

Subtitle E.—Public Charge (Sec. 341)

Eliminates the requirement of an affidavit of support as a condition for admissibility, but it permits using such an affidavit as evidence that the applicant for admission should not be excluded as a person who is likely to become a public charge. Also reduces the minimum income requirement for persons who sponsor the immigrants from 125% of the Federal poverty line to 100%.

TITLE IV.—FAIRNESS IN ASYLUM AND REFUGEE PROCEEDINGS

Subtitle A.—Increased Fairness in Asylum Proceedings

SEC. 401. TIME LIMITS ON ASYLUM APPLICATIONS.—Eliminates the requirement that an asylum applicant must establish that his application was filed within one year of his arrival at the United States or justify the delay on the basis of extraordinary circumstances.

SEC. 402. GENDER-BASED PERSECUTION.—Adds a provision to the definition of a “refugee” which specifies that persecution on account of gender will be deemed to fall within the “particular social group” category for asylum purposes.

SEC. 403. CAP ON ADJUST FROM ASYLEE TO LEGAL PERMANENT RESIDENT.—Eliminates cap of 10,000 on the number of individuals who can change their status from “asylee” to “lawful permanent resident” in any fiscal year. Provides that the President will set the numerical limitation before the beginning of each fiscal year.

SEC. 404. WITHHOLDING OF REMOVAL.—Individuals who have been convicted of certain offenses are currently ineligible for withholding of deportation even if there is a high probability that they will be persecuted. This section would limit that exclusion to individuals who were sentenced to an aggregate term of imprisonment of more than five years and are considered to be a danger to the United States.

Subtitle B.—Increased Fairness and Rationality in Refugee Consultations (Sec. 411)

Refugee Admissions Consultation. Changes the time for the President’s report on refugee admissions from the beginning of each fiscal year to the date when he or she submits his or her budget proposal to Congress.

TITLE V.—INCREASED FAIRNESS AND EQUITY IN NATURALIZATION AND LEGALIZATION PROCEEDINGS

Subtitle A.—Naturalization Proceedings

SEC. 501. FUNDS FOR NATURALIZATION PROCEEDINGS.—Establishes a fund that will be used to reduce the backlog of naturalization applications to no more than six months. It would also provide funding for more expeditious processing of visa petitions, adjustment of status applications, and work authorization requests.

SEC. 502-506. CAMBODIAN AND VIETNAMESE MILITARY VETERANS.—Exempts Cambodian and Vietnamese naturalization applicants from the English language requirement if they served with special guerilla units or irregular forces operating in support of the United States during the Vietnam War (or were spouses or widows of such persons on the day on which such persons applied for admission as refugees). Also provides special consideration with civics requirement.

Subtitle B.—Parity in Treatment for Refugees From Central America and Haiti (Sections 511—516)

Incorporates the “Central American and Haitian Parity Act of 1999” (H.R. 2722) introduced by Reps. Smith (R-NJ) and Gutierrez (D-IL) to extend the same opportunity to be-

come LPRs to eligible nationals of Guatemala, El Salvador, Honduras, and Haiti, as currently provided to Cubans and Nicaraguans under NACARA.

Subtitle C.—Equality of Treatment for Women’s Citizenship (Sections 521—522)

Incorporates the “Restoration of Women’s Citizenship Act” (H.R. 2493) introduced by Rep. Eshoo (D-CA) and Walsh (R-NY), which grants posthumous citizenship to American women who married alien men before September 1922 and died before they could take advantage of the procedures set up by Congress to regain their citizenship in 1951.

Subtitle D.—Refugees from Liberia (Sec. 531)

Authorizes lawful permanent resident status for Liberian refugees who are in the United States under a Deferred Enforced Departure Order executed by President Clinton on September 27, 1999.

