

and accepted by the commanding officer of Portsmouth Naval Shipyard on behalf of the families and shipmates of the crew of the *USS Thresher*, the crews of the Naval Submarine Service and the workers of the Portsmouth Naval Shipyard.

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

SENATE CONCURRENT RESOLUTION 120—TO EXPRESS THE SENSE OF CONGRESS REGARDING THE NEED TO PASS LEGISLATION TO INCREASE PENALTIES ON PERPETRATORS OF HATE CRIMES

Mr. ROBB (for himself, Mr. REID, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 120

Whereas diversity and tolerance are essential principles of an open and free society;

Whereas all people deserve to be safe within their communities, free to live, work, and worship without fear of violence and bigotry;

Whereas crimes motivated by hatred against persons because of their race, color, religion, national origin, gender, sexual orientation, or disability undermine the fundamental values of our Nation;

Whereas hate crimes tear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose; and

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be stopped from spreading violence: : Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that Congress—

(1) needs to pass legislation that amends the Federal criminal code to set penalties for persons who commit acts of violence against other persons because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person;

(2) condemns the culture of hate and the hate groups that foster such violent acts;

(3) commends the communities throughout our Nation that are united in condemning such acts of hate in their neighborhoods;

(4) commends the efforts of Federal, State, and local law enforcement officials; and

(5) reaffirms its commitment to a society that fully respects and protects all people, regardless of race, color, religion, national origin, gender, sexual orientation, or disability.

Mr. ROBB. Mr. President, I rise to introduce a concurrent resolution urging Congress to enact meaningful hate crimes legislation. Today marks the sad second anniversary of the killing of James Byrd, Jr., the victim of a vicious hate crime in Texas. Mr. Byrd, a 49-year-old African-American man, was dragged for approximately two miles while chained to the back of a pickup truck by his white assailants. As a result of this brutal attack, Mr. Byrd's head and right arm were severed from his body.

Reflecting on this terrible act of deep hatred against the dignity of a human being should strengthen our resolve to combat acts of bias in our society. We will not get to where we need to go in this country until we have eradicated the discriminatory hatred that lies in some people's hearts. While we cannot legislate away the prejudice in a person's heart or soul, we can certainly punish those who act upon their feelings of hatred and commit acts of utter brutality. Hate crimes tear at the very fabric of American society and often scar, not just the victims, but the families and communities involved as well. Those who harbor hatred must know that America will punish them for their actions and that we will not tolerate their acts of inhumanity.

Our Nation is composed of a great diversity that contributes to our economic and educational preeminence in the world. We will never achieve all that our Nation is capable of accomplishing unless we are united in addressing the scourge of prejudice and hate crimes in our society. The Congress can lead on this issue by enacting comprehensive legislation, such as the Hate Crimes Prevention Act, that expands existing hate crimes law. Not only should those who are victimized by hate crimes because of their gender, sexual orientation, or disability be afforded access to appropriate justice, but we as a Nation should also pursue swift and serious punishment against violent hate-mongers to send a message that we will not tolerate their hate.

Today, I join with colleagues from both the Senate and the House to introduce this concurrent resolution and spur action to combat the crimes motivated by bias which continue to shock the conscience of our civil society. Federal hate crimes legislation provides another avenue for prosecuting the perpetrators of violent hate, and I look forward to enacting a comprehensive Federal hate crimes statute. I am confident that our abhorrence of hate crimes will move the Congress to action.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

JOHNSON (AND OTHERS)  
AMENDMENT NO. 3191

Mr. JOHNSON (for himself, Mr. MCCAIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. REID, Mr. JEFFORDS, Mr. DORGAN, Mr. ROBB, AND Mr. WELLSTONE) proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense ac-

tivities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 241, strike line 17 and all that follows through page 243, line 19, and insert the following:

SEC. 703. HEALTH CARE FOR MILITARY RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to "space available" health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of "space available" services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

(b) COVERAGE OF MILITARY RETIREES UNDER FEHBP.—

(1) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8905, by adding at the end the following new subsection:

"(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual."; and

(B) in section 8906(b)—

(i) in paragraph (1), by striking “paragraphs (2) and (3)” and inserting “paragraphs (2) through (5)”; and

(ii) by adding at the end the following new paragraph:

“(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.”.

(2) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(A) Section 1108 of title 10, United States Code, is amended to read as follows:

**“§ 1108. Health care coverage through Federal Employees Health Benefits program**

“(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

“(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

“(A) a member or former member of the uniformed services described in section 1074(b) of this title;

“(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

“(C) an individual who is—

“(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

“(ii) a member of family as defined in section 8901(5) of title 5; or

“(D) an individual who is—

“(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

“(ii) a member of family as defined in section 8901(5) of title 5.

“(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

“(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

“(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

“(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

“(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or

section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

“(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

“(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

“(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.”.

(B) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

“1108. Health care coverage through Federal Employees Health Benefits program.”.

(C) The amendments made by this paragraph shall take effect on January 1, 2001.

(C) EXTENSION OF COVERAGE OF CHAMPUS.—Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking “Except as provided in subsection (d), the”, and inserting “The”;

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

**KERREY AMENDMENT NO. 3192**

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 200, following line 23, add the following:

**SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.**

(a) PREPARATION AND PARTICIPATION OF MEMBERS GENERALLY.—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking “or” at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting “prepare for and” before “participate”; and

(B) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) prepare for and participate in qualifying athletic competitions.”.

(b) CONDUCT OF COMPETITIONS.—That section is further amended by adding at the end the following new subsection:

“(c)(1) Units of the National Guard may conduct small arms competitions and ath-

letic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).”.

(c) AVAILABILITY OF FUNDS.—That section is further amended by adding at the end the following new subsection:

“(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.”.

(d) QUALIFYING ATHLETIC COMPETITIONS DEFINED.—That section is further amended by adding at the end the following new subsection:

“(e) In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

**“§ 504. National Guard schools; small arms competitions; athletic competitions”.**

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking the item relating to section 504 and inserting the following new item:

“504. National Guard schools; small arms competitions; athletic competitions.”.

**BINGAMAN AMENDMENTS NOS. 3193–3195**

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 2549, supra; as follows:

**AMENDMENT NO. 3193**

At the end of title X, insert the following:  
**SEC. 10 . . . CONGRESSIONAL MEDALS FOR NAVAJO CODE TALKERS.**

(a) FINDINGS.—Congress finds that—

(1) on December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by Congress on the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Japanese, and a search was made by United States Intelligence to develop new means to counter the enemy;

(3) the United States Government called upon the Navajo Nation to support the military effort by recruiting and enlisting 29 Navajo men to serve as Marine Corps Radio Operators;

(4) the number of Navajo enlistees later increased to more than 350;

(5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were discouraged from using their own native language;

(6) the Navajo Marine Corps Radio Operators, who became known as the ‘Navajo

Code Talkers", were used to develop a code using their native language to communicate military messages in the Pacific;

(7) to the enemy's frustration, the code developed by these Native Americans proved to be unbreakable, and was used extensively throughout the Pacific theater;

(8) the Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talkers passed more than 800 error-free messages in a 48-hour period;

(10) use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow Marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo Code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo Code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b) CONGRESSIONAL MEDALS AUTHORIZED.—To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(1) to award to each of the original 29 Navajo Code Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(2) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring the Navajo Code Talkers.

(c) DESIGN AND STRIKING.—For purposes of the awards authorized by subsection (b), the Secretary of the Treasury (in this section referred to as the "Secretary") shall strike gold and silver medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(d) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the medals struck pursuant to this section, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51, of title 31, United States Code.

(f) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, not more than \$30,000, to pay for the costs of the medals authorized by this section.

(g) PROCEEDS OF SALE.—Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

AMENDMENT NO. 3194

On page 236, between lines 6 and 7, insert the following:

**SEC. 646. EQUITABLE APPLICATION OF EARLY RETIREMENT ELIGIBILITY REQUIREMENTS TO MILITARY RESERVE TECHNICIANS.**

(a) TECHNICIANS COVERED BY FERS.—Paragraph (1) of section 8414(c) of title 5, United States Code, is amended by striking "after becoming 50 years of age and completing 25 years of service" and inserting "after completing 25 years of service or after becoming 50 years of age and completing 20 years of service".

(b) TECHNICIANS COVERED BY CSRS.—Section 8336 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(p) Section 8414(c) of this title applies—

"(1) under paragraph (1) of such section to a military reserve technician described in that paragraph for purposes of determining entitlement to an annuity under this subchapter; and

"(2) under paragraph (2) of such section to a military technician (dual status) described in that paragraph for purposes of determining entitlement to an annuity under this subchapter."

(c) TECHNICAL AMENDMENT.—Section 1109(a)(2) of Public Law 105-261 (112 Stat. 2143) is amended by striking "adding at the end" and inserting "inserting after subsection (n)".

(d) APPLICABILITY.—Subsection (c) of section 8414 of such title (as amended by subsection (a)), and subsection (p) of section 8336 of title 5, United States Code (as added by subsection (b)), shall apply according to the provisions thereof with respect to separations from service referred to in such subsections that occur on or after October 5, 1999.

AMENDMENT NO. 3195

On page 53, after line 23, add the following:

**SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.**

(a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "and is encouraged to provide," after "may provide";

(2) in paragraph (1), by inserting before the semicolon the following: "for any purpose and duration in support of such agreement that the director considers appropriate"; and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any defense laboratory equipment (regardless of the nature of type of such equipment) surplus to the needs of the defense laboratory that is determined by the director to be appropriate for support of such agreement;"

(b) DEFENSE LABORATORY DEFINED.—Subsection (e) of that section is amended to read as follows:

"(e) In this section:

"(1) The term 'defense laboratory' means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

"(2) The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)."

**BINGAMAN (AND MURRAY)  
AMENDMENT NO. 3196**

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

**SEC. 656. ADDITIONAL BENEFITS AND PROTECTIONS FOR PERSONNEL INCURRING INJURY, ILLNESS, OR DISEASE IN THE PERFORMANCE OF FUNERAL HONORS DUTY.**

(a) INCAPACITATION PAY.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "or"; and

(C) by adding at the end the following:

"(E) in line of duty while—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling to or from the place at which the duty was to be performed; or

"(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.";

(2) in subsection (h)(1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "or"; and

(C) by adding at the end the following:

"(E) in line of duty while—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling to or from the place at which the duty was to be performed; or

"(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.";

(b) TORT CLAIMS.—Section 2671 of title 28, United States Code, is amended by inserting "115," in the second paragraph after "members of the National Guard while engaged in training or duty under section".

(c) APPLICABILITY.—(1) The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to acts and omissions occurring before, on, or after the date of the enactment of this Act.

**MCCAIN (AND OTHERS)  
AMENDMENT NO. 3197**

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. DEWINE, and Mr. WYDEN) submitted an amendment to be proposed by them to the bill, S. 2549, supra; as follows:

On page 530, after line 21, add the following:

**SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS IN 2003 AND 2005.**

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX

of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking “and” at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by adding at the end the following new clauses (iv) and (v):

“(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress; and

“(v) by no later than March 15, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress.”; and

(B) in subparagraph (C), by striking “or for 1995 in clause (iii) of such subparagraph” and inserting “, for 1995 in clause (iii) of that subparagraph, for 2003 in clause (iv) of that subparagraph, or for 2005 in clause (v) of that subparagraph”.

