

of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1044

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1044, a bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

S. 1066

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1084

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1256

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. RES. 138

At the request of Mr. BURNS, the names of the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. MILLER), the Senator from Connecticut (Mr. DODD), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 138, a resolution designating the month of

September as "National Prostate Cancer Awareness Month."

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

AMENDMENT NO. 1132

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1132 intended to be proposed to H.R. 2299, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1257. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the cold war; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, the cold war was the longest war in United States history. Lasting 50 years, the cold war cost thousands of lives, trillions of dollars, changed the course of history, and left America the only superpower in the world. Because of the nuclear capabilities of our enemy it was the most dangerous conflict our country ever faced. The threat of mass destruction left a permanent mark on American life and politics. Those that won this war did so in obscurity. Those that gave their lives in the cold war have never been properly honored.

Today I introduce a bill that requires the Department of the Interior to conduct a study to identify sites and resources to commemorate heroes of the cold war and to interpret the cold war for future generations. My legislation directs the Secretary of the Interior to establish a "Cold War Advisory Committee" to oversee the inventory of cold war sites and resources for potential inclusion in the National Park System; as national historic landmarks; or other appropriate designations.

The Advisory Committee will work closely with State and local governments and local historical organizations. The committee's starting point will be a cold war study completed by the Secretary of Defense under the 1991 Defense Appropriations Act. Obvious cold war sites of significance include: Intercontinental ballistic missiles; flight training centers; communications and command centers, such as

Cheyenne Mountain, Colorado; nuclear weapons test sites, such as the Nevada test site, and strategic and tactical resources.

Perhaps no other State in the Union has played a more significant role than Nevada in winning the cold war. The Nevada Test Site is a high-technology engineering marvel where the United States developed, tested, and perfected a nuclear deterrent which is the cornerstone of America's security and leadership among Nations. The Naval Air Station at Fallon is the Navy's premiere tactical air warfare training facility. The Air Warfare Center at Nellis Air Force Base has the largest training range in the United States to ensure that America's pilots will prevail in any armed conflict.

The Advisory Committee established under this legislation will develop an interpretive handbook on the cold war to tell the story of the cold war and its heroes.

I'd like to take a moment to relate a story of one group of cold war heroes.

On a snowy evening in November 17, 1955, a United States Air Force C-54 crashed near the summit of Mount Charleston in central Nevada. The doomed flight was carrying 15 scientific and technical personnel to secret Area 51 where the U-2 reconnaissance plane, of Francis Powers fame, was being developed under tight security. The men aboard the ill-fated C-54 helped build the plane which critics said could never be built. The critics were wrong, the U-2 is a vital part of our reconnaissance force to this day. The secrecy of the mission was so great that the families of the men who perished on Mount Charleston only recently learned about the true circumstances of the crash that took the lives of their loved ones. My legislation will provide \$300,000 to identify historic landmarks like the crash at Mount Charleston. I'd like to thank Mr. Steve Ririe of Las Vegas who brought to light the events surrounding the death of the fourteen men who perished on Mount Charleston nearly a half century ago, and for the efforts of State Senator Rawson who shepherded a resolution through the Nevada legislature to commemorate these heroes.

A grateful nation owes its gratitude to the "Silent Heroes of the Cold War." I urge my colleagues to support this long overdue tribute to the contribution and sacrifice of those cold war heroes for the cause of freedom.

By Mr. DORGAN (for himself, Mr. DEWINE, Mr. CONRAD, and Ms. LANDRIEU):

S. 1258. A bill to improve academic and social outcomes for teenage youth; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, today I am introducing the YMCA Teen Action Agenda Enhancement Act of 2001, along with my colleague Mr. DEWINE. This

bipartisan legislation will enable the YMCA to reach more teenagers across the United States who are in need of safe, structured after-school activities.

Unfortunately, the evidence is all around us that our young people today need some extra care and support. Kids today face challenges and obstacles that I never dreamed about when I was growing up in Regent. Children are killing other children because they covet their tennis shoes or their jackets. Kids are having kids. One-quarter of adolescents report that they have used illegal drugs.

Part of the problem is the temptation that kids face when they have too much idle time on their own. Every day, millions of American teens are left unsupervised after school. Studies have shown that teens who are unsupervised during these hours are more likely to smoke cigarettes, drink alcohol, engage in sexual activity, and become involved in delinquent behavior than those teens who participate in structured, supervised after-school activities. Also, nearly 80 percent of teens who are involved in after-school activities are A or B students, while only half of those who are not involved earn these grades. Two out of every 3 teens said that they would participate in after-school programs to help them improve academically, if such programs were offered.