Subtitle E.—Previously Granted Amnesty Rights (Sec. 541)

Incorporates the text of the “Legal Amnesty Restoration Act of 1999” (H.R. 2125) introduced by Rep. Jackson-Lee (D-TX) to repeal jurisdictional restrictions imposed by Congress on the courts in IIRIRA with respect to certain outstanding claims for legalization and work permits under the Immigration Reform and Control Act of 1986.

Subtitle F.—Legal Amnesty Restoration (Sec. 551)

Incorporates the text of the “Date of Registry Act” (H.R. 4138) introduced by Rep. Jackson-Lee (D-TX) and Rep. Luis Gutierrez (D-IL) to amend the INA to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States prior to 1986. This permits them to become lawful permanent residents of the United States.

Subtitle G.—Asian American Visa Petitions (Sec. 561)

Incorporates the text of the “American Asian Justice Act of 1999” (H.R. 1128) by Rep. Millender-McDonald (D-CA), which grants certain individuals born in the Philippines or Japan who were fathered by United States citizens the right to file visa petitions in lieu of their parents and other relatives.

TITLE VI.—FAIRNESS AND COMPASSION IN THE TREATMENT OF BATTERED IMMIGRANTS (SECTIONS 601-615)

The provisions in this title were taken from the “Battered Immigrant Women Protection Act of 1999” (H.R. 3083) introduced by Rep. Schakowsky (D-IL), Rep. Morella (R-MD), and Rep. Jackson Lee (D-TX), which continues the work that began with the passage of the first Violence Against Women Act in 1994 (“VAWA 1994”). IIRIRA drastically reduced access to VAWA immigration relief for battered immigrant women and children. Title VII restores and expands the provisions of VAWA which provide access to a variety of legal protections for battered immigrants.

TITLE VII.—UNUSED EMPLOYMENT BASED IMMIGRANT VISAS

SEC. 701.—Incorporates section 101(b) of the “Helping to Improve Technology Education and Achievement Act of 2000” (H.R. 3983) introduced by Rep. Zoe Lofgren (D-CA) and Rep. D. Dreier (R-CA) to allow unused visas from FY 1999 and FY 2000 to be recaptured for future use.

TITLE VIII.—MISCELLANEOUS PROVISIONS

SEC. 801. BOARD OF IMMIGRATION APPEALS.—Adds definition of “appellate immigration

judge” to the existing definition of “immigration judge” and specifies that the Attorney General may delegate authority to the appellate immigration judges.

SEC. 802. FORFEITURES.—Limits the seizure and forfeiture of a vehicle used to harbor or smuggle an alien to cases in which the purpose of harboring or smuggling the alien was for commercial advantage or private financial gain.

SEC. 803. COMMUNICATIONS WITH THE INS.—Repeals a provision in IIRIRA which prohibits any federal, state or local government official from preventing or restricting any government entity from sending to or receiving information from INS regarding the citizenship status or immigration status of any individual, or maintaining such information.

SEC. 804. AUTHORITY TO PERMIT STATE PERSONNEL TO CARRY OUT IMMIGRATION OFFICER FUNCTIONS.—Repeals provision which allows the Attorney General to enter into agreements with State and local governments to have enumerated immigration functions handled by local law enforcement agencies.

SEC. 805. PAROLE AUTHORITY.—Changes the standard for determining when to parole a person into the United States temporarily from “for urgent humanitarian reasons or significant public benefit,” to “for emergent reasons or for reasons deemed strictly in the public interest.”

SEC. 806. BORDER PATROL.—Incorporates the text of the “Border Patrol Recruitment and Retention Act of 1999” (H.R. 1881) introduced by Rep. Jackson Lee (D-TX) to provide for an increase to the GS-11 grade level for Border Patrol agents who have completed one year of services at a GS-09 grade level and who have fully successful performance rating. It provides for an Office of Border Patrol Recruitment and Retention.