(2) MEETINGS.—Subsection (e) of that section is amended by striking “and 1995” and inserting “1995, 2003, and 2005”.

(3) STAFF.—Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking “and 1994” and inserting “, 1994, and 2004”.

(4) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

“(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003 or 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in either of those years such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.”.

(5) TERMINATION.—Subsection (l) of that section is amended by striking “December 31, 1995” and inserting “December 31, 2005”.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by striking “and 1996,” and inserting “1996, 2004, and 2006.”.

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting “and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003 and 2005,” after “December 31, 1990.”;

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting “and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003 and 2005,” after “February 15, 1991.”; and

(ii) in the second sentence, by inserting “, or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001” after “March 15, 1991.”; and

(C) by adding at the end a new paragraph: “(3) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall be based on the total cost and savings to the Federal Government that would result from the proposed closure or realignment of such military installation.”.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking “and March 1, 1995,” and inserting “March 1, 1995, March 14, 2003, and May 16, 2005.”;

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) In making recommendations to the Commission under this subsection in any year after 1999, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

“(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

“(C) The recommendations made by the Secretary under this subsection in any year after 1999 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.”; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking “paragraph (5)(B)” and inserting “paragraph (6)(B)”;

(ii) in the second sentence, by striking “24 hours” and inserting “48 hours”.

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting “or by no later than July 7 in the case of recommendations in 2003, or no later than September 8 in the case of recommendations in 2005,” after “pursuant to subsection (c).”;

(B) in paragraph (4), by inserting “or after July 7 in the case of recommendations in 2003, or after September 8 in the case of recommendations in 2005,” after “under this subsection.”; and

(C) in paragraph (5)(B), by inserting “or by no later than June 7 in the case of such recommendations in 2003 and 2005,” after “such recommendations.”.

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting “or by no later than July 22 in the case of recommendations in 2003, or no later than September 23 in the case of recommendations in 2005,” after “under subsection (d).”;

(B) in the second sentence of paragraph (3), by inserting “or by no later than August 18 in the case of 2003, or no later than October 20 in the case of 2005,” after “the year concerned.”; and

(C) in paragraph (5), by inserting “or by September 3 in the case of recommendations in 2003, or November 7 in the case of recommendations in 2005,” after “under this part.”.

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 1999 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost

effective method of implementation of the recommendation.”.

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking “December 31, 1995,” and inserting “December 31, 2005.”.

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking “that date” and inserting “the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)”.

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting “or realignment” after “closure” each place it appears in the following provisions:

(i) Section 2905(b)(3).

(ii) Section 2905(b)(5).

(iii) Section 2905(b)(7)(B)(iv).

(iv) Section 2905(b)(7)(N).

(v) Section 2910(10)(B).

(B) That Act is further amended by inserting “or realigned” after “closed” each place it appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).

(ii) Section 2905(b)(3)(D).

(iii) Section 2905(b)(3)(E).

(iv) Section 2905(b)(4)(A).

(v) Section 2905(b)(5)(A).

(vi) Section 2910(9).

(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting “, or realigned or to be realigned,” after “closed or to be closed”.

#### REID (AND OTHERS) AMENDMENT NO. 3198

(Ordered to lie on the table.)

Mr. REID (for himself, Mr. INOUE, Ms. LANDRIEU, Mr. JOHNSON, Mr. DASCHLE, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place in title VI, insert the following:

#### SEC. \_\_\_\_ . CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION FOR RETIRED MEMBERS WITH SERVICE-CONNECTED DISABILITIES.

(a) CONCURRENT PAYMENT.—Section 5304(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) Notwithstanding the provisions of paragraph (1) and section 5305 of this title, compensation under chapter 11 of this title may be paid to a person entitled to receive retired or retirement pay described in such section 5305 concurrently with such person’s receipt of such retired or retirement pay.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and apply with respect to payments of compensation for months beginning on or after that date.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendment made by subsection (a) for any period before the effective date of this Act as specified in subsection (b).

#### BIDEN AMENDMENT NO. 3199

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill (S. 2549), supra; as follows:

At the appropriate place, insert the following:

**DIVISION —VIOLENCE AGAINST WOMEN**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the “Violence Against Women Act II”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Accountability and oversight.

**TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN**

Sec. 101. Full faith and credit enforcement of protection orders.

Sec. 102. Role of courts.

Sec. 103. Reauthorization of STOP grants.

Sec. 104. Reauthorization of grants to encourage arrest policies.

Sec. 105. Reauthorization of rural domestic violence and child abuse enforcement grants.

Sec. 106. National stalker and domestic violence reduction.

Sec. 107. Amendments to domestic violence and stalking offenses.

Sec. 108. Grants to reduce violent crimes against women on campus.

**TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE**

Sec. 201. Legal assistance for victims.

Sec. 202. Shelter services for battered women and children.

Sec. 203. Transitional housing assistance for victims of domestic violence.

Sec. 204. National domestic violence and sexual assault hotline.

Sec. 205. Federal victims counselors.

Sec. 206. Study of State laws regarding insurance discrimination against victims of violence against women.

Sec. 207. Study of workplace effects from violence against women.

Sec. 208. Study of unemployment compensation for victims of violence against women.

Sec. 209. Enhancing protections for older women from domestic violence and sexual assault.

**TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN**

Sec. 301. Safe havens for children pilot program.

Sec. 302. Reauthorization of runaway and homeless youth grants.

Sec. 303. Reauthorization of victims of child abuse programs.

Sec. 304. Report on effects of parental kidnapping laws in domestic violence cases.

**TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN**

Sec. 401. Education and training in appropriate responses to violence against women.

Sec. 402. Rape prevention and education.

Sec. 403. Education and training to end violence against and abuse of women with disabilities.

Sec. 404. Community initiatives.

Sec. 405. Development of research agenda identified by the Violence Against Women Act of 1994.

**TITLE V—BATTERED IMMIGRANT WOMEN**

Sec. 501. Short title.

Sec. 502. Findings and purposes.

Sec. 503. Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.

Sec. 504. Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.

Sec. 505. Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.

Sec. 506. Restoring immigration protections under the Violence Against Women Act of 1994.

Sec. 507. Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.

Sec. 508. Technical correction to qualified alien definition for battered immigrants.

Sec. 509. Protection for certain crime victims including crimes against women.

Sec. 510. Access to Cuban Adjustment Act for battered immigrant spouses and children.

Sec. 511. Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.

Sec. 512. Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.

Sec. 513. Access to services and legal representation for battered immigrants.

**TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND**

Sec. 601. Extension of Violent Crime Reduction Trust Fund.

**SEC. 2. DEFINITIONS.**

In this Act—

(1) the term “domestic violence” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2); and

(2) the term “sexual assault” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

**SEC. 3. ACCOUNTABILITY AND OVERSIGHT.**

(a) **REPORT BY GRANT RECIPIENTS.**—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this Act or an amendment made by this Act to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) **REPORT TO CONGRESS.**—The Attorney General or Secretary of Health and Human Services, as applicable, shall report annually to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

**TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN**

**SEC. 101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.**

(a) **IN GENERAL.**—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding “**AND ENFORCEMENT OF PROTECTION ORDERS**” at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting “(including juvenile courts)” after “courts”; and

(B) by adding at the end the following:

“(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.”; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking “and” at the end;

(ii) in paragraph (2), by striking the period at the end and inserting “, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);”; and

(iii) by adding at the end the following:

“(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

“(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.”; and

(B) by adding at the end the following:

“(c) **DISSEMINATION OF INFORMATION.**—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.”.

(b) **PROTECTION ORDERS.**—

(1) **FILING COSTS.**—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-5) is amended—

(A) in the heading, by striking “**filing**” and inserting “**and protection orders**” after “**charges**”; and

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

“(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or”; and

(ii) in paragraph (2)(B), by striking “2 years” and inserting “2 years after the date of enactment of the Violence Against Women Act II”; and

(C) by adding at the end the following:

“(c) DEFINITION.—In this section, the term ‘protection order’ has the meaning given the term in section 2266 of title 18, United States Code.”.

(2) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

“(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.”; and

(B) by adding at the end the following:

“(d) DEFINITION.—In this section, the term ‘protection order’ has the meaning given the term in section 2266 of title 18, United States Code.”.

(3) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1(a)(1)(B)) is amended by inserting before the semicolon the following: “or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act II”.

(4) REGISTRATION FOR PROTECTION ORDERS.—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

“(d) REGISTRATION.—

“(1) IN GENERAL.—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

“(2) NO PRIOR REGISTRATION OR FILING REQUIRED.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

“(e) NOTICE.—A protection order that is otherwise consistent with this section shall be accorded full faith and credit and enforced notwithstanding the failure to provide notice to the party against whom the order is made of its registration or filing in the enforcing State or Indian tribe.

“(f) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction over domestic relations actions, including authority to enforce its orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe and in which at least 1 of the parties is an Indian.”.

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42

U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding “AND ENFORCEMENT OF PROTECTION ORDERS” at the end.

#### SEC. 102. ROLE OF COURTS.

(a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (a), by striking “Indian tribal governments,” and inserting “State and local courts (including juvenile courts), Indian tribal governments, tribal courts,”; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting “, judges, other court personnel,” after “law enforcement officers”;

(ii) in paragraph (2), by inserting “, judges, other court personnel,” after “law enforcement officers”;

(iii) in paragraph (3), by inserting “, court,” after “police”; and

(2) in section 2002—

(A) in subsection (a), by inserting “State and local courts (including juvenile courts),” after “States,” the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) of the amount granted—

“(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

“(B) not less than 30 percent shall be allocated to victim services; and

“(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and”;

(C) in subsection (d)(1), by inserting “court,” after “law enforcement.”.

(b) ELIGIBLE GRANTEEES; USE OF GRANTS FOR EDUCATION.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting “State and local courts (including juvenile courts), tribal courts,” after “Indian tribal governments.”;

(2) in subsection (b)—

(A) by inserting “State and local courts (including juvenile courts),” after “Indian tribal governments”;

(B) in paragraph (2), by striking “policies and” and inserting “policies, educational programs, and”;

(C) in paragraph (3), by inserting “parole and probation officers,” after “prosecutors,”; and

(D) in paragraph (4), by inserting “parole and probation officers,” after “prosecutors,”;

(3) in subsection (c), by inserting “State and local courts (including juvenile courts),” after “Indian tribal governments.”; and

(4) by adding at the end the following:

“(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”.

#### SEC. 103. REAUTHORIZATION OF STOP GRANTS.

(a) REAUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

“(18) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part T \$185,000,000 for each of fiscal years 2001 through 2005.”.