The YMCA is an exemplary organization that is dedicated to serving our nation's youth, and it wants to help them even more. Nearly 2.4 million teenagers, 1 out of every 10, are involved in a program offered by their local YMCA. The Y is a safe place for kids during after school hours. Teens participate in hundreds of programs that feature tutoring and academics, sports, mentoring, community service and life skills. To serve more teens who are in need of structured after-school programs, the YMCA has set a goal of doubling the number of teens served to 1 out of every 5 teens by 2005. This ambitious campaign is called the Teen Action Agenda.

The bill that I offer today provides funding to help the YMCA reach teens who want and need more after-school activities. This piece of legislation authorizes Federal appropriations of \$20 million per year for fiscal years 2002 through 2006 for the YMCA to implement its Teen Action Agenda. This funding would in turn be distributed to local YMCAs that are located in all 50 States and the District of Columbia. Similar legislation was passed in the 105th Congress for the Boys and Girls Club and in the 106th Congress for the Police Athletic League to aid in their efforts to reach out to youth. The YMCA is an established and proven organization that is in the position to reach and influence thousands of teenagers who are in danger of falling through the cracks.

This bill will encourage public-private partnerships and leverage additional funding for teen programs. This legislation contains a matching component that will be met by the YMCA through local and private support. The matching component, along with the support the YMCA programs receive from national corporate sponsors, will turn \$20 million in Federal funds into \$50 million that will be invested in proven programs that serve the teens who are most in need.

In my State, there are six YMCAs that serve North Dakota teens. Through programs focusing on education, life skills, safety, leadership, and service learning, these YMCAs helped 12,500 teens in my State develop character and build confidence within the last year.

One example of how the YMCA reaches teens is the Teen Board recently established in Fargo. This board is comprised of teenage representatives who advise the YMCA and other community residents on issues and concerns affecting local teens. Similar teen programs have been created at the other YMCAs in my State. The legislation I introduce today will provide funding for these YMCAs to expand these important programs.

Nationwide, YMCAs partner with 400 juvenile courts, 300 housing authorities and over 2,500 public schools. While the YMCA is national in scope, they are local in control and every program is designed and evaluated to meet the communities' unique needs. I am confident that this bill will help the YMCA to continue to provide successful solutions for our Nation's teens and their families.

Edmund Burke once said, "All that is necessary for evil to triumph is for good people to do nothing." This legislation will provide good volunteers in YMCAs across the country with the additional resources they need to reach more teens. This bill represents a small step we can take to reach out to at-risk teens in communities across the Nation. For the sake of our children's future, I urge my Senate colleagues to join me in cosponsoring this piece of legislation.

By Mr. BROWNBACK (for himself, Mr. GRAHAM, and Mr. HELMS):

S. 1259. A bill to amend the Immigration and Nationality Act with respect to the admission of nonimmigrant nurses; to the Committee on the Judiciary.

Mr. BROWNBACK. Madam President, I rise today to introduce the Rural and Urban Health Care Act of 2001. I want to thank my cosponsors Senator GRAHAM and Senator HELMS for their support and leadership on this vital issue.

Nothing can traumatize a family more than a medical emergency, par-

ticularly one that may have been prevented by timely access to a needed medical professional. In Kansas, I know many communities that would be without a doctor if it was not for an immigrant physician. I know that many communities both in Kansas and around the country would benefit from a greater number of not only doctors, but nurses, nurse aides, radiologists, medical technicians, and other health-care professionals.

In the area of nurses, it's become apparent that the problem has developed into one of national significance.

According to the American Organization of Nurse Executives, "A nursing shortage is emerging nationwide that is fueled by age-related career retirements, small to moderate increases in job creation, and reduced nursing school enrollments. Job replacement-related demands due to registered nurse age-related retirements are expected to increase rapidly over the next 5 to 15 years."

According to data from the Department of Health and Human Services, today 18.3 percent of registered nurses are under the age of 35, compared to over 40 percent in 1980. Today, only nine percent of registered nurses are under the age of 30, compared to 25 percent in 1980.

Projections by economists Peter Buerhaus, Douglas Staiger, and David Auerbach show that by the year 2020, the number of registered nurses working in America will be "20 percent below the projected need."

I believe this legislation contains many crucial elements that would benefit many health care providers and the patients they serve.

First, the legislation amends the H-1C category established in the "Nursing Relief for Disadvantaged Areas of 1999. The problem with that category is that it allows only a handful of health care facilities throughout the country to hire nurses on temporary visas. That makes little sense. We should open the category up to facilities in all States, rather than select a handful of hospitals that alone would be allowed to hire foreign nurses on temporary visas. In addition, the bill streamlines some of the current processes to remove redundancy and situations that impede the arrival of nurses to work and help patients in the United States.

Second, the legislation retains stringent labor protections established previously for the H-1C category on wages, layoffs and strikes.

Third, the bill authorizes appropriations for the Secretary of Health and Human Services to work with states to develop programs aimed at increasing the domestic supply of nurses in the United States.

Finally, the legislation expands an already successful program by increasing from 20 to 40 waivers for foreign physicians that may be exercised by a

particular State, as well allowing a carryover of any unused waivers to the next fiscal year. It also eliminates the sunset date of the program.

This bill does not attempt to solve all problems related to this issue. Other, more expensive solutions, primarily very long-term, may emerge from the HELP or Finance committees. However, it is not possible in one bill to address all outstanding financial or labor issues present in today's hospitals and nursing homes. Indeed, many of these issues will have to be addressed at the State level. But simply because we cannot solve all of today's health-care problems, does not mean that we abdicate our responsibility to find practical solutions to help real people.

I think this bill provides real and immediate help for problems that are only going to grow worse the longer we wait to address them.

I ask unanimous consent that the text of the bill and a section by section summary of the bill be printed in the RECORD.

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

S. 1259

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural and Urban Health Care Act of 2001".

#### SEC. 2. REQUIREMENTS FOR ADMISSION OF NON-IMMIGRANT NURSES.

(a) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

"(m)(1) The qualifications referred to in the section 101(a)(15)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

"(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education, or has received nursing education in the United States or Canada;

"(B) has passed the examination given by the Commission on Graduates of Foreign Nursing Schools (or has passed another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services), or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

"(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to take the State licensure examination after entry into the United States, and the lack of a social security number shall not indicate a lack of eligibility to take the State licensure examination.

"(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

"(i) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed at the facility.

"(ii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

"(iii) There is not a strike or lockout in the course of a labor dispute, the facility did not lay off and will not lay off a registered staff nurse who provides patient care and who is employed by the facility within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition for clarification of such an alien under section 101(a)(15)(H)(i)(c), and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

"(iv) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed by the employer at the facility through posting in conspicuous locations.

"(v) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

"(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

"(II) transfer the place of employment of the alien from one worksite to another.

"(B) A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

"(C) The Secretary of Labor shall review an attestation only for completeness and obvious inaccuracies. Unless the Secretary finds that the attestation is incomplete or obviously inaccurate, the Secretary shall certify the attestation within 7 calendar days of the date of the filing of the attestation. If the attestation is not returned to the facility within 7 calendar days, the attestation shall be deemed certified.

"(D) Subject to subparagraph (F), an attestation under subparagraph (A)—

"(i) shall expire on the date that is the later of—

"(I) the end of the three-year period beginning on the date of its filing with the Secretary; or

"(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

"(ii) shall apply to petitions filed during the three-year period beginning on the date of its filing with the Secretary if the facility states in each such petition that it continues to comply with the conditions in the attestation.

"(E) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

"(F)(i) The Secretary shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for classification of nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) and each such petition filed by the facility.

"(ii) The Secretary shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to

meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary, but excluding any governmental agency or entity). The Secretary shall conduct an investigation under this clause if there is probable cause to believe that a facility willfully failed to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether or not an attestation is expired or unexpired at the time a complaint is filed.

"(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

"(iv) If the Secretary finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has willfully failed to meet a condition attested to or that there was a willful misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$1,000 per nurse per violation, with the total penalty not to exceed \$10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

"(v) In addition to the sanctions provided for under clause (iv), if the Secretary finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(ii) (relating to payment of registered nurses at the facility wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

"(G)(i) The Secretary shall impose on a facility filing an attestation under subparagraph (A) a filing fee in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding \$250.

"(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

"(iii) The collected fees in the fund shall be available to the Secretary, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

"(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be for an initial period not to exceed three years, subject to an extension for a period or periods not to exceed a total period of admission of six years.

"(4) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

“(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility; and

“(B) shall not interfere with the right of the nonimmigrant to join or organize a union.

“(5)(A) For purposes of paragraph (2)(A)(iii), the term ‘lay off’, with respect to a worker—

“(i) means to cause the worker’s loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

“(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

“(B) Nothing in this paragraph is intended to limit an employee’s or an employer’s rights under a collective bargaining agreement or other employment contract.

“(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term ‘facility’ includes a hospital, nursing home, skilled nursing facility, registry, clinic, assisted-living center, and an employer who employs any registered nurse in a home setting.

“(7) Except as otherwise provided, in this subsection, the term ‘Secretary’ means the Secretary of Labor.”.

(b) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (a)). The amendments made by this section shall take effect not later than 90 days after the date of the enactment of this Act, without regard to whether or not regulations to carry out such amendments have been promulgated by such date.

### SEC. 3. REPEAL.

Section 3 of the Nursing Relief for Disadvantaged Areas Act of 1999 (Public Law 106-95; 8 U.S.C. 1182 note; relating to recommendations for alternative remedy for nursing shortage) is repealed.

### SEC. 4. QUALIFICATION FOR CERTAIN ALIEN NURSES.

(a) ELIMINATION OF CERTAIN GROUNDS OF INADMISSABILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by striking subsections (a)(5)(C) and (r).

(b) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended by adding at the end the following new sentence: “Any such petition filed on behalf of an alien who will be employed as a professional nurse shall include evidence that the alien—

“(i) has passed—

“(I) the examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS); or

“(II) another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services; or

“(ii) holds a full and unrestricted license to practice professional nursing in the State of intended employment.”.

### SEC. 5. WAIVERS OF TWO-YEAR FOREIGN RESIDENCE REQUIREMENT.

(a) IN GENERAL.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)(B), by striking “20” and inserting “40, plus the number of waivers specified in paragraph (4)”; and

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

“(4) The number of waivers specified in this paragraph is the total number of unused waivers allotted to all States for a fiscal year divided by the number of States having no unused waivers remaining in the allotment to those States for that fiscal year.”.

(b) ELIMINATION OF TERMINATION DATE.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416, as amended; 8 U.S.C. 1182 note) is amended by striking “and before June 1, 2002”.

### SEC. 6. OTHER MEASURES TO MEET RURAL AND URBAN HEALTH CARE NEEDS.

(a) GRANT AUTHORITY.—The Secretary of Health and Human Services shall award grants to States, local governments, and institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965) to fund training, recruitment, and other activities to increase the supply of domestic registered nurses and other needed health care providers.

(b) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Health and Human Services determines to be essential to ensure compliance with the requirements of this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Health and Human Services such sums as may be necessary to carry out this section.

### THE RURAL AND URBAN HEALTH CARE ACT OF 2001—SECTION-BY-SECTION

#### SECTION 1.

The Act may be cited as the “Rural and Urban Health Care Act of 2001.”

#### SECTION 2. REQUIREMENTS FOR ADMISSION OF NON-IMMIGRANT NURSES

Section 212(m) of the Immigration and Nationality Act is amended as follows:

To qualify, the alien must:

1. Obtain a full and unrestricted license to practice professional nursing in the country where obtained nursing education, or received nursing education in the U.S. or Canada;

2. Pass the examination given by the Commission on Graduates of Foreign Nursing Schools (or other appropriate examination recognized in regulations of Secretary of Health and Human Services), or have a full and unrestricted license under State law to practice in state of intended employment;

3. Is fully qualified and eligible to take the State licensure examination after entry into the U.S., and lacking a social security number shall not indicate a lack of eligibility to take the State licensure exam.

The attestation with respect to a facility where an alien will perform services (re-

ferred to in section 101(a)(15)(H)(i)(c)), requires the following:

1. The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed at the facility;

2. The alien will be paid the wage rate for nurses similarly employed by the facility;

3. There is not a labor dispute involving a strike or lockout at the facility, and the facility did not lay off and will not lay off a registered staff nurse for a period beginning 90 days before and after the date of filing of any visa petition, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

4. At the time of filing of petition for registered nurses, notice of the filing has been given to the bargaining representative of the nurses at the facility, and in the absence of such representative, notice of the filing has been provided to the nurses employed by the employer at the facility through posting in conspicuous locations.

5. The facility will not:

a. Authorize the alien to perform nursing services at any work site other than a work site controlled by the facility;

b. Transfer the place of employment from one work site to another.

6. A copy of the attestation shall be provided to the nurses at the facility within 30 days of the date of filing.

7. The Secretary of Labor shall review an attestation only for completeness and obvious inaccuracies, and shall certify the attestation within 7 days of date of filing. If not returned within 7 days, the attestation shall be deemed certified.

8. An Attestation shall:

a. Expire on the date that is the later of:

1. The end of the three-year period beginning on the date of its filing with the Secretary, or

2. The end of the period of admission of the last alien section 101(a)(15)(H)(i)(c) was applied; and

b. Apply to petitions filed during the three-year period if the facility states in each petition that it continues to comply with the conditions in the attestation.

9. A facility may meet the requirements listed above with respect to more than one registered nurse in a single petition.

10. The Secretary shall:

a. Compile and make available to the public a list identifying facilities which have filed petitions for classification of non-immigrants under section 101(a)(15)(H)(i)(c), and provide a copy of the attestation filed for each facility.

b. Establish a process for the receipt, investigation, and disposition of complaints respecting a facility’s failure to meet conditions attested to or a facility’s misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (but excluding any governmental agency or entity). The Secretary shall conduct an investigation if there is probable cause to believe that a facility willfully failed to meet conditions attested to. This will apply regardless of whether or not an attestation is expired or unexpired at the time a complaint is filed.

c. If a complaint is filed, the Secretary shall provide within 180 days of filing, a determination as to if a basis exists to make a finding described below (iv). If such a basis exists, the Secretary shall provide notice of such determination to the interested parties, and an opportunity for a hearing on the complaint within 60 days of the date of determination. The Secretary shall promulgate

regulations providing for penalties, including civil monetary fines, upon parties who submit complaints that are found to be frivolous.

d. After notice and opportunity for hearing, if the Secretary finds that a facility has willfully failed to meet a condition attested to, or that there was willful misrepresentation of material fact, the Secretary shall notify the Attorney General of such finding and may also impose administrative remedies (including civil monetary penalties not to exceed \$1000 per nurse per violation, with the total penalty not to exceed \$10,000 per violation) as the Secretary deems appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

e. In addition to the sanctions listed above (iv), if the Secretary finds (after notice and opportunity for hearing) that a facility has violated conditions regarding the payment of registered nurses at the facility wage rate (subparagraph (A)(ii)), the Secretary shall order the facility to provide for payment of back pay to comply with such condition.

11. The Secretary shall:

a. Impose a facility filing fee, but not to exceed \$250.

b. Such fees collected shall be deposited in a fund established for this purpose with the Treasury of the United States.

c. The collected fees shall be available to the Secretary, to the extent provided in appropriation Acts, to cover the costs described above.

The period of admission of an alien under 101(a)(15)(H)(i)(c) shall be for an initial period not to exceed three years, and subject to an extension not to exceed a total period of admission of six years.

A facility that has filed a petition under 101(a)(15)(H)(i)(c) shall:

1. Provide a wage rate and working conditions the same as those of nurses similarly employed by the facility.

2. Not interfere with the right of the immigrant to join or organize a union.

The term "lay off" with respect to a worker (for purposes of paragraph (2)(A)(iii)),

1. Means to cause the worker's loss of employment, other than a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

2. Does not include any situation in which the workers offered, as an alternative to such loss, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

3. Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.

The term "facility" includes a hospital, nursing home, skilled nursing facility, registry, clinic, assisted-living center, and an employer who employs any registered nurse in a home setting.

The term "Secretary" means the Secretary of Labor

1. Implementation:

a. No later than 90 days after date of the enactment of this Act, regulations to carry out this amendment shall be made by the Secretary in consultation with the Secretary of Health and Human Services, and the Attorney General. The amendments made shall

take effect not later than 90 days after the date of the enactment of this Act, without regard to regulations have been made by that date.

#### SECTION 3. REPEAL

Section 3 of the Nursing Relief for Disadvantaged Areas As of 1999 is repealed.

#### SECTION 4. CERTIFICATION FOR CERTAIN ALIEN NURSES

Any such petitions filed on behalf of an alien who will be employed as a professional nurse shall include evidence that the alien has passed: (I) the examination given by the Commission on Graduates of Foreign Nursing Schools; or (II) another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services; or holds a full and unrestricted license to practice professional nursing in the State of intended employment.

#### SECTION 5. WAIVERS OF TWO-YEAR FOREIGN RESIDENCE REQUIREMENT FOR FOREIGN PHYSICIANS

Section 214(1) of the Immigration and Nationality Act is amended

1. In paragraph (1)(B), by striking "20" and inserting "40, plus the number of waivers specified in paragraph (4)"; and

2. By adding at the end of the following new paragraph: "(4) The number of waivers specified in this paragraph is the total number of unused waivers allotted to all State for fiscal year divided by the number of States having no unused waivers remaining in the allotment to those States for that fiscal year."

#### SECTION 6. OTHER MEASURES TO MEET RURAL AND URBAN HEALTH CARE NEEDS

The Secretary of Health and Human Services shall award grants to States, local governments, and institutions of higher education to fund training, recruitment, and other activities to increase the supply of domestic registered nurses and other needed health care providers. There are authorized such sums as may be necessary to carry out this section.

By Mr. ROCKEFELLER:

S. 1260. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Governmental