SEC. 807. ERRONEOUS ASYLUM APPLICATION.—Eliminates two IIRIRA provisions limiting the rights of persons seeking asylum. Section 208(d)(6) of the INA prohibits foreign nationals who have knowingly made a “frivolous” asylum application from ever receiving any benefit under the INA. Section 208(d)(7) states that nothing in the asylum provisions of the INA can be construed to create a legally enforceable substantive or procedural right or benefit.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION OF ACT.—Authorizes appropriations for the various provisions included in the Act.

TITLE IX.—EFFECTIVE DATES

Sets forth various effective dates with regard to the Act’s provisions.

INITIAL VICTORY IN THE STRUGGLE FOR FREEDOM OF THE PRESS IN RUSSIA—BUT THE FIGHT MUST GO ON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. LANTOS. Mr. Speaker, in the long and difficult fight for freedom of the press in Russia we have won an important victory today. The Russian prosecutor informed Vladimir Gusinsky—head of Russia’s Media-Most media conglomerate—that the case against him has been dropped for “the lack of a fact of a crime.”

Mr. Speaker, the prosecutor’s action against Mr. Gusinsky was never simply a case of

prosecuting a crime. From the beginning it has been a case of seeking to persecute and harass and intimidate and muzzle the free press in Russia. Vladimir Gusinsky is the head of Media-Most, which owns NTV television network, Russia's leading independent television network, as well as Echo of Moscow radio, and a number of other important independent media ventures.

It is significant, Mr. Speaker, that NTV and other Media-Most journalists have been critical of Russian President Putin and of the actions of the Russian government. Critical journalism is certainly nothing that would even raise eyebrows in the United States or Western Europe or other free countries around the world.

Mr. Speaker, the harassment of Mr. Gusinsky involved actions against him that go well beyond what would be done in a normal criminal proceeding involving such charges. Mr. Gusinsky was jailed for four days in June; in a high-handed fashion authorities seized documents from his company's offices several times; after he was released from jail, he was repeatedly called in for questioning; he was prohibited from traveling abroad; and steps were taken to freeze his personal assets.

On a number of occasions in the past, I have called to the attention of my colleagues in this House the systematic efforts to harass and intimidate the independent media in Russia. I hope that President Putin now understands that there is no room for Russia in the community of free and democratic nations if his government engages in efforts to oppress and threaten the free press in Russia.

Mr. Speaker, the dropping of charges against Mr. Gusinsky represents a victory for democracy and press freedom in Russia, but the battle is far from over. We must continue and strengthen our efforts to preserve free media in Russia.

INTRODUCTION OF THE FEDERAL
INFORMATION POLICY ACT OF 2000

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to introduce legislation that will endow the Federal Government with the ability to better coordinate and manage information technology policies governmentwide and transform the Federal Government into a national model for information resources management and information security practices. The Federal Information Policy Act [FIPA] of 2000 establishes an Office of Information Policy with a Chief Information Officer [CIO] for the United States and creates within that body, an Office of Information Security and Technical Protection [IN STEP]. This legislation harmonizes existing information resources management responsibilities now held by OMB and provides IN STEP with the responsibility for facilitating the development of a comprehensive, federal framework for devising and implementing effective, mandatory controls over government information security. In this latter respect, the Act is the logical complement to legislation I introduced in April, the Cyber Security Infor-

mation Act of 2000, which seeks to encourage private sector information sharing with government in order to protect our national critical infrastructure. The Federal Information Policy Act will force the Federal Government to put its house in order and become a reliable public partner for protecting America's information highways.

For nearly four decades, information technology has been an integral component of information resources management [IRM] by the Federal Government. The Government's role as the single largest procurer of IT products and services in the 1960s and 1970s spurred the development of the U.S. computer industries that now form the backbone of our nation's New Economy. A decade ago, technology stood as one of many factors important to the mission and performance objectives of the Federal Government. Now both our economy and our society have become information-driven, such that IT plays the critical role in facilitating the Federal Government's ability to be effective and efficient in managing federal programs and spending, communicating with and providing services to citizens, and protecting America's critical infrastructure.

Five years ago, Congress recognized the crucial role played by technology when we called on the Administration to appoint a top-level officer to focus exclusively on the Year 2000 computer problem that threatened to undermine national commerce and government. This determination—that a single individual was needed to coordinate national and local cooperation to remediate computer systems and develop contingency plans—was based in part on an understanding of the interconnectivity of information systems within government, between government and the private sector, and within the private sector. The President heeded our recommendation and appointed John Koskinen to a Cabinet-level position as the chairman of the President's Council on Year 2000 Conversion.

Moreover, the Year 2000 computer problem highlighted two important deficiencies in the current Federal IRM structure. First, the Y2K scenario presented an important reminder that technology does not fill some amorphous role within the Federal Government. It is the ubiquitous thread that binds the operations of the Federal Government, and its efficient or inefficient use will make or break the ability of government to perform everything from the most mundane of governmental functions to the most critical national security measures. Second, the high degree of interdependence between information systems, both internally and externally, exposes the vulnerability of the Federal Government's computer networks to both benign and destructive disruptions. This factor is tremendously important to understanding how we devise a comprehensive and flexible strategy for coordinating, implementing and maintaining federal information security practices throughout the Federal Government as the rising threat of electronic terrorism emerges.

In following the lessons learned from the Y2K problem as well as the recent Love Bug viruses that affected many federal computer systems, the Federal Information Policy Act accomplishes four main purposes: (1) to revise chapter 35 of title 44 of the U.S. Code to establish a Federal Chief Information Officer to

head the Office of Information Policy (OIP) within the Executive Office of the President; (2) to consolidate and centralize IRM powers currently allotted to the Office of Management and Budget [OMB] within the OIP; (3) to establish within the OIP the Office of Information Security and Technical Protection [IN STEP]; and (4) to establish a comprehensive framework implementing mandatory information security standards, and annual independent evaluations of agency practices in order to provide effective controls over Federal information resources. The Act creates a new chapter 36 to retain OMB's paperwork clearance functions that are currently contained in chapter 35 and are performed by the Office of Information and Regulatory Affairs.

This past May, at the Center for Innovative Technology in my congressional district, the House Government Reform Subcommittee on Government Management, Information, and Technology held a hearing in which we explored the strategies and challenges facing government in implementing electronic government initiatives. We learned that while electronic government initiatives promise to provide faster, more efficient, and convenient services, the Internet sets forth a wide array of challenges that must be addressed in order for the lower costs and improved customer service associated with electronic government to be realized. These include theft, fraud, consumer privacy protection, and the destruction of assets. To meet those challenges, the General Accounting Office [GAO] testified that "effective top management leadership, involvement, and ownership are a cornerstone of any information technology investment strategy."

The Paperwork Reduction Act [PRA] established the Office of Information and Regulatory Affairs [OIRA] within OMB and gave the Office the authority to reduce unnecessary paperwork burdens and to "develop and maintain a Governmentwide strategic plan for information resources management." However, in a July 1998 report, the GAO found that OIRA had failed to satisfy some of its IRM responsibilities assigned by the PRA. And last year, the GAO found that improvements in broad IT management reforms "will be difficult to achieve without effective agency leadership support, highly qualified and experienced CIOs, and effective OMB leadership and oversight."

I am deeply concerned that current federal IRM policies are suffering from the lack of a focused, coordinating body. The Clinger-Cohen Act, passed in the 104th Congress, made an important contribution to Federal IT policy by mandating that federal agencies appoint Chief Information Officers and by recognizing the need to coordinate and facilitate interagency IT communication and policies, a role given to OMB. But having each agency develop IT policies independently of one another poses the potential risk of having a government unable to communicate and function and function amongst its own parts. A central IT management process is essential if government is going to be able to successfully achieve cost benefits similar to those experienced in the private sector and improve its responsiveness to the public through e-government initiatives and better-performing Federal operations. And that coordinating entity must