(b) GRANT PURPOSES.—Part T of title I of the Omnibus Crime Control and Safe Streets

Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (b)—

(i) in paragraph (5), by striking “racial, cultural, ethnic, and language minorities” and inserting “underserved populations”;

(ii) in paragraph (6), by striking “and” at the end;

(iii) in paragraph (7), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault and domestic violence.”; and

(B) by adding at the end the following:

“(c) STATE COALITION GRANTS.—

“(1) PURPOSE.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

“(2) GRANTS TO STATE COALITIONS.—The Attorney General shall award grants to—

“(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

“(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

“(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).”;

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) in paragraph (1), by striking “4 percent” and inserting “5 percent”;

(C) in paragraph (4), as redesignated, by striking “\$500,000” and inserting “\$600,000”; and

(D) by inserting after paragraph (1) the following:

“(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/3 of the total amount made available under this paragraph for each fiscal year;

“(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/3 of the total amount made available under this paragraph for each fiscal year.”;

(3) in section 2003—

(A) in paragraph (7), by striking “geographic location” and all that follows through “physical disabilities” and inserting

“race, ethnicity, age, disability, religion, alienage status, language barriers, geographic location (including rural isolation), and any other populations determined to be underserved”; and

(B) in paragraph (8), by striking “assisting domestic violence or sexual assault victims through the legal process” and inserting “providing assistance for victims seeking necessary support services as a consequence of domestic violence or sexual assault”; and

(4) in section 2004(b)(3), by inserting “, and the membership of persons served in any underserved population” before the semicolon.

**SEC. 104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.**

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

“(19) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part U \$65,000,000 for each of fiscal years 2001 through 2005.”

**SEC. 105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.**

(a) REAUTHORIZATION.—Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”; and

(2) by adding at the end the following:

“(3) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.”

**SEC. 106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.**

(a) REAUTHORIZATION.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

**“SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this subtitle \$3,000,000 for each of fiscal years 2001 through 2005.”

(b) TECHNICAL AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting “and implement” after “improve”.

**SEC. 107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.**

(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

**“(a) OFFENSES.—**

“(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

“(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the

course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).”

(b) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

**“§ 2261A. Interstate stalking**

“Whoever—

“(1) with the intent to kill, injure, harass, or intimidate another person, engages within the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person; or

“(2) with the intent to kill, injure, harass, or intimidate another person, travels in interstate or foreign commerce, or enters or leaves Indian country, and, in the course of or as a result of such travel, engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person,

shall be punished as provided in section 2261(b).”

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

**“(a) OFFENSES.—**

“(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

“(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).”

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

**“§ 2266. Definitions**

“In this chapter:

“(1) BODILY INJURY.—The term ‘bodily injury’ means any act, except one done in self-defense, that results in physical injury or sexual abuse.

“(2) ENTER OR LEAVE INDIAN COUNTRY.—The term ‘enter or leave Indian country’ includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

“(3) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning stated in section 1151 of this title.

“(4) PROTECTION ORDER.—The term ‘protection order’ includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

“(5) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning stated in section 2119(2).

“(6) SPOUSE OR INTIMATE PARTNER.—The term ‘spouse or intimate partner’ includes—

“(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

“(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

“(7) STATE.—The term ‘State’ includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

“(8) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term ‘travel in interstate or foreign commerce’ does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.”

**SEC. 108. GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.**

Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in subsection (f)(1), by inserting “by a person with whom the victim has engaged in a social relationship of a romantic or intimate nature,” after “cohabited with the victim.”; and

(2) in subsection (g), by striking “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “each of fiscal years 2001 through 2005”.

**TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE**

**SEC. 201. LEGAL ASSISTANCE FOR VICTIMS.**

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term “domestic violence” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

(2) LEGAL ASSISTANCE FOR VICTIMS.—The term “legal assistance” includes assistance to victims of domestic violence, stalking, and sexual assault in family, criminal, immigration, administrative, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of

any litigation described in paragraph (14) of section 504 of Public Law 104-134.

(3) **SEXUAL ASSAULT.**—The term “sexual assault” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

(c) **LEGAL ASSISTANCE FOR VICTIMS GRANTS.**—The Attorney General may award grants under this subsection to private non-profit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) **GRANT TO ESTABLISH DATABASE OF PROGRAMS THAT PROVIDE LEGAL ASSISTANCE TO VICTIMS.**—

(1) **IN GENERAL.**—The Attorney General may make a grant to establish, operate, and maintain a national computer database of programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault.

(2) **DATABASE REQUIREMENTS.**—A database established with a grant under this subsection shall be—

(A) designed to facilitate the referral of persons to programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault; and

(B) operated in coordination with the national domestic violence and sexual assault hotline established under section 316 of the Family Violence Prevention and Services Act.

(e) **EVALUATION.**—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$35,000,000 for each of fiscal years 2001 through 2005.

(2) **ALLOCATION OF FUNDS.**—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(3) **NONSUPPLANTATION.**—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

**SEC. 202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.**

(a) **STATE SHELTER GRANTS.**—Section 303(a)(2)(C) of the Family Violence Preven-

tion and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking “populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation” and inserting “populations underserved because of race, ethnicity, age, disability, religion, alienage status, geographic location (including rural isolation), or language barriers, and any other populations determined by the Secretary to be underserved”.

(b) **STATE MINIMUM; REALLOTMENT.**—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a), by striking “for grants to States for any fiscal year” and all that follows and inserting the following: “and available for grants to States under this subsection for any fiscal year—

“(1) Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States shall each be allotted not less than 1/8 of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

“(2) each State shall be allotted for payment in a grant authorized under section 303(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.”;

(2) in subsection (c), in the first sentence, by inserting “and available” before “for grants”; and

(3) by adding at the end the following:

“(e) In subsection (a)(2), the term “State” does not include any jurisdiction specified in subsection (a)(1).”.

(c) **SECRETARIAL RESPONSIBILITIES.**—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking “an employee” and inserting “1 or more employees”; and

(2) by striking “of this title.” and inserting “of this title, including carrying out evaluation and monitoring under this title.”; and

(3) by striking “The individual” and inserting “Any individual”.

(d) **RESOURCE CENTERS.**—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended—

(1) in subsection (a)(2), by inserting “on providing information, training, and technical assistance” after “focusing”; and

(2) in subsection (c), by adding at the end the following:

“(8) Providing technical assistance and training to local entities carrying out domestic violence programs that provide shelter, related assistance, or transitional housing assistance.

“(9) Improving access to services, information, and training, concerning family violence, within Indian tribes and Indian tribal agencies.

“(10) Providing technical assistance and training to appropriate entities to improve access to services, information, and training concerning family violence occurring in underserved populations.”.

(e) **CONFORMING AMENDMENT.**—Section 309(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(6)) is amended by striking “the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands” and inserting “the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States”.

(f) **REAUTHORIZATION.**—Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this title \$175,000,000 for each of fiscal years 2001 through 2005.

“(2) **SOURCE OF FUNDS.**—Amounts made available under paragraph (1) may be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).”;

(2) in subsection (b), by striking “under subsection 303(a)” and inserting “under section 303(a)”;

(3) in subsection (c), by inserting “not more than the lesser of \$7,500,000 or” before “5”; and

(4) by adding at the end the following:

“(f) **EVALUATION, MONITORING, AND ADMINISTRATION.**—Of the amounts appropriated under subsection (a) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this title.”.

(g) **STATE DOMESTIC VIOLENCE COALITION GRANT ACTIVITIES.**—Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended—

(1) in subsection (a)(4), by striking “underserved racial, ethnic or language-minority populations” and inserting “underserved populations described in section 303(a)(2)(C)”; and

(2) in subsection (c), by striking “the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands” and inserting “the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States”.

**SEC. 203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.**

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

**“SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.**

“(a) **IN GENERAL.**—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

“(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

“(2) for whom emergency shelter services are unavailable or insufficient.

“(b) **ASSISTANCE DESCRIBED.**—Assistance provided under this section may include—

“(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

“(2) short-term support services, including payment of expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related services.

“(c) **TERM OF ASSISTANCE.**—An individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

“(d) REPORTS.—

“(1) REPORT TO SECRETARY.—

“(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

“(B) CONTENTS.—Each report shall include information on—

“(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

“(ii) the number of months each individual or dependent received the assistance;

“(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

“(iv) the type of support services provided to each individual or dependent assisted under this section.

“(2) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

“(1) \$25,000,000 for each of fiscal years 2001 through 2003; and

“(2) \$30,000,000 for each of fiscal years 2004 and 2005.”

**SEC. 204. NATIONAL DOMESTIC VIOLENCE AND SEXUAL ASSAULT HOTLINE.**

(a) REAUTHORIZATION.—Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$2,750,000 for each of fiscal years 2001 through 2005.”

(b) DOMESTIC VIOLENCE AND SEXUAL ASSAULT.—Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in the title of the section, by striking “national domestic violence hotline grant” and inserting “grant for national domestic violence and sexual assault hotline”;

(2) in subsections (a), (d), and (e), by striking “victims of domestic violence” each place it appears and inserting “victims of domestic violence or sexual assault”;

(3) in subsection (e)—

(A) in paragraph (2), by striking “national domestic violence hotline” and inserting “national domestic violence and sexual assault hotline”; and

(B) in paragraph (3), by striking “area of domestic violence” and inserting “area of domestic violence and sexual assault”;

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

“(f) REPORT BY GRANT RECIPIENT.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Act II, each recipient of a

grant under this section shall prepare and submit to the Secretary a report that contains—

“(A) an evaluation of the effectiveness of the activities carried out by the recipient with amounts received under this section; and

“(B) such other information as the Secretary may prescribe.

“(2) NOTICE AND PUBLIC COMMENT.—The Secretary shall—

“(A) publish in the Federal Register a copy of the report submitted by the recipient under this subsection; and

“(B) allow not less than 90 days for notice of and opportunity for public comment on the published report.”

**SEC. 205. FEDERAL VICTIMS COUNSELORS.**

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1910) is amended by striking “(such as District of Columbia)—” and all that follows and inserting “(such as District of Columbia), \$1,000,000 for each of fiscal years 2001 through 2005.”

**SEC. 206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.**

(a) IN GENERAL.—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

**SEC. 207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.**

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

**SEC. 208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.**

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

**SEC. 209. ENHANCING PROTECTIONS FOR OLDER WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.**

(a) DEFINITION.—In this section, the term “older individual” has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL AS-

SAULT IN PRO-ARREST GRANTS.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

“(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as is defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).”

(c) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001(b)—

(A) in paragraph (7) (as amended by section 103(b) of this Act), by striking “and” at the end;

(B) in paragraph (8) (as added by section 103(b) of this Act), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(9) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support and counseling services to such older individuals.”; and

(2) in section 2003(7) (as amended by section 103(b) of this Act), by inserting after “any other populations determined to be underserved” the following: “, and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence”.

(d) ENHANCING SERVICES FOR OLDER INDIVIDUALS IN SHELTERS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) (as amended by section 202(a)(1) of this Act) is amended by inserting after “any other populations determined by the Secretary to be underserved” the following: “, and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence”.

**TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN**

**SEC. 301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.**

(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, or sexual assault.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit,

nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) **APPLICANT REQUIREMENTS.**—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) **REPORTING.**—

(1) **IN GENERAL.**—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) **GUIDELINES.**—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of

1994 (42 U.S.C. 14211) to carry out this section \$15,000,000 for each of fiscal years 2001 and 2002.

(f) **ALLOTMENT FOR INDIAN TRIBES.**—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

**SEC. 302. REAUTHORIZATION OF RUNAWAY AND HOMELESS YOUTH GRANTS.**

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking paragraph (4) and inserting the following:

“(4) **PART E.**—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part E \$22,000,000 for each of fiscal years 2001 through 2005.”

**SEC. 303. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.**

(a) **COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

“(a) **AUTHORIZATION.**—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle \$12,000,000 for each of fiscal years 2001 through 2005.”

(b) **CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.**—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

“(a) **AUTHORIZATION.**—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle \$2,300,000 for each of fiscal years 2001 through 2005.”

(c) **GRANTS FOR TELEVISED TESTIMONY.**—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

“(7) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part N \$1,000,000 for each of fiscal years 2001 through 2005.”

(d) **DISSEMINATION OF INFORMATION.**—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

**SEC. 304. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.**

(a) **IN GENERAL.**—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) **SUFFICIENCY OF DEFENSES.**—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$200,000 for fiscal year 2001.

(d) **CONDITION FOR CUSTODY DETERMINATION.**—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking “he” and inserting “the child, a sibling, or parent of the child”.

**TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN**

**SEC. 401. EDUCATION AND TRAINING IN APPROPRIATE RESPONSES TO VIOLENCE AGAINST WOMEN.**

(a) **AUTHORITY.**—The Secretary of Health and Human Services, in consultation with the Attorney General, may award grants in accordance with this section to public and private nonprofit entities that, in the determination of the Secretary, have—

(1) nationally recognized expertise in the areas of domestic violence and sexual assault; and

(2) a record of commitment and quality responses to reduce domestic violence and sexual assault.

(b) **PURPOSE.**—Grants under this section may be used for the purposes of developing, testing, presenting, and disseminating model programs to provide education and training in appropriate and effective responses to victims of domestic violence and sexual assault (including, as appropriate, the effects of domestic violence on children) for individuals (other than law enforcement officers and prosecutors) who are likely to come into contact with such victims during the course of their employment, including—

(1) caseworkers, supervisors, administrators, administrative law judges, and other individuals administering Federal and State benefits programs, such as child welfare and child protective services, Temporary Assistance to Needy Families, social security disability, child support, medicaid, unemployment, workers' compensation, and similar programs; and

(2) medical and health care professionals, including mental and behavioral health professionals such as psychologists, psychiatrists, social workers, therapists, counselors, and others.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section

\$5,000,000 for each of fiscal years 2001 through 2003.

**SEC. 402. RAPE PREVENTION AND EDUCATION.**

(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

**“SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.**

“(a) PERMITTED USE.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

- “(1) educational seminars;
- “(2) the operation of hotlines;
- “(3) training programs for professionals;
- “(4) the preparation of informational material;

“(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

“(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

“(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

“(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section, \$50,000,000 for each of fiscal years 2001 through 2005.

“(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of \$1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

“(d) LIMITATIONS.—

“(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

“(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

“(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received

by the State under this section for each fiscal year for administrative expenses.”.

(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

**SEC. 403. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.**

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$5,000,000 for each of fiscal years 2001 through 2005.

**SEC. 404. COMMUNITY INITIATIVES.**

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking “and” at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

“(H) groups that provide services to individuals with disabilities;”;

(2) by striking subsection (h) and inserting the following:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$5,000,000 for each of fiscal years 2001 through 2005.”.

**SEC. 405. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.**

(a) IN GENERAL.—The Attorney General shall—

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled “Understanding Violence Against Women” of the National Academy of Sciences; and

(2) not later than 1 year after the date of enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda;

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) such sums as may be necessary to carry out this section.

**TITLE V—BATTERED IMMIGRANT WOMEN**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Battered Immigrant Women Protection Act of 2000”.

**SEC. 502. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser’s control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.—The purposes of this title are—

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

**SEC. 503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.**

(a) INTENDED SPOUSE DEFINED.—Section 101(a) of the Immigration and Nationality

Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(50) The term ‘intended spouse’ means any alien who meets the criteria set forth in section 204(a)(3)(A)(ii) or 204(a)(4)(A)(ii).”

(b) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS.—

(1) SELF-PETITIONING SPOUSES.—

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN'S CHILD.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

“(iii) An alien who is described in paragraph (3) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

“(I) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

“(II) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.”

(B) DESCRIPTION OF PROTECTED SPOUSE OR INTENDED SPOUSE.—Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by adding at the end the following:

“(3) For purposes of paragraph (1)(A)(iii), an alien described in this paragraph is an alien—

“(A)(i) who is the spouse of a citizen of the United States; or

“(ii)(I) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed; and

“(II) who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

“(iii) who was a bona fide spouse of a United States citizen within the past 2 years and—

“(I) whose spouse died within the past 2 years;

“(II) whose spouse lost or renounced citizenship status related to an incident of domestic violence; or

“(III) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the United States citizen spouse;

“(B) who is a person of good moral character;

“(C) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

“(D) who has resided with the alien's spouse or intended spouse.”

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

“(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney

General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.”

(3) FILING OF PETITIONS.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(iv)) is amended by adding at the end the following:

“(v) An alien who is the spouse, intended spouse, or child of a United States citizen living abroad and who is eligible to file a petition under clause (iii) or (iv) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (iii) or (iv).”

(c) SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS.—

(1) SELF-PETITIONING SPOUSES.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

“(ii) An alien who is described in paragraph (4) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

“(I) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

“(II) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.”

(2) DESCRIPTION OF PROTECTED SPOUSE OR INTENDED SPOUSE.—Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154) (as amended by subsection (b)(1)(B) of this section) is amended by adding at the end the following:

“(4) For purposes of paragraph (1)(B)(ii), an alien described in this paragraph is an alien—

“(A)(i) who is the spouse of a lawful permanent resident of the United States; or

“(ii)(I) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed; and

“(II) who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

“(III) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

“(aa) whose spouse lost status due to an incident of domestic violence; or

“(bb) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the lawful permanent resident spouse;

“(B) who is a person of good moral character;

“(C) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

“(D) who has resided with the alien's spouse or intended spouse.”

(3) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

“(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent. For purposes of this clause, residence includes any period of visitation.”

(4) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

“(iv) An alien who is the spouse, intended spouse, or child of a lawful permanent resident living abroad is eligible to file a petition under clause (ii) or (iii) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (ii) or (iii).”

(d) GOOD MORAL CHARACTER FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) Notwithstanding section 101(f), an act or conviction that qualifies for an exception or is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty. In making determinations under this paragraph, the Attorney General shall consider any credible evidence relevant to the determination.

“(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

“(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

“(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if

the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

“(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

“(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.”

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting “, or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,” after “United States” the first place such term appears; and

(2) by inserting “(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)” after “has been living in marital union with the citizen spouse”.

**SEC. 504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.**

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

“(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

“(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

“(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty in the United States by such citizen parent);

“(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

“(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy;

“(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

“(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

“(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a), and has not been convicted of an aggravated felony unless the act or conviction qualifies for an exemption or is waivable with respect to the alien for purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a); and

“(v) the removal would result in extreme hardship to the alien, the alien's child, or the alien's parent.

“(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)—

“(i) an absence in excess of 90 days shall not bar the Attorney General from finding that the alien maintained continuous physical presence if the alien has been physically present for a total of 3 years and demonstrates that the interrupting absence or a portion thereof was connected to the alien's having been battered or subjected to extreme cruelty; and

“(ii) absences that in the aggregate exceed 180 days shall not bar the Attorney General from finding that the alien maintained continuous physical presence if the alien has been physically present for a total of 3 years and demonstrates that the interrupting absences or portions thereof were connected to the alien's having been battered or subjected to extreme cruelty.

“(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that qualifies for an exception or is waivable with respect to the alien for purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

“(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

“(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

“(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

“(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

“(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

“(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).”

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). So much of the amendment as is included in section 240A(b)(2) (A)(iii), (B), (D), and (E) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587).

**SEC. 505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.**

(a) ELIMINATING CONNECTION BETWEEN BATTERY AND UNLAWFUL ENTRY.—Section 212(a)(6)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(ii)) is amended—

(1) by striking subclause (I) and inserting the following:

“(I) the alien qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(i); and”;

(2) in subclause (II), by striking “, and” and inserting a period; and

(3) by striking subclause (III).

(b) ELIMINATING CONNECTION BETWEEN BATTERY AND VIOLATION OF THE TERMS OF AN IMMIGRANT VISA.—Section 212(a)(9)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended by striking “who would be described in paragraph (6)(A)(ii)” and all that follows before the period and inserting “who is described in paragraph (6)(A)(ii)”.

(c) BATTERED IMMIGRANT WAIVER.—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following:

“The Attorney General in the Attorney General's discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), (v), or (vi) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

“(1) the aliens having been battered or subjected to extreme cruelty; and

“(2) the alien's—

“(A) removal;

“(B) departure from the United States;

“(C) reentry or reentries into the United States; or

“(D) attempted reentry into the United States.

(d) DOMESTIC VIOLENCE VICTIM WAIVER.—

(1) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

“(7) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

“(A) IN GENERAL.—The Attorney General is not limited by the criminal court record and

may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

“(i) upon a determination that—

“(I) the alien was acting in self-defense;

“(II) the alien was found to have violated a protection order intended to protect the alien; or

“(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

“(aa) that did not result in serious bodily injury; and

“(bb) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

“(B) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”

(2) CONFORMING AMENDMENT.—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting “(unless the act or conviction qualifies for an exception or is waivable for the purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a))” after “237(a)(3)”.

(e) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: “or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who would otherwise qualify for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child”.

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting “(I)” after “(i)”;

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

“(ii) is an alien who qualifies for classification under clause (iii), or (iv), of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”

(f) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by adding “or” at the end; and

(3) by inserting after subparagraph (B) the following:

“(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of sec-

tion 204(a)(1)(B), relief under section 240A(b)(2), or relief under section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996);”.

(g) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking “and” and inserting “or”;

(2) by adding at the end the following:

“(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A), classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2) or relief under section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and”.

(h) PUBLIC CHARGE.—Section 212(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)(B)) is amended by adding at the end the following:

“(iii) In determining under this paragraph whether or not an alien described in section 212(a)(4)(C)(i) is inadmissible under this paragraph or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident, the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).”

(i) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to the fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service by which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

#### SEC. 506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) IMMIGRATION AMENDMENTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting “or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or” after “into the United States.”; and

(B) in subsection (c), by striking “Subsection (a) shall not be applicable to” and inserting the following: “Other than an alien

having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or B(iv) of section 204(a)(1), subsection (a) shall not be applicable to”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking “when the alien is served a notice to appear under section 239(a) or” and inserting “(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2) when the alien is served a notice to appear under section 239(a), or (B)”.

(2) EXEMPTION FROM ANNUAL LIMITATION ON CANCELLATION OF REMOVAL FOR BATTERED SPOUSE OR CHILD.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following:

“(C) Aliens in removal proceedings who applied for cancellation of removal under subsection (b)(2).”

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587).

(4) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

“(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—”;

(B) in clause (i)—

(i) in subclause (IV), by striking “or” at the end;

(ii) in subclause (V), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).”

(5) EFFECTIVE DATE.—The amendments made by paragraph (4) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

“(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—There is no time limit on the filing of a motion to reopen, and the deadline specified in subsection (b)(5)(C) for filing such a motion does not apply—

“(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2); and

“(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.”

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229–1229c).

(2) **DEPORTATION PROCEEDINGS.**—

(A) **IN GENERAL.**—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) **APPLICABILITY.**—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.); or

(II) this title.

**SEC. 507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.**

(a) **EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.**—

(1) **RECLASSIFICATION.**—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 503(b)(3) of this title) is amended by adding at the end the following:

“(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-peti-

tioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.”

(2) **LOSS OF STATUS.**—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 503(c)(4) of this title) is amended by adding at the end the following:

“(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

“(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.”

(3) **DEFINITION OF IMMEDIATE RELATIVES.**—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: “For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.”

(b) **ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.**—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: “Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in section 204(a)(1)(A) (iv) or (vi) or 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.”

**SEC. 508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.**

Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:

“(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”

**SEC. 509. PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING CRIMES AGAINST WOMEN.**

(a) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress makes the following findings:

(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, trafficking, incest, battery or extreme cruelty, sexual assault, female genital mutilation, forced prostitu-

tion, being held hostage or other violent crimes.

(B) All women and children who are victims of these crimes and other human rights violations committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation, of the crimes or other unlawful activity committed against them, the prosecution of the perpetrators of such crimes or activity, or both such investigation and prosecution.

(2) **PURPOSE.**—

(A) The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking of aliens, battering, extreme crudity, and other crimes committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States.

(B) Creating a new nonimmigrant visa classification will facilitate the reporting of violations to law enforcement officials by exploited, victimized, and abused aliens who are not in a lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations, prosecutions, and civil law enforcement proceedings. By providing temporary legal status to aliens who have been severely victimized by criminal or other unlawful activity, it also reflects the humanitarian interests of the United States.

(C) Finally, this section gives the Attorney General discretion to convert such nonimmigrants to permanent resident status when it is justified on humanitarian grounds or is otherwise in the public interest.

(b) **ESTABLISHMENT OF HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT CLASSIFICATION.**—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking “or” at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting “; or”; and

(3) by adding at the end the following:

“(T)(i) an alien who the Attorney General determines—

“(I) is physically present in the United States or at a port of entry thereto;

“(II) is or has been a victim of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000;

“(III)(aa) has not unreasonably refused to assist in the investigation or prosecution of acts of trafficking; or

“(bb) has not attained the age of 14 years; and

“(IV) would face a significant possibility of retribution or other hardship if removed from the United States,

and, if the Attorney General considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in this subparagraph if accompanying, or following to join, the alien, except that no person shall be eligible for admission to the United States under this subparagraph if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000;

“(ii) subject to section 214(m), an alien (and the spouse, children, and parents of the alien if accompanying or following to join the alien) who files an application for status

under this subparagraph, if the Attorney General determines that—

“(I) the alien possesses material information concerning criminal or other unlawful activity;

“(II) the alien is willing to supply, has supplied, or has not unreasonably refused to supply such information to Federal or State law enforcement official or a Federal or State administrative agency investigating or bringing an enforcement action, or to a Federal or State court;

“(III) the alien would be helpful, were the alien to remain in the United States, to a Federal or State investigation or prosecution of criminal or other unlawful activity;

“(IV) the alien (or a child of the alien) has suffered substantial physical or mental abuse as a result of the criminal or other unlawful activity;

“(V) the alien has filed an affidavit from a Federal or State law enforcement official or a Federal or State administrative agency investigating or bringing and enforcement action, or is a Federal or State court, that provides information addressing the requirements under subclauses (I) through (III); and

“(iii) the provisions of section 204(a)(1)(H) shall apply to applications filed under clause (i) or (ii).”

(2) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO “T” VISA NONIMMIGRANTS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following:

“(i) With respect to nonimmigrant aliens described in subsection (a)(15)(T)—

“(1) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to non-governmental organizations that would educate the aliens regarding their options while in the United States and the resources available to them; and

“(2) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an ‘employment authorized’ endorsement or other appropriate work permit.”

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

“(13) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T). The Attorney General, in the Attorney General’s discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T) for material nontrafficking related conduct committed after the alien’s admission into the United States, or for material nontrafficking related conduct or a condition that was not disclosed to the Attorney General prior to the alien’s admission as a nonimmigrant under section 101(a)(15)(T).”

(c) CONDITIONS FOR ADMISSION.—

(1) NUMERICAL LIMITATIONS, PERIOD OF ADMISSION, ETC.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(m)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(T) in any fiscal year may not exceed 2,000.

“(2) The period of admission of an alien as such a nonimmigrant may not exceed 3 years and such period may not be extended.

“(3) As a condition for the admission (or the provision of status), and continued stay in lawful status, of an alien as such a nonimmigrant, the alien—

“(A) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission (or obtaining such status) unless the alien qualifies for an exception or a waiver under section 212(a) or section 237(a); and

“(B) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.

“(4) The Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an ‘employment authorized’ endorsement or other appropriate work permit.”

(2) PROHIBITION OF CHANGE OF NON-IMMIGRANT CLASSIFICATION.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking “or (S)” and inserting “(S), or (T)”.

(3) NONEXCLUSIVE RELIEF.—Nothing in this title, or the amendments made by this title, affects the ability of an alien to seek any relief for which the alien may be eligible, including—

(A) asylum, gender-based asylum, withholding of removal, or withholding of removal based on protection under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; or

(B) relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), section 240A(b)(2), or section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(4) PROHIBITION ON ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY.—Section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(A) by striking “or” at the end of subparagraph (D),

(B) by adding at the end the following:

“(E) in the case of an alien applying for relief under section 101(a)(15)(T), the perpetrator of the substantial physical or mental abuse and the criminal or unlawful activity; and”;

(C) by inserting in paragraph (2) after “216(c)(4)(C),” the following “101(a)(15)(T).”

(d) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

“(1)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

“(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i);

“(B) has, throughout such period, been a person of good moral character;

“(C) has not, during such period, unreasonably refused to provide assistance in the investigation or prosecution of acts of trafficking; and

“(D) would face a significant possibility of retribution or other hardship if removed from the United States,

the Attorney General may adjust the status of the alien (and the spouse, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

“(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

“(3) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(T) (and a spouse, child, or parents admitted under such section) to that of an alien lawfully admitted for permanent residence if—

“(A) in the opinion of the Attorney General, the alien’s continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest; and

“(B) the alien is not described in subparagraph (A)(i)(I), (A)(ii), (A)(iii), (C), or (E) of section 212(a)(3).

“(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Attorney General shall record the alien’s lawful admission for permanent residence as of the date of such approval.”

**SEC. 510. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.**

(a) IN GENERAL.—The last sentence of the first section of Public Law 89-732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: “, except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.).

**SEC. 511. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.**

Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1101 note) is amended—

(1) in clause (i)—

(A) by striking “For purposes” and inserting “Subject to clauses (ii), (iii), and (iv), for purposes”;

(B) by striking “or” at the end of subclause (IV);

(C) by striking the period at the end of subclause (V) and inserting “; or”;

(D) by adding at the end the following:

“(VI) is at the time of filing of an application under subclause (I), (II), (V), or (VI) the spouse or child of an individual described in subclause (I), (II), or (V) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the

individual described in subclause (I), (II), or (V)."; and

(2) by adding at the end the following:

"(iii) CONSIDERATION OF PETITIONS.—In acting on a petition filed under subclause (VI) or (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

"(iv) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—For purposes of the application of subclauses (VI) and (VII) of clause (i), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States."

**SEC. 512. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.**

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105-277; 112 Stat. 2681-538) is amended to read as follows:

"(B)(i) the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a);

"(ii) at the time of filing or the application for adjustment under subsection (a) or this subsection the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

"(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H)."

(b) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—Section 902(d) of such Act is amended—

(1) in paragraph (1), by striking "The status" and inserting "Subject to paragraphs (2) and (3), the status"; and

(2) by adding at the end the following:

"(3) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—A spouse, or child may adjust to permanent resident status under paragraph (1) without demonstrating that he or she is residing with the spouse or parent in the United States."

**SEC. 513. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.**

(a) LAW ENFORCEMENT AND PROSECUTION GRANTS.—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by inserting "immigration and asylum officers, immigration judges," after "law enforcement officers";

(2) in paragraph (8) (as amended by section 209(c) of this Act), by striking "and" at the end;

(3) in paragraph (9) (as added by section 209(c) of this Act), by striking the period at the end and inserting "and"; and

(4) by adding at the end the following:

"(10) providing assistance to victims of domestic violence and sexual assault in immigration matters."

(b) GRANTS TO ENCOURAGE ARRESTS.—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: "including strengthening assistance to domestic violence victims in immigration matters".

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.—Section 40295(a)(2) of the Violent Crime Control and

Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

"(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and"

(d) CAMPUS DOMESTIC VIOLENCE GRANTS.—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105-244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: "including assistance to victims in immigration matters".

**TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND**

**SEC. 601. 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 under 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 Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; 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 Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; 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 Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; 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 Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; 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 Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; 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."

**JEFFORDS (AND OTHERS)  
AMENDMENT NO. 3200**

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. AL-LARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

**SEC. 656. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking "(1) at the end" and all that follows through the end and inserting "on the date the person is separated from the Selected Reserve."

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B) by striking "shall be determined" and all that follows through the end and inserting "shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve."

(c) CONFORMING AMENDMENTS.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking "subsection (a)" and inserting "subsections (a) and (b)(1)";

(2) in paragraph (3), by striking "subsection (a)" and inserting "subsection (b)(1)"; and

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "subsection (a)" and inserting "subsections (a) and (b)(1)"; and

(B) in subparagraph (B), by striking "clause (2) of such subsection" and inserting "subsection (a)".

**THOMAS AMENDMENT NO. 3201**

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (S. 2549), supra; as follows:

At the appropriate place in the bill, add the following new section and renumber the remaining sections accordingly:

**SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any

other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located in a cemetery of the national Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

#### DODD AMENDMENT NO. 3202

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

#### SEC. 1061. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking "the unmarked graves of"; and

(2) by adding at the end the following:

"(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual."

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring before, on, or after the date of the enactment of this Act.

(2) The amendments referred to in paragraph (1) shall not apply in the case of the grave for any individual who died before November 1, 1990, for which the Administrator of Veterans' Affairs provided reimbursement in lieu of furnishing a headstone or marker under subsection (d) of section 906 of title 38, United States Code, as such subsection was in effect after September 30, 1978, and before November 1, 1990.

#### INHOFE (AND NICKLES) AMENDMENT NO. 3203

(Ordered to lie on the table.)

Mr. INHOFE (for himself and Mr. NICKLES) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

#### SEC. 313. INDUSTRIAL MOBILIZATION CAPACITY, MCALESTER ARMY AMMUNITION ACTIVITY, OKLAHOMA.

Of the amount authorized to be appropriated under section 301(1), \$10,300,000 shall be available for funding the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma.

