts to crack down on dorm room and bar hall bookies by shutting down legal and highly-regulated sports book operations in Nevada. Mr. President, this is like closing the Bank of America to eliminate loan sharking. It simply does not solve the problem.

Mr. President, the collegiate gambling legislation recently introduced in the Senate is flawed because it incorrectly assumes that the elimination of legal sports book wagering in Nevada will mean the end of illegal wagering on college sports. The National Collegiate Athletic Association (NCAA) is on record stating that there is an illegal bookie on every college campus. ''Sports Illustrated'' ran a series in 1995, stating that ''gambling is the dirty little secret on college campuses, where it's rampant and prospering,'' and that ''the bookies catering to most college gamblers are fellow students.'' Banning legal college sports gambling in Nevada, where it is controlled and heavily regulated, is not going to put these bookies out of business. Just as the Twenty-First Amendment did not stop the illegal consumption of alcohol, but rather, drove it underground, banning regulated, legal college sports wagering in Nevada is simply not going to end illegal college sports gambling.

Mr. President, illegal gambling on college sports is a very serious problem, and I commend my colleagues for their willingness to address this issue. The problem with gambling on collegiate sporting events, however, does not rest with what is legal, but rather, with what is illegal. While there are currently numerous state laws that prohibit gambling on college sports, illegal practices still occur and there is little, if anything, that is being done to address or understand the problem. A recent NCAA report noted that there are no comprehensive studies available that analyze the prevalence of illegal gambling on college sports. Furthermore, the report found that ''the issue of illegal gambling on college sports is still largely overlooked by college administrators.''

Mr. President, to respond to this very serious problem, I rise today, along with Senators BAUCUS, TORRICELLI, and BRYAN, to introduce alternative legislation that would examine the root causes of illegal gambling on college sports. My legislation addresses several key aspects of the problem of illegal gambling on collegiate sporting events, namely, what is being done by federal and state officials to enforce existing laws, whether law enforcement has the proper tools and adequate funding to address illegal gambling on college sports, and, what colleges and universities are doing to address the problem of illegal gambling, especially on their own campuses. The legislation I am introducing today would follow the recommendations of the NCAA report by directing the Justice Department to examine these issues and report back to the Congress.

Mr. President, the growing attraction of illegal gambling among our college youth is a serious national problem that requires a serious response. We must have a solution to this problem, however, that accurately addressed the source of illegal college sports gambling. The alternative legislation I am introducing today, which focuses on stronger enforcement of existing laws and education campaigns, follows the correct path toward addressing the root causes of this problem and finding the most effective and appropriate solution.

ADDITIONAL COSPONSORS

S. 512

At the request of Mr. GORTON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 546

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 546, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1341

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1341, a bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets.

S. 1619

At the request of Mr. DEWINE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. CRAIG), the Senator from Oregon (Mr. SMITH), the Senator from Indiana (Mr. LUGAR), the Senator from Alabama (Mr. SESSIONS), and the Senator