

transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Melbourne, FL; docket no. 00-ASO-34 [9-22/10-26]" (RIN 2120-AA66) (2000-0259) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11364. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fairfield, IA; docket no. 00-ACE-13 [9-19/10-26]" (RIN 2120-AA66) (2000-0260) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11365. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Elkhart, KS; docket no. 00-ACE-22 [10-16/10-26]" (RIN 2120-AA66) (2000-0261) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11366. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Pittsburg, KS; docket no. 00-ACE-28 [10-24/10-26]" (RIN 2120-AA66) (2000-0262) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11367. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D & E Airspace and Amendment to Class E Airspace; Garden City, KS; docket no. 00-ACE-25 [10-25/10-26]" (RIN 2120-AA66) (2000-0263) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11368. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "National Health Service Corps Amendments of 2000"; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Report to accompany S. 870, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes (Rept. No. 106-510).

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. BIDEN:

S. 3252. A bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. BYRD):

S. 3253. A bill to authorize Department of Energy programs to develop and implement an accelerated research and development

program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity; to the Committee on Finance.

By Mr. KENNEDY:

S. 3254. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

By Mr. DASCHLE (for Mr. DURBIN (for himself, Mr. MOYNIHAN, and Mr. SCHUMER)):

S. 3255. A bill to amend the Balanced Budget Act of 1997 to apply the medicaid disproportionate share hospital payment transition rule to public hospitals in all States; to the Committee on Finance.

By Mrs. LINCOLN:

S. 3256. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 3257. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. FEINGOLD, Mr. AKAKA, Mr. SARBANES, Mr. LEAHY, Mr. DODD, Mr. KERRY, and Mr. BAUCUS):

S. 3258. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S. 3259. A bill to amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities; to the Committee on Finance.

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

S. 3260. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 383. A resolution extending the authorities relating to the Senate National Security Working Group; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BIDEN:

S. 3252. A bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities, to the Committee on the Judiciary.

NATIONAL CHILD PROTECTION IMPROVEMENT ACT

Mr. BIDEN. Mr. President, as everyone in this room knows all too well, I have devoted much of my career to fighting crime. And if there is one thing that I have learned over the course of the past 30 years in public service, it's this: an ounce of prevention is worth a pound of cure. I have watched as the Boys and Girls Clubs and other non-profits have worked to make certain that kids have a safe place to go after school. I have been supportive of countless crime prevention initiatives to protect our children, our parents and those unable to protect themselves. And guess what, these programs have worked to prevent crime. But even those programs whose single purpose is to do good, have seen some bad times. And that is why today, I am introducing the National Child Protection Act.

Today, more than 87 million kids are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services. Millions more adults are also served by public and private voluntary organizations. Places like the Boys and Girls Clubs rely on volunteers to make these safe havens for kids a place where they can learn. But, while these non-profit organizations are doing God's work, there are some volunteers who have a different agenda—and there are abuses that occur.

The National Mentoring Partnership reports that incidents of child sexual abuse in child care settings, foster homes and schools ranges from 1 to 7 percent. This is basic stuff—these organizations can not function effectively without a safe infrastructure in place.

Currently most child-service organizations do background checks on volunteers, but they may have to wait weeks or months for the result of a state or national criminal background check. Conducting these checks is also costly and therefore many organizations conduct only a limited check of their volunteers. And some organizations don't have access to national fingerprint databases which means that while a volunteer may pass a name-check in one state, he may have been convicted of atrocities in another. Our children, our parents and the disadvantaged are at risk and they need help.

That is why my bill authorizes \$180 million over five years for the FBI to establish a national center to conduct national criminal history fingerprint

checks. Their checks will be provided to volunteer organizations at no cost and to all other organizations that serve children at minimal cost. This national center would screen 10 million volunteers each year and will make these volunteer-oriented organizations a safer place for all. My bill also authorizes \$5 million to provide states with funds to hire personnel and improve fingerprint technology so that they can update information in national databases.

This should be an easy one for all of us. Most of us already understand the positive impact that these non-profits are having. Now, we have a duty to make these places safe for those most at-risk.

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

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

S. 3252

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Child Protection Improvement Act".

SEC. 2. ESTABLISHMENT OF A NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"TITLE VI—NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING

"SEC. 601. SHORT TITLE.

"This title may be cited as the 'National Child Protection Improvement Act'.

"SEC. 602. FINDINGS.

"Congress finds the following:

"(1) More than 87,000,000 children are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services.

"(2) Millions more adults, both the elderly and individuals with disabilities, are served by public and private voluntary organizations.

"(3) The vast majority of activities provided to children, the elderly, and individuals with disabilities by public and private nonprofit agencies and organizations result in the delivery of much needed services in safe environments that could not be provided without the assistance of virtually millions of volunteers, but abuses do occur.

"(4) Estimates of the incidence of child sexual abuse in child care settings, foster care homes, and schools, range from 1 to 7 percent.

"(5) Abuse traumatizes the victims and shakes public trust in care providers and organizations serving vulnerable populations.

"(6) Congress has acted to address concerns about this type of abuse through the National Child Protection Act of 1993 and the Violent Crime Control Act of 1994 to set forth a framework for screening through criminal record checks of care providers, including volunteers who work with children, the elderly, and individuals with disabilities. Unfortunately, problems regarding the safety of these vulnerable groups still remain.

"(7) While State screening is sometimes adequate to conduct volunteer background

checks, more extensive national criminal history checks using fingerprints or other means of positive identification are often advisable, as a prospective volunteer or non-volunteer provider may have lived in more than one State.

"(8) The high cost of fingerprint background checks is unaffordable for organizations that use a large number of volunteers and, if passed on to volunteers, often discourages their participation.

"(9) The current system of retrieving national criminal background information on volunteers through an authorized agency of the State is cumbersome and often requires months before vital results are returned.

"(10) In order to protect children, volunteer agencies must currently depend on a convoluted, disconnected, and sometimes duplicative series of checks that leave children at risk.

"(11) A national volunteer and provider screening center is needed to protect vulnerable groups by providing effective, efficient national criminal history background checks of volunteer providers at no-cost, and at minimal-cost for employed care providers.

"SEC. 603. DEFINITIONS.

"In this Act—

"(1) the term 'qualified entity' means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services designated by the National Task Force;

"(2) the term 'volunteer provider' means a person who volunteers or seeks to volunteer with a qualified entity;

"(3) the term 'provider' means a person who is employed by or volunteers or who seeks to be employed by or volunteer with a qualified entity, who owns or operates a qualified entity, or who has or may have unsupervised access to a child to whom the qualified entity provides care;

"(4) the term 'national criminal background check system' means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

"(5) the term 'child' means a person who is under the age of 18;

"(6) the term 'individuals with disabilities' has the same meaning as that provided in section 5(7) of the National Child Protection Act of 1993;

"(7) the term 'State' has the same meaning as that provided in section 5(11) of the National Child Protection Act of 1993; and

"(8) the term 'care' means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

"SEC. 604. ESTABLISHMENT OF A NATIONAL CENTER FOR VOLUNTEER AND PROVIDER SCREENING.

"(a) IN GENERAL.—The Attorney General, by agreement with a national nonprofit organization or by designating an agency within the Department of Justice, shall—

"(1) establish a national center for volunteer and provider screening designed—

"(A) to serve as a point of contact for qualified entities to request a nationwide background check for the purpose of determining whether a volunteer provider or provider has been arrested for or convicted of a crime that renders the provider unfit to have responsibilities for the safety and well-being of children, the elderly, or individuals with disabilities;

"(B) to promptly access and review Federal and State criminal history records and registries through the national criminal history background check system—

"(i) at no cost to a qualified entity for checks on volunteer providers; and

"(ii) at minimal cost to qualified entities for checks on non-volunteer providers; with cost for screening non-volunteer providers will be determined by the National Task Force;

"(C) to provide the determination of the criminal background check to the qualified entity requesting a nationwide background check after not more than 15 business days after the request;

"(D) to serve as a national resource center and clearinghouse to provide State and local governments, public and private nonprofit agencies and individuals with information regarding volunteer screening; and

"(2) establish a National Volunteer Screening Task Force (referred to in this title as the 'Task Force') to be chaired by the Attorney General which shall—

"(A) include—

"(i) 2 members each of—

"(I) the Federal Bureau of Investigation;

"(II) the Department of Justice;

"(III) the Department of Health and Human Services;

"(IV) representatives of State Law Enforcement organizations;

"(V) national organizations representing private nonprofit qualified entities using volunteers to serve the elderly; and

"(VI) national organizations representing private nonprofit qualified entities using volunteers to serve individuals with disabilities; and

"(ii) 4 members of national organizations representing private nonprofit qualified entities using volunteers to serve children;

to be appointed by the Attorney General; and

"(B) oversee the work of the Center and report at least annually to the President and Congress with regard to the work of the Center and the progress of the States in complying with the provisions of the National Child Protection Act of 1993.

"SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out the provisions of this title, there are authorized to be appropriated \$80,000,000 for fiscal year 2001 and \$25,000,000 for each of the fiscal years 2002, 2003, 2004, and 2005, sufficient to provide no-cost background checks of volunteers working with children, the elderly, and individuals with disabilities.

"(b) AVAILABILITY.—Sums appropriated under this section shall remain available until expended."

SEC. 3. STRENGTHENING AND ENFORCING THE NATIONAL CHILD PROTECTION ACT OF 1993.

Section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended to read as follows:

"SEC. 3. NATIONAL BACKGROUND CHECKS.

"(a) IN GENERAL.—Requests for national background checks under this section shall be submitted to the National Center for Volunteer Screening which shall conduct a search using the Integrated Automated Fingerprint Identification System, or other criminal record checks using reliable means of positive identification subject to the following conditions:

"(1) A qualified entity requesting a national criminal history background check under this section shall forward to the National Center the provider's fingerprints or

other identifying information, and shall obtain a statement completed and signed by the provider that—

“(A) sets out the provider or volunteer’s name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

“(B) states whether the provider or volunteer has a criminal record, and, if so, sets out the particulars of such record;

“(C) notifies the provider or volunteer that the National Center for Volunteer Screening may perform a criminal history background check and that the provider’s signature to the statement constitutes an acknowledgment that such a check may be conducted;

“(D) notifies the provider or volunteer that prior to and after the completion of the background check, the qualified entity may choose to deny the provider access to children or elderly or persons with disabilities; and

“(E) notifies the provider or volunteer of his right to correct an erroneous record held by the FBI or the National Center.

“(2) Statements obtained pursuant to paragraph (1) and forwarded to the National Center shall be retained by the qualified entity or the National Center for at least 2 years.

“(3) Each provider or volunteer who is the subject of a criminal history background check under this section is entitled to contact the National Center to initiate procedures to—

“(A) obtain a copy of their criminal history record report; and

“(B) challenge the accuracy and completeness of the criminal history record information in the report.

“(4) The National Center receiving a criminal history record information that lacks disposition information shall, to the extent possible, contact State and local record-keeping systems to obtain complete information.

“(5) The National Center shall make a determination whether the criminal history record information received in response to the national background check indicates that the provider has a criminal history record that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities based upon criteria established by the National Task Force on Volunteer Screening, and will convey that determination to the qualified entity.

“(b) GUIDANCE BY THE NATIONAL TASK FORCE.—The National Task Force, chaired by the Attorney General shall—

“(1) encourage the use, to the maximum extent possible, of the best technology available in conducting criminal background checks; and

“(2) provide guidelines concerning standards to guide the National Center in making fitness determinations concerning care providers based upon criminal history record information.

“(c) LIMITATIONS OF LIABILITY.—

“(1) IN GENERAL.—A qualified entity shall not be liable in an action for damages solely for failure to request a criminal history background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity (other than itself) to take action adverse to a provider who was the subject of a criminal background check.

“(2) RELIANCE.—The National Center or a qualified entity that reasonably relies on criminal history record information received

in response to a background check pursuant to this section shall not be liable in an action for damages based upon the inaccuracy or incompleteness of the information.

“(d) FEES.—In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted through the National Center using the fingerprints or other identifying information of a person who volunteers with a qualified entity shall be free of charge. This subsection shall not affect the authority of the FBI, the National Center, or the States to collect reasonable fees for conducting criminal history background checks of providers who are employed as or apply for positions as paid employees.”.

SEC. 4. ESTABLISHMENT OF A MODEL PROGRAM IN EACH STATE TO STRENGTHEN CRIMINAL DATA REPOSITORIES AND FINGERPRINT TECHNOLOGY.

(a) ESTABLISHMENT.—A model program shall be established in each State and the District of Columbia for the purpose of improving fingerprinting technology which shall grant to each State \$50,000 to either—

(1) purchase Live-Scan fingerprint technology and a State-vehicle to make such technology mobile and these mobile units shall be used to travel within the State to assist in the processing of fingerprint background checks; or

(2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the National Center to conduct background checks.

(b) ADDITIONAL FUNDS.—In addition to funds provided in subsection (a), \$50,000 shall be provided to each State and the District of Columbia to hire personnel to—

(1) provide information and training to each county law enforcement agency within the State regarding all National Child Protection Act requirements for input of criminal and disposition data into the national criminal history background check system; and

(2) provide an annual summary to the National Task Force of the State’s progress in complying with the criminal data entry provisions of the National Child Protection Act of 1993 which shall include information about the input of criminal data, child abuse crime information, domestic violence arrests and stay-away orders of protection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out the provisions of this section, there are authorized to be appropriated a total of \$5,100,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002, 2003, 2004, and 2005, sufficient to improve fingerprint technology units and hire data entry improvement personnel in each of the 50 States and the District of Columbia.

(2) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.

Mr. KENNEDY:

S. 3254. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

EAST TIMOR TRANSITION TO INDEPENDENCE ACT
OF 2000

Mr. KENNEDY. Mr. President, today, along with Senators CHAFEE, LEAHY, HARKIN, FEINGOLD, REED and JEFFORDS, I am introducing legislation to help facilitate East Timor’s transition to

independence. Congressman GEJDENSON has introduced similar legislation in the House of Representatives.

In August 1999, after almost three decades of unrest under Indonesian rule, the people of East Timor voted overwhelmingly in favor of independence.

They did so at great personal risk. Anti-independence militia groups killed hundreds, hoping to intimidate and retaliate against those supporting independence. The militias also destroyed or severely damaged seventy percent of East Timor’s infrastructure. Government services and public security were severely undermined.

An international effort, led by Australia and including the United States, brought much-needed stability to East Timor.

Now, under the United Nation’s Transitional Authority, stability is taking hold again in East Timor, and normal life is slowly returning.

In coming months, looking to America and other democratic nations as an example, East Timor’s leaders will hold a constitutional convention to decide which form of democratic government to adopt. It is a process that reminds us of our own Constitutional Convention and would make our Founding Fathers proud.

Late next year, after choosing a form of democratic government and electing leaders, East Timor is expected to declare its independence as the UN draws down. A new, democratic nation will take its rightful place in the world.

This is a success story. It is a great success story. But it is far from over.

East Timor remains one of the poorest places in Asia. Only 20 percent of its population is literate. The annual per capita gross national product is \$340.

The people of East Timor need and deserve our help. The extraordinary physical and moral courage they demonstrated over the years is impressive. The great faith in the democratic process they showed by voting for independence under the barrel of a gun must not go unrewarded.

This bill is our chance to help them, and help now. Its purpose is to put U.S. governmental programs and resources in place now and to enable U.S. government agencies to focus on the imminent reality of an independent East Timor. If we wait until East Timor declares its independence before we do the preliminary work, we will lose crucial time and do a disservice to both the United States and to East Timor.

Specifically, this bill lays the groundwork for establishing a firm bilateral and multilateral assistance structure.

It authorizes \$25 million in bilateral assistance, \$2 million for a Peace Corps presence and \$1 million for a scholarship fund for East Timorese students to study in the United States.

It encourages the President, the Overseas Private Investment Corporation, the Trade and Development Agency and other agencies to put in place now the tools and programs to create an equitable trade and investment relationship.

It requires the State Department to establish an accredited mission to East Timor co-incident with independence.

And it authorizes the provision of excess defense articles and international military education and training, after the President certifies that these articles and training are in the interests of the United States and will help promote human rights in East Timor and the professionalization of East Timor's armed services.

The people of East Timor have chosen democracy. The United States has a golden opportunity to help them create their new democratic nation. But we must prepare for that day now. We must not miss this rare opportunity to help.

I ask unanimous consent that a copy of the bill be printed in the RECORD at the end of my remarks, and I urge my colleagues to support this bill.

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

S. 3254

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 "East Timor Transition to Independence Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On August 30, 1999, the East Timorese people voted overwhelmingly in favor of independence from Indonesia. Anti-independence militias, with the support of the Indonesian military, attempted to prevent them from retreating against this vote by launching a campaign of terror and violence, displacing 500,000 people and murdering hundreds.

(2) The violent campaign devastated East Timor's infrastructure, destroyed or severely damaged 60 to 80 percent of public and private property, and resulted in the collapse of virtually all vestiges of government, public services and public security.

(3) The Australian-led International Force for East Timor (INTERFET) entered East Timor in September 1999 and successfully restored order. On October 25, 1999, the United Nations Transitional Administration for East Timor (UNTAET) began providing overall administration of East Timor, guide the people of East Timor in the establishment of a new democratic government, and maintain security and order.

(4) UNTAET and the East Timorese leadership currently anticipate that East Timor will become an independent nation as early as late 2001.

(5) East Timor is one of the poorest places in Asia. A large percentage of the population live below the poverty line, only 20 percent of East Timor's population is literate, most of East Timor's people remain unemployed, the annual per capita Gross National Product is \$340, and life expectancy is only 56 years.

(6) The World Bank and the United Nations have estimated that it will require

\$300,000,000 in development assistance over the next three years to meet East Timor's basic development needs.

SEC. 3. SENSE OF CONGRESS RELATING TO SUPPORT FOR EAST TIMOR.

It is the sense of Congress that the United States should—

(1) facilitate East Timor's transition to independence, support formation of broad-based democracy in East Timor, help lay the groundwork for East Timor's economic recovery, and strengthen East Timor's security;

(2) begin to lay the groundwork, prior to East Timor's independence, for an equitable bilateral trade and investment relationship;

(3)(A) officially open a diplomatic mission to East Timor as soon as possible;

(B) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(C) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained United States diplomatic mission is accredited to East Timor upon its independence;

(4) support efforts by the United Nations and East Timor to ensure justice and accountability related to past atrocities in East Timor through—

(A) United Nations investigations;

(B) development of East Timor's judicial system, including appropriate technical assistance to East Timor from the Department of Justice, the Federal Bureau of Investigation, and the Drug Enforcement Administration; and

(C) the possible establishment of an international tribunal for East Timor; and

(5) support observer status for an official delegation from East Timor to observe and participate, as appropriate, in all deliberations of the Asia Pacific Economic Co-operation (APEC) group.

SEC. 4. BILATERAL ASSISTANCE.

(a) AUTHORITY.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

(1) support the development of civil society, including nongovernmental organizations in East Timor;

(2) promote the development of an independent news media;

(3) support job creation and economic development in East Timor, including support for microenterprise programs and technical education, as well as environmental protection and education programs;

(4) promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;

(5) support the voluntary and safe repatriation and reintegration of refugees into East Timor; and

(6) support political party development, voter education, voter registration and other activities in support of free and fair elections in East Timor.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 2001, 2002, and 2003.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 5. MULTILATERAL ASSISTANCE.

The President shall instruct the United States executive director at each international financial institution to which the

United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.

SEC. 6. PEACE CORPS ASSISTANCE.

(a) AUTHORITY.—The Director of the Peace Corps is authorized to—

(1) provide English language and other technical training for individuals in East Timor as well as other activities which promote education, economic development, and economic self-sufficiency; and

(2) quickly address immediate assistance needs in East Timor using the Peace Corps Crisis Corps, to the extent practicable.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$2,000,000 for each of the fiscal years 2001, 2002, and 2003 to carry out such subsection.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 7. TRADE AND INVESTMENT ASSISTANCE.

(a) OPIC.—Beginning on the date of the enactment of this Act, the President should initiate negotiations with the United Nations Transitional Administration for East Timor (UNTAET), the National Council of East Timor, and the government of East Timor (after independence for East Timor)—

(1) to apply to East Timor the existing agreement between the Overseas Private Investment Corporation and Indonesia; or

(2) to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor,

in order to expand United States investment in East Timor.

(b) TRADE AND DEVELOPMENT AGENCY.—

(1) IN GENERAL.—The Director of the Trade and Development Agency is authorized to carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection \$1,000,000 for each of the fiscal years 2001, 2002, and 2003.

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(c) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States shall expand its activities in connection with exports to East Timor.

SEC. 8. GENERALIZED SYSTEM OF PREFERENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should encourage the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, to seek to become eligible for duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.; relating to generalized system of preferences).

(b) TECHNICAL ASSISTANCE.—The United States Trade Representative and the Commissioner of the United States Customs Service are authorized to provide technical assistance to UNTAET, the National Council of East Timor, and the government of East Timor (after independence for East Timor) in order to assist East Timor to become eligible for duty-free treatment under title V of the Trade Act of 1974.

SEC. 9. BILATERAL INVESTMENT TREATY.

It is the sense of Congress that the President should seek to enter into a bilateral investment treaty with the United Nations

Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, in order to establish a more stable legal framework for United States investment in East Timor.

SEC. 10. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.

(a) AUTHORITY.—The Secretary of State—

(1) is authorized to carry out an East Timorese scholarship program under the authorities of the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and the National Endowment for Democracy Act; and

(2) shall make every effort to identify and provide scholarships and other support to East Timorese students interested in pursuing undergraduate and graduate studies at institutions of higher education in the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State, \$1,000,000 for the fiscal year 2002 and \$1,000,000 for the fiscal year 2003 to carry out subsection (a).

SEC. 11. PLAN FOR ESTABLISHMENT OF DIPLOMATIC FACILITIES IN EAST TIMOR.

(a) DEVELOPMENT OF DETAILED PLAN.—The Secretary of State shall develop a detailed plan for the official establishment of a United States diplomatic mission to East Timor, with a view to—

(1) officially open a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission in East Timor as soon as possible;

(2) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(3) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission is accredited to East Timor upon its independence.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the detailed plan described in subsection (a), including a timetable for the official opening of a facility in Dili, East Timor, the personnel requirements for the mission, the estimated costs for establishing the facility, and its security requirements.

(2) SUBSEQUENT REPORTS.—Beginning six months after the submission of the initial report under paragraph (1), and every six months thereafter until January 1, 2004, the Secretary of State shall submit to the committees specified in that paragraph a report on the status of the implementation of the detailed plan described in subsection (a), including any revisions to the plan (including its timetable, costs, or requirements) that have been made during the period covered by the report.

(3) FORM OF REPORT.—Each report submitted under this subsection may be submitted in classified or unclassified form.

SEC. 12. SECURITY ASSISTANCE FOR EAST TIMOR.

(a) AUTHORIZATION.—Beginning on and after the date on which the President transmits to the Congress a certification described in subsection (b), the President is authorized—

(1) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

(2) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) East Timor has established an independent armed forces; and

(2) the assistance proposed to be provided pursuant to subsection (a)—

(A) is in the national security interests of the United States; and

(B) will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

(c) STUDY AND REPORT.—

(1) STUDY.—The President shall conduct a study to determine—

(A) the extent to which East Timor's security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, promote respect for human rights and humanitarian law; and

(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

(2) REPORT.—Not later than 1 month after the date of enactment of this Act, the President shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives setting forth the findings of the study conducted under paragraph (1).

SEC. 13. AUTHORITY FOR RADIO BROADCASTING.

The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of audio broadcasting to East Timor to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

SEC. 14. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than three months after the date of the enactment of this Act, and every six months thereafter until January 1, 2004, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Secretary of the Treasury, the United States Trade Representative, the Secretary of Commerce, the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, the President of the Export-Import Bank of the United States, the Secretary of Agriculture, and the Director of the Peace Corps, shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

(b) INFORMATION.—The report required by subsection (a) shall include—

(1) developments in East Timor's political and economic situation in the period covered by the report, including an evaluation of any elections occurring in East Timor and the refugee reintegration process in East Timor;

(2)(A) in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 4, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States

foreign assistance to East Timor during the 3-year period; and

(B) in each subsequent report, a description in detail of the expenditure of United States bilateral foreign assistance during the period covered by each such report;

(3) a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development and the Asian Development Bank, and an evaluation of the effectiveness of these activities;

(4) an assessment of—

(A) the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency during the period of time since the previous report; and

(B) the status of any negotiations with the United Nations Transitional Administration for East Timor (UNTAET) or East Timor to facilitate the operation of the United States trade agencies in East Timor;

(5) the nature and extent of United States-East Timor cultural, education, scientific, and academic exchanges, both official and unofficial, and any Peace Corps activities; and

(6) a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States.

Mr. MOYNIHAN:

S. 3259. A bill amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities; to the Committee on Finance.

HISTORIC PERFORMING ARTS FACILITY
REHABILITATION ACT

Mr. MOYNIHAN. Mr. President, I rise today to offer a bill that will benefit the cultural cornerstones of many of our communities—our nation's historic performing arts facilities. From the non-profit community theater housed in an historic opera house to the non-profit metropolitan performing arts complex of historic significance, this nation's historic performing arts facilities play a lasting and important role in the cultural fabric and cultural evolution of this nation.

There are over 200 non-profit performing arts organizations with historic facilities nationally, including the Traverse City Opera House in Traverse City, Michigan; the Paramount Theater in Anderson, Indiana; the Polk Theater in Lakeland, Florida; the Strand Theater in Shreveport, Louisiana; the Trinity Repertory Company in Providence, Rhode Island; and the Victoria Theater in Dayton, Ohio. As the cultural cornerstones of their communities and regions, these facilities also play an important economic role as the anchors of economic development within their communities. These theaters attract tourism, stabilize neighborhoods, and generate increased

economic activity of surrounding businesses.

Since the 1950s, this nation has also seen the emergence of nearly forty larger multi-purpose, multi-use performing arts complexes in urban areas as part of a larger urban renewal movement, such as the Los Angeles Music Center, the Wang Center for the Performing Arts in Boston, the Cincinnati Music Hall and Aronoff Center for the Arts in Ohio, the Regional Performing Arts Center in Philadelphia, the Lincoln Center for the Performing Arts in New York City, and the Kennedy Center for the Performing Arts in Washington, D.C. Each of these performing arts organizations has revitalized and spurred development in its community, and many of these larger facilities are centered around historic facilities or are historic places themselves.

This bill, the Historic Performing Arts Facility Rehabilitation Act, provides parity between non-profit and for-profit historic performing arts organizations that rehabilitate these national treasures. For many years, for-profit entities, including for-profit theaters, that rehabilitate their nationally registered historic structures have qualified for a rehabilitation tax credit. This bill would simply permit non-profit performing arts organizations, with facilities similarly listed on the National Register of Historic Places, to benefit from the same program.

The bill permits non-profit performing arts organizations to receive the existing credit, equal to twenty percent of qualified rehabilitation expenditures, in the form of a credit certificate. The certificate would be transferable to a lending institution that provides all or part of the financing related to the qualified rehabilitation expenditure in exchange for a reduction in interest or principal.

This bill has the support of the performing arts community and the support of historic preservation organizations. I hope many of my colleagues will support this important legislation.

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

S. 3260. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

CONSERVATION SECURITY ACT

Mr. HARKIN. Mr. President, I am proud to reintroduce the Conservation Security Act today together with Senator GORDON SMITH of Oregon. This important bipartisan legislation represents the first meaningful step toward comprehensive conservation on all of America's working farms and ranches. Although the reintroduction of this bill comes late in the session, it represents the beginning of the new approach for conservation in the next farm bill.

Mr. SMITH of Oregon. Mr. President, I come to the floor of the Senate today to speak to the important issue of conservation in agriculture. I am pleased to join with my friend from Iowa, the distinguished ranking member of the Agriculture Committee, Senator HARKIN, on the introduction of the Conservation Security Act. The introduction of this legislation represents the culmination of a great deal of work on the part of Senator HARKIN and his staff to explore new ways to address the needs of American farmers in the area of conservation. With the debate over a new farm bill on the horizon for the next Congress, I think it is important that we begin this dialogue now to consider how federal programs for farmers can be made more flexible and, frankly, more relevant, to farmers throughout the country.

As some of my colleagues know, I come from rural Eastern Oregon. In my part of the State, which is noted for its wheat farms, it is often said that every day is Earth Day for farmers. And every year, as more and more farmland is lost to development, people from both urban and rural America are starting to realize how much a friend to the environment our farmers are. Farmers have long recognized their direct dependence upon the land and the blessings of nature for their livelihoods, and, as a result, are some of the best stewards of the land in this country. I think you will find, Mr. President, that when it come to environmental stewardship measures, farmers are almost always willing to step up to the plate to do their part, provided that they can still make a living. Too often, I believe they are simply told through regulation what they can or cannot do with their land. Not enough attention is paid to the real impact of such regulation on the farmer's bottom line or on the relative competitiveness of U.S. Agriculture to foreign competition. What good does it do for the environment to drive farmers out of business only to trade farmland for strip malls? We all know there is a place for common sense environmental regulation, but I don't believe we have done nearly enough on the incentive side of the coin.

The Conservation Security Act is a bold step toward filling the gap in our current federal farm conservation regime. Simply put, this legislation offers compensation to farmers for voluntary conservation activities performed on land that is in agricultural production. Several aspects of this approach are significant improvements over the conservation tools available to farmers today.

First, this legislation recognizes that there are a number of things that are beneficial to the environment that farmers can do short of simply idling their land. Adopting an integrated pest management plan that reduces pes-

ticide use, or using soil-conserving rotational crops are just two examples of environmentally sensitive measures farmers can take while their land is still under production. Most of our spending for conservation programs at the federal level is geared toward paying farmers to set aside environmentally sensitive land altogether, such as under the Conservation Reserve Program. While such programs serve an important need, they don't address the range of conservation activities that farmers can, and often do, on their land in production. The Conservation Security Act fills this need in conservation programming and offers farmers the flexibility of choosing from amongst three tiers of conservation measures.

A second significant feature of this legislation is its applicability to all farmers, not just program commodity producers. I come from a state that produces everything from blueberries to potatoes to hazelnuts and nearly everything in between. These specialty crop producers need to have conservation options too. I am pleased to note the Conservation Security Act is open to all farmers in the nation. It is critical that the next farm bill more effectively addresses the needs of specialty crop producers in this area.

Finally, I have to note the potential for this legislation to help address the current farm crisis that is affecting so many of our family farmers. Those of us from agricultural states know too well the difficulties our farmers have faced in recent years, with the cost of production often exceeding the price paid for their commodities. While I believe a number of unusual circumstances have contributed to this problem—such as the Asian economic crisis—I also recognize that we must develop a more effective income support mechanism that the ad-hoc emergency farm spending packages we have relied upon in recent years. An investment in conservation, such as outlined in the Conservation Security Act, could contribute to that end.

In summary, Mr. President, I believe the Conservation Security Act has great potential to address crying needs of farmers all across the nation, while encouraging enhanced environmental stewardship. These are goals I think we should all agree on when it comes to farm policy. Over the upcoming recess, Senator HARKIN and I will seek more input from the agriculture community as well as other interested colleagues on this important legislation. The Conservation Security Act offers a serious attempt to address the conservation needs of farmers as well as the troubling overall decline of the family farm in this country. I urge my colleagues to give in their consideration over this recess and look forward to reintroducing this legislation at the beginning of the next Congress as the debate over the next farm bill begins in earnest.