#### STEVENS AMENDMENT NO. 3204

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

#### SEC. 656. RECOGNITION OF MEMBERS OF THE ALASKA TERRITORIAL GUARD AS VETERANS.

(a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 656(b) of the National Defense Authorization Act for Fiscal Year 2001 shall be considered active duty for purposes of all laws administered by the Secretary."

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

#### SANTORUM AMENDMENT NO. 3205

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 31, between lines 18 and 19, insert the following:

#### SEC. 126. REMANUFACTURED AV-8B AIRCRAFT.

Of the amount authorized to be appropriated by section 102(a)(1)—

(1) \$374,132,000 is available for the procurement of remanufactured AV-8B aircraft;

(2) \$32,600,000 is available for the procurement of UC-35 aircraft;

(3) \$81,039,000 is available for the procurement of Litening II targeting pods for AV-8B aircraft; and

(4) \$262,514,000 is available for engineering change proposal 583 for FA-18 aircraft.

#### SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3206

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. ALLARD, and Mr. HUTCHINSON) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place, add the following:

#### "SEC. . PERSONNEL SECURITY POLICIES.

No officer or employee of the Department of Defense, and no member of the Armed Forces shall be granted a security clearance unless that person:

(1) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

(2) is not a fugitive from justice;

(3) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(4) has not been adjudicated as a mental defective or been committed to a mental institution;

(5) has not been discharged from the Armed Forces under dishonorable conditions; and."

#### JOHNSON AMENDMENTS NOS. 3207–3209

(Ordered to lie on the table.)

Mr. JOHNSON submitted three amendments intended to be proposed by him to the bill, S. 2459, supra; as follows:

#### AMENDMENT NO. 3207

On page 415, between lines 2 and 3, insert the following:

#### SEC. 1061. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

"(f) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

"(1) a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

"(A) own, feed, or control livestock; and

"(B) provide the livestock to the cooperative for slaughter; or

"(2) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or"; and

(3) in subsection (h) (as so redesignated), by striking "or (e)" and inserting "(e), or (f)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

## AMENDMENT No. 3208

On page 415, between lines 2 and 3, insert the following:

**SEC. 1061. MEDICARE PRESCRIPTION DRUG PRICE REDUCTION PROGRAM.****(a) PARTICIPATING MANUFACTURERS.—**

(1) **IN GENERAL.**—Each participating manufacturer of a covered outpatient drug shall make available for purchase by each pharmacy such covered outpatient drug in the amount described in paragraph (2) at the price described in paragraph (3).

(2) **DESCRIPTION OF AMOUNT OF DRUGS.**—The amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy is an amount equal to the aggregate amount of the covered outpatient drug sold or distributed by the pharmacy to medicare beneficiaries.

(3) **DESCRIPTION OF PRICE.**—The price at which a participating manufacturer shall make a covered outpatient drug available for purchase by a pharmacy is the price equal to the lower of the following:

(A) The lowest price paid for the covered outpatient drug by any agency or department of the United States.

(B) The manufacturer's best price for the covered outpatient drug, as defined in section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(C)).

(b) **SPECIAL PROVISION WITH RESPECT TO HOSPICE PROGRAMS.**—For purposes of determining the amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy under subsection (a), there shall be included in the calculation of such amount the amount of the covered outpatient drug sold or distributed by a pharmacy to a hospice program. In calculating such amount, only amounts of the covered outpatient drug furnished to a medicare beneficiary enrolled in the hospice program shall be included.

(c) **ADMINISTRATION.**—The Secretary shall issue such regulations as may be necessary to implement the program established by this section.

(d) **REPORTS TO CONGRESS REGARDING EFFECTIVENESS OF SECTION.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall report to Congress regarding the effectiveness of the program established by this section in—

(A) protecting medicare beneficiaries from discriminatory pricing by participating manufacturers; and

(B) making covered outpatient drugs available to medicare beneficiaries at prices substantially lower than the prices such beneficiaries would have paid for such drugs on the date of enactment of this section.

(2) **CONSULTATION.**—In preparing such reports, the Secretary shall consult with public health experts, affected industries, organizations representing consumers and older Americans, and other interested persons.

(3) **RECOMMENDATIONS.**—The Secretary shall include in such reports any recommendations that the Secretary considers appropriate for changes in this section to further reduce the cost of covered outpatient drugs to medicare beneficiaries.

(e) **DEFINITIONS.**—In this section:

(1) **PARTICIPATING MANUFACTURER.**—The term "participating manufacturer" means any manufacturer of drugs or biologicals that, on or after the date of enactment of this section, enters into or renews a contract or agreement with the United States for the sale or distribution of covered outpatient drugs to the United States.

(2) **COVERED OUTPATIENT DRUG.**—The term "covered outpatient drug" has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r-8(k)(2)).

(3) **MEDICARE BENEFICIARY.**—The term "medicare beneficiary" means an individual entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled under part B of such title (42 U.S.C. 1395j et seq.), or both.

(4) **HOSPICE PROGRAM.**—The term "hospice program" has the meaning given that term under section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Health and Human Services.

(f) **EFFECTIVE DATE.**—The Secretary shall implement this section as expeditiously as practicable and in a manner consistent with the obligations of the United States.

## AMENDMENT No. 3209

At the end of the bill, add the following:

**DIVISION D—GENERIC PHARMACEUTICAL ACCESS****SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Generic Pharmaceutical Access and Choice for Consumers Act of 2000".

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

**DIVISION D—GENERIC PHARMACEUTICAL ACCESS**

Sec. 4001. Short title; table of contents.  
Sec. 4002. Findings and purposes.

**TITLE XLI—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS**

Sec. 4101. Encouragement of the use of generic drugs under the Public Health Service Act.  
Sec. 4102. Application to Federal employees health benefits program.  
Sec. 4103. Application to medicare program.  
Sec. 4104. Application to medicaid program.  
Sec. 4105. Application to Indian Health Service.  
Sec. 4106. Application to veterans programs.  
Sec. 4107. Application to recipients of uniformed services health care.  
Sec. 4108. Application to Federal prisoners.

**TITLE XLII—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS**

Sec. 4201. Therapeutic equivalence of generic drugs.

**TITLE XLIII—GENERIC PHARMACEUTICALS AND MEDICARE REFORM**

Sec. 4301. Sense of the Senate regarding a preference for the use of generic pharmaceuticals under the medicare program.

**SEC. 4002. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Generic pharmaceuticals are approved by the Food and Drug Administration on the basis of testing and other information establishing that such pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name pharmaceuticals.

(2) The pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals.

(3) The Congressional Budget Office estimates that—

(A) the substitution of generic pharmaceuticals for brand-name pharmaceuticals will save purchasers of pharmaceuticals be-

tween \$8,000,000,000 and \$10,000,000,000 each year; and

(B) quality generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of \$15 to \$30 on each prescription filled.

(4) Generic pharmaceuticals are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to reduce the cost of prescription drugs to the United States Government and to beneficiaries under Federal health care programs while maintaining the quality of health care by encouraging the use of generic drugs rather than nongeneric drugs under those programs whenever feasible; and

(2) to increase the utilization of generic pharmaceuticals by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and by affording national uniformity to that determination.

**TITLE XLI—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS****SEC. 4101. ENCOURAGEMENT OF THE USE OF GENERIC DRUGS UNDER THE PUBLIC HEALTH SERVICE ACT.**

(a) **IN GENERAL.**—Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following new section:

**"SEC. 247. USE OF GENERIC DRUGS ENCOURAGED.**

"(a) Each grant or contract entered into under this Act that involves the provision of health care items or services to individuals shall include provisions to ensure that, to the extent feasible, any prescriptions provided for under such grant or contract are filled by providing the generic form of the drug involved, unless the nongeneric form of the drug is—

"(1) specifically ordered by the prescribing provider; or

"(2) requested by the individual for whom the drug is prescribed.

"(b) In this section:

"(1) The term 'generic form of the drug' means a drug that is the subject of an application approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(5)(E) of that Act (21 U.S.C. 355(j)(5)(E)).

"(2) The term 'nongeneric form of the drug' means a drug that is the subject of an application approved under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b))."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

**SEC. 4102. APPLICATION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.**

(a) **IN GENERAL.**—Section 8902 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(p) To the extent feasible, if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of any prescription drug, the carrier shall provide, pay, or reimburse the cost of

the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), except, if the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

**SEC. 4103. APPLICATION TO MEDICARE PROGRAM.**

(a) IN GENERAL.—Section 1861(t) of the Social Security Act (42 U.S.C. 1395x(t)) is amended by adding at the end the following new paragraph:

“(3) For purposes of paragraph (1), the term ‘drugs’ means, to the extent feasible, the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of such drug (as defined in section 247(b)(2) of such Act) is—

“(A) specifically ordered by the health care provider; or

“(B) requested by the individual to whom the drug is provided.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

(2) MEDICARE+CHOICE PLANS.—In the case of a Medicare+Choice plan offered by a Medicare+Choice organization under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w-21 et seq.), the amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

**SEC. 4104. APPLICATION TO MEDICAID PROGRAM.**

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking “and” at the end;

(2) in paragraph (65), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(66) provide that the State shall, in conjunction with the program established under section 1927(g), to the extent feasible, provide for the use of a generic form of a drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(A) specifically ordered by the provider; or

“(B) requested by the individual to whom the drug is provided.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished under State plans that are approved or renewed on or after the date of enactment of this Act.

**SEC. 4105. APPLICATION TO INDIAN HEALTH SERVICE.**

(a) IN GENERAL.—Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following new subsection:

**“SEC. 225. USE OF GENERIC DRUGS ENCOURAGED.**

“In providing health care items or services under this Act, the Indian Health Service shall ensure that, to the extent feasible, any prescriptions that are provided for under this Act are filled by providing the generic form of the drug (as defined in section 247(b)(1) of

the Public Health Service Act) involved, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

**SEC. 4106. APPLICATION TO VETERANS PROGRAMS.**

(a) USE OF GENERIC DRUGS ENCOURAGED.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1722A the following new section:

**“§ 1722B. Use of generic drugs encouraged**

“When furnishing a prescription drug under this chapter, the Secretary shall furnish a generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1722A the following new item:

“1722B. Use of generic drugs encouraged.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

**SEC. 4107. APPLICATION TO RECIPIENTS OF UNIFORMED SERVICES HEALTH CARE.**

(a) USE OF GENERIC DRUGS ENCOURAGED.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1110. Use of generic drugs encouraged**

“The administering Secretaries shall ensure that, whenever feasible, each health care provider who furnishes a drug furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act) under this chapter, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1109 the following new item:

“1110. Use of generic drugs encouraged.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished under this chapter on or after the date of enactment of this Act.

**SEC. 4108. APPLICATION TO FEDERAL PRISONERS.**

(a) IN GENERAL.—Section 4006(b) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(3) USE OF GENERIC DRUGS ENCOURAGED.—The Attorney General shall ensure that, whenever feasible, each health care provider who furnishes a drug to a prisoner charged with or convicted of an offense against the United States furnishes the generic form of the drug (as defined in section 247(b)(1) of the

Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(A) specifically ordered by the prescribing provider; or

“(B) requested by the prisoner for whom the drug is prescribed.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

**TITLE XLII—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS**

**SEC. 4201. THERAPEUTIC EQUIVALENCE OF GENERIC DRUGS.**

(a) IN GENERAL.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (5), by adding at the end the following new subparagraph:

“(E)(i) For each abbreviated application filed under paragraph (1), the Secretary shall determine whether the new drug for which the application is filed is the therapeutic equivalent of the listed drug referred to in paragraph (2)(A)(i) prior to the approval of the application.

“(ii) For purposes of clause (i), a new drug is the therapeutic equivalent of a listed drug if—

“(I) each active ingredient of the new drug and the listed drug is the same;

“(II) the new drug and the listed drug (aa) are of the same dosage form; (bb) have the same route of administration; (cc) are identical in strength or concentration; (dd) meet the same compendial or other applicable standards, except that the drugs may differ in shape, scoring, configuration, packaging, excipient, expiration time, or, subject to paragraph (2)(A)(v), labeling; and (ee) are expected to have the same clinical effect and safety profile when administered to patients under conditions specified in the labeling; and

“(III)(aa) the new drug does not present a known or potential bioequivalence problem and meets an acceptable in vitro standard; or (bb) if the new drug presents a known or potential bioequivalence problem, the drug is shown to meet an appropriate bioequivalence standard.

“(iii) With respect to a new drug for which an abbreviated application is filed under paragraph (1), the provisions of this subparagraph shall supersede any provisions of the law of any State relating to the determination of the therapeutic equivalence of the drug to a listed drug.”; and

(2) in paragraph (7)(A), by adding at the end the following:

“(iv) The Secretary shall include in each revision of the list under clause (ii) on or after the date of enactment of this clause the official and proprietary name of each listed drug that is therapeutically equivalent to a new drug approved under this subsection during the preceding 30-day period, as determined under paragraph (5)(E).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

**TITLE XLIII—GENERIC PHARMACEUTICALS AND MEDICARE REFORM**

**SEC. 4301. SENSE OF THE SENATE REGARDING A PREFERENCE FOR THE USE OF GENERIC PHARMACEUTICALS UNDER THE MEDICARE PROGRAM.**

It is the sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceuticals should be considered in conjunction with any legislation that adds a comprehensive prescription drug benefit to the Medicare program

under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

**SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3210**

Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. ALLARD, Mr. HUTCHINSON, and Mr. HARKIN) proposed and amendment to the bill S. 2549, supra; as follows:

At the appropriate place, add the following:

**“SEC. . PERSONNEL SECURITY POLICIES.**

No officer or employee of the Department of Defense or any contractor thereof, and no member of the Armed Forces shall be granted a security clearance unless that person:

- (1) has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;
- (2) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);
- (3) has not been adjudicated as mentally incompetent;
- (4) has not been discharged from the Armed Forces under dishonorable conditions.”.

**WELLSTONE (AND DURBIN) AMENDMENT NO. 3211**

Mr. WELLSTONE (for himself and Mr. DURBIN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

**SEC. 1210. SENSE OF CONGRESS REGARDING THE USE OF CHILDREN AS SOLDIERS.**

- (a) FINDINGS.—Congress finds that—
- (1) in the year 2000 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide;
  - (2) many of these children are forcibly conscripted through kidnapping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety;
  - (3) many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children;
  - (4) many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation;
  - (5) child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections;
  - (6) many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home;
  - (7) children in northern Uganda continue to be kidnapped by the Lords Resistance Army (LRA), which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda;
  - (8) children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country;
  - (9) an estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone,

some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front;

(10) on January 21, 2000, in Geneva, a United Nations Working Group, including representatives from more than 80 governments including the United States, reached consensus on an optional protocol on the use of child soldiers;

(11) this optional protocol will raise the international minimum age for conscription and direct participation in armed conflict to age eighteen, prohibit the recruitment and use in armed conflict of persons under the age of eighteen by non-governmental armed forces, encourage governments to raise the minimum legal age for voluntary recruits above the current standard of 15 and, commits governments to support the demobilization and rehabilitation of child soldiers, and when possible, to allocate resources to this purpose;

(12) on October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peace-keeping personnel that are made available by member nations of the United Nations;

(13) United Nations Under-Secretary General for Peace-keeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25, and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age;

(14) on August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts;

(15) in addressing the Security Council, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combat the use of children in armed conflict, first to raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18, second, to increase international pressure on armed groups which currently abuse children, and third to address the political, social, and economic factors which create an environment where children are induced by appeal of ideology or by socio-economic collapse to become child soldiers;

(16) the United States delegation to the United Nations working group relating to child soldiers, which included representatives from the Department of Defense, supported the Geneva agreement on the optional protocol;

(17) on May 25, 2000, the United Nations General Assembly unanimously adopted the optional protocol on the use of child soldiers;

(18) the optional protocol was opened for signature on June 5, 2000; and

(19) President Clinton has publicly announced his support of the optional protocol and a speedy process of review and signature.

(b) SENSE OF CONGRESS.—(1) Congress joins the international community in—

(A) condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide; and

(B) welcoming the optional protocol as a critical first step in ending the use of children as soldiers.

(2) It is the sense of Congress that—

(A) It is essential that the President consult closely with the Senate with the objective of building support for this protocol, and

the Senate move forward as expeditiously as possible.

(B) the President and Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers; and

(C) the Departments of State and Defense should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the new optional protocol on the use of child soldiers.

**LOTT AMENDMENT NO. 3212**

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill, S. 2459, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

**SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER AIR FORCE BASE, MISSISSIPPI.**

Of the total amount authorized to be appropriated by section 301(4), \$2,800,000 is available for the weatherproofing of facilities at Keesler Air Force Base, Mississippi.

**BENNETT AMENDMENT NO. 3213**

(Ordered to lie on the table.)

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill, S. 2459, supra; as follows:

On page 611, after line 21, add the following:

**SEC. 3202. LAND TRANSFER AND RESTORATION.**

(a) SHORT TITLE.—This section may be cited as the “Ute-Moab Land Restoration Act”.

(b) TRANSFER OF OIL SHALE RESERVE.—Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended to read as follows:

**“SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.**

“(a) DEFINITIONS.—In this section:

“(1) MAP.—The term ‘map’ means the map entitled ‘Boundary Map, .....’, numbered \_\_\_ and dated \_\_\_\_\_, to be kept on file and available for public inspection in the offices of the Department of the Interior.

“(2) MOAB SITE.—The term ‘Moab site’ means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

“(3) NOSR-2.—The term ‘NOSR-2’ means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

“(4) TRIBE.—The term ‘Tribe’ means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

“(b) CONVEYANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within the exterior boundaries of NOSR-2 in fee simple (including surface and mineral rights).

“(2) RESERVATIONS.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

“(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals from the conveyed

land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

“(B) The portion of the bed of Green River contained entirely within NOSR-2, as depicted on the map.

“(C) The land (including surface and mineral rights) to the west of the Green River within NOSR-2, as depicted on the map.

“(D) A ¼ mile scenic easement on the east side of the Green River within NOSR-2.

“(3) CONDITIONS.—

“(A) MANAGEMENT AUTHORITY.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

“(B) NO REVERSION.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

“(C) USE OF EASEMENT.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

“(C) WITHDRAWALS.—Each withdrawal that applies to NOSR-2 and that is in effect on the date of enactment of this section is revoked to the extent that the withdrawal applies to NOSR-2.

“(d) ADMINISTRATION OF RESERVED LAND AND INTERESTS IN LAND.—

“(1) IN GENERAL.—The Secretary shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

“(2) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

“(e) ROYALTY.—

“(1) PAYMENT OF ROYALTY.—

“(A) IN GENERAL.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

“(B) FEDERAL TAX RESPONSIBILITY.—The United States shall bear responsibility for and pay—

“(i) gross production taxes;

“(ii) pipeline taxes; and

“(iii) allocation taxes assessed against the gross production.

“(2) REPORT.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

“(3) FINANCIAL AUDIT.—

“(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

“(B) INCLUSION OF RESULTS.—The results of each audit under this paragraph shall be in-

cluded in the next annual report submitted after the date of completion of the audit.

“(f) RIVER MANAGEMENT.—

“(1) IN GENERAL.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

“(A) maintains the protected status of the land; and

“(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

“(2) NO MANAGEMENT RESTRICTIONS.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

“(3) REPEAL OR AMENDMENT.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

“(A) the Tribe; and

“(B) the Secretary.

“(g) PLANT SPECIES.—

“(1) IN GENERAL.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

“(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

“(B) located or found on the NOSR-2 land conveyed to the Tribe.

“(2) TRIBAL JURISDICTION.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

“(h) HORSES.—

“(1) IN GENERAL.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR-2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

“(2) TRIBAL JURISDICTION.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

“(A) under tribal jurisdiction; and

“(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

“(i) REMEDIAL ACTION AT MOAB SITE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Energy shall prepare a plan for the commencement, not later than 1 year after the date of completion of the plan, of remedial action (including ground water restoration) at the Moab site in accordance with section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

“(2) LIMIT ON EXPENDITURES.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

“(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

“(B) other amounts made available for the remedial action under this subsection.

“(3) RETENTION OF ROYALTIES.—

“(A) IN GENERAL.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

“(B) AVAILABILITY.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

“(C) EXCESS AMOUNTS.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

“(D) EXCLUSION OF WEAPONS ACTIVITIES FUNDING.—The Secretary shall not use any funds made available to the Department of Energy for weapons activities to carry out the remedial action under paragraph (1).

“(E) AUTHORIZATION OF APPROPRIATIONS.—

“(i) IN GENERAL.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

“(ii) CONTINUATION OF NRC TRUSTEE REMEDIATION ACTIVITIES.—After the date of enactment of this section and until such date as funds are made available under clause (i), the Secretary, using funds available to the Secretary that are not otherwise appropriated, shall carry out—

“(I) this subsection; and

“(II) any remediation activity being carried out at the Moab site by the trustee appointed by the Nuclear Regulatory Commission for the Moab site on the date of enactment of this section.

“(4) SALE OF MOAB SITE.—

“(A) IN GENERAL.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

“(B) DETERMINATION OF ENHANCED VALUE.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

“(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

“(ii) the fair market value of the Moab site, as appraised on completion of the remedial action.”

(c) URANIUM MILL TAILINGS.—Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

“(4) DESIGNATION AS PROCESSING SITE.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the ‘Moab Site’) located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

“(B) APPLICABILITY.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

“(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

“(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and

“(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

“(I) ground water restoration; and  
 “(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River.”

(d) CONFORMING AMENDMENT.—Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended by inserting after subsection (e) the following:

“(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.”

#### MCCAIN (AND OTHERS) AMENDMENT NO. 3214

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BYRD, Mr. BIDEN, Mr. REID, and Mr. LEVIN) proposed an amendment to amendment No. 3210 proposed by Mr. SMITH of New Hampshire to the bill, S. 2549, *supra*; as follows:

At the end of the pending matter add the following new Title:

#### TITLE —INFORMATION DISCLOSURE SECTION . REQUIRED NOTIFICATION OF SECTION 527 STATUS.

(a) IN GENERAL.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

“(i) ORGANIZATIONS MUST NOTIFY SECRETARY THAT THEY ARE SECTION 527 ORGANIZATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

“(A) unless it has given notice to the Secretary, electronically and in writing, that it is to be so treated, or

“(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given.

“(2) TIME TO GIVE NOTICE.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established.

“(3) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall include information regarding—

“(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

“(B) the purpose of the organization,

“(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

“(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4)), and

“(E) such other information as the Secretary may require to carry out the internal revenue laws.

“(4) EFFECT OF FAILURE.—In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions

directly connected with the production of such income).

“(5) EXCEPTIONS.—This subsection shall not apply to any organization—

“(A) to which this section applies solely by reason of subsection (f)(1), or

“(B) which reasonably anticipates that it will not have gross receipts of \$25,000 or more for any taxable year.

“(6) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.”

(b) DISCLOSURE REQUIREMENTS.—

(1) INSPECTION AT INTERNAL REVENUE SERVICE OFFICES.—

(A) IN GENERAL.—Section 6104(a)(1)(A) of the Internal Revenue Code of 1986 (relating to public inspection of applications) is amended—

(i) by inserting “or a political organization is exempt from taxation under section 527 for any taxable year” after “taxable year”,

(ii) by inserting “or notice of status filed by the organization under section 527(i)” before “, together”,

(iii) by inserting “or notice” after “such application” each place it appears,

(iv) by inserting “or notice” after “any application”,

(v) by inserting “for exemption from taxation under section 501(a)” after “any organization” in the last sentence, and

(vi) by inserting “OR 527” after “SECTION 501” in the heading.

(B) CONFORMING AMENDMENT.—The heading for section 6104(a) of such Code is amended by inserting “OR NOTICE OF STATUS” before the period.

(2) INSPECTION OF NOTICE ON INTERNET AND IN PERSON.—Section 6104(a) of such Code is amended by adding at the end the following new paragraph:

“(3) INFORMATION AVAILABLE ON INTERNET AND IN PERSON.—

“(A) IN GENERAL.—The Secretary shall make publicly available, on the Internet and at the offices of the Internal Revenue Service—

“(i) a list of all political organizations which file a notice with the Secretary under section 527(i), and

“(ii) the name, address, electronic mailing address, custodian of records, and contact person for such organization.

“(B) TIME TO MAKE INFORMATION AVAILABLE.—The Secretary shall make available the information required under subparagraph (A) not later than 5 business days after the Secretary receives a notice from a political organization under section 527(i).”

(3) INSPECTION BY COMMITTEE OF CONGRESS.—Section 6104(a)(2) of such Code is amended by inserting “or notice of status of any political organization which is exempt from taxation under section 527 for any taxable year” after “taxable year”.

(4) PUBLIC INSPECTION MADE AVAILABLE BY ORGANIZATION.—Section 6104(d) of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended—

(A) by striking “AND APPLICATIONS FOR EXEMPTION” and inserting “, APPLICATIONS FOR EXEMPTION, AND NOTICES OF STATUS” in the heading,

(B) by inserting “or notice of status under section 527(i)” after “section 501” and by inserting “or any notice materials” after “materials” in paragraph (1)(A)(ii),

(C) by inserting “or such notice materials” after “materials” in paragraph (1)(B), and

(D) by adding at the end the following new paragraph:

“(6) NOTICE MATERIALS.—For purposes of paragraph (1), the term ‘notice materials’ means the notice of status filed under section 527(i) and any papers submitted in support of such notice and any letter or other document issued by the Internal Revenue Service with respect to such notice.”

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(D) of the Internal Revenue Code of 1986 (relating to public inspection of applications for exemption) is amended—

(1) by inserting “or notice materials (as defined in such section)” after “section”, and

(2) by inserting “AND NOTICE OF STATUS” after “EXEMPTION” in the heading.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) ORGANIZATIONS ALREADY IN EXISTENCE.—In the case of an organization established before the date of the enactment of this section, the time to file the notice under section 527(i)(2) of the Internal Revenue Code of 1986, as added by this section, shall be 30 days after the date of the enactment of this section.

(3) INFORMATION AVAILABILITY.—The amendment made by subsection (b)(2) shall take effect on the date that is 45 days after the date of the enactment of this section.

#### SEC. 2. DISCLOSURES BY POLITICAL ORGANIZATIONS.

(a) REQUIRED DISCLOSURE OF 527 ORGANIZATIONS.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations), as amended by section 1(a), is amended by adding at the end the following new section:

“(j) REQUIRED DISCLOSURE OF EXPENDITURES AND CONTRIBUTIONS.—

“(1) DENIAL OF EXEMPTION.—An organization shall not be treated as an organization described in this section unless it makes the required disclosures under paragraph (2).

“(2) REQUIRED DISCLOSURE.—A political organization which accepts a contribution, or makes an expenditure, for an exempt function during any calendar year shall file with the Secretary either—

“(A)(i) in the case of a calendar year in which a regularly scheduled election is held—

“(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 15th day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed not later than January 31 of the following calendar year,

“(II) a pre-election report, which shall be filed not later than the 12th day before (or posted by registered or certified mail not later than the 15th day before) any election with respect to which the organization makes a contribution or expenditure, and which shall be complete as of the 20th day before the election, and

“(III) a post-general election report, which shall be filed not later than the 30th day after the general election and which shall be complete as of the 20th day after such general election, and

“(ii) in the case of any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year, or

“(B) monthly reports for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 20th day after the last day of the month and shall be complete as if the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.

“(3) CONTENTS OF REPORT.—A report required under paragraph (2) shall contain the following information:

“(A) The amount of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds \$500 and the name and address of the person (in the case of an individual, include the occupation and name of employer of such individual).

“(B) The name and address (in the case of an individual, include the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of \$200 or more to the organization during the calendar year and the amount of the contribution.

Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.

“(4) CONTRACTS TO SPEND OR CONTRIBUTE.—For purposes of this subsection, a person shall be treated as having made an expenditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.

“(5) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply—

“(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,

“(B) to any State or local committee of a political party or political committee of a State or local candidate,

“(C) to any organization which reasonably anticipates that it will not have gross receipts of \$25,000 or more for any taxable year,

“(D) to any organization to which this section applies solely by reason of subsection (f)(1), or

“(E) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).

“(6) ELECTION.—For purposes of this subsection, the term ‘election’ means—

“(A) a general, special, primary, or runoff election for a Federal office,

“(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,

“(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or

“(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.”

(b) PUBLIC DISCLOSURE OF REPORTS.—

(1) IN GENERAL.—Section 6104(d) of the Internal Revenue Code of 1986 (relating to public inspection of certain annual returns and applications for exemption), as amended by section 1(b)(4), is amended—

(A) by inserting “REPORTS,” after “RETURNS,” in the heading,

(B) in paragraph (1)(A), by striking “and” at the end of clause (i), by inserting “and” at the end of clause (ii), and by inserting after clause (ii) the following new clause:

“(iii) the reports filed under section 527(j) (relating to required disclosure of expenditures and contributions) by such organization,” and

(C) in paragraph (1)(B), by inserting “, reports,” after “return”.

(2) DISCLOSURE OF CONTRIBUTORS ALLOWED.—Section 6104(d)(3)(A) of such Code (relating to nondisclosure of contributors, etc.) is amended by inserting “or a political organization exempt from taxation under section 527” after “509(a)”.

(3) DISCLOSURE BY INTERNAL REVENUE SERVICE.—Section 6104(d) of such Code is amended by adding at the end the following new paragraph:

“(6) DISCLOSURE OF REPORTS BY INTERNAL REVENUE SERVICE.—Any report filed by an organization under section 527(j) (relating to required disclosure of expenditures and contributions) shall be made available to the public at such times and in such places as the Secretary may prescribe.”

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(C) of the Internal Revenue Code of 1986 (relating to public inspection of annual returns) is amended—

(1) by inserting “or report required under section 527(j)” after “filing”,

(2) by inserting “or report” after “1 return”, and

(3) by inserting “AND REPORTS” after “RETURNS” in the heading.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenditures made and contributions received after the date of enactment of this Act, except that such amendment shall not apply to expenditures made, or contributions received, after such date pursuant to a contract entered into on or before such date.

### SEC. 3. RETURN REQUIREMENTS RELATING TO SECTION 527 ORGANIZATIONS.

(a) RETURN REQUIREMENTS.—

(1) ORGANIZATIONS REQUIRED TO FILE.—Section 6012(a)(6) of the Internal Revenue Code of 1986 (relating to political organizations required to make returns of income) is amended by inserting “or which has gross receipts of \$25,000 or more for the taxable year (other than an organization to which section 527 applies solely by reason of subsection (f)(1) of such section)” after “taxable year”.

(2) INFORMATION REQUIRED TO BE INCLUDED ON RETURN.—Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

“(g) RETURNS REQUIRED BY POLITICAL ORGANIZATIONS.—In the case of a political organization required to file a return under section 6012(a)(6)—

“(1) such organization shall file a return—

“(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), and

“(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection, and

“(2) subsection (a)(2)(B) (relating to discretionary exceptions) shall apply with respect to such return.”

(b) PUBLIC DISCLOSURE OF RETURNS.—

(1) RETURNS MADE AVAILABLE BY SECRETARY.—

(A) IN GENERAL.—Section 6104(b) of the Internal Revenue Code of 1986 (relating to inspection of annual information returns) is

amended by inserting “6012(a)(6),” before “6033”.

(B) CONTRIBUTOR INFORMATION.—Section 6104(b) of such Code is amended by inserting “or a political organization exempt from taxation under section 527” after “509(a)”.

(2) RETURNS MADE AVAILABLE BY ORGANIZATIONS.—

(A) IN GENERAL.—Paragraph (1)(A)(i) of section 6104(d) of such Code (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended by inserting “or section 6012(a)(6) (relating to returns by political organizations)” after “organizations”.

(B) CONFORMING AMENDMENTS.—

(i) Section 6104(d)(1) of such Code is amended in the matter preceding subparagraph (A) by inserting “or an organization exempt from taxation under section 527(a)” after “501(a)”.

(ii) Section 6104(d)(2) of such Code is amended by inserting “or section 6012(a)(6)” after “section 6033”.

(c) FAILURE TO FILE RETURN.—Section 6652(c)(1) of the Internal Revenue Code of 1986 (relating to annual returns under section 6033) is amended—

(1) by inserting “or section 6012(c)(6) (relating to returns by political organizations)” after “organizations” in subparagraph (A)(i),

(2) by inserting “or section 6012(c)(6)” after “section 6033” in subparagraph (A)(ii),

(3) by inserting “or section 6012(c)(6)” after “section 6033” in the third sentence of subparagraph (A), and

(4) by inserting “OR 6012(c)(6)” after “SECTION 6033” in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after June 30, 2000.

### NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 15, 2000, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the goals and specific legislative provisions of S. 2557, the National Energy Security Act of 2000. The bill would protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and elderly, and for other purposes.

Presentation of oral testimony is by Committee invitation only. However, those who wish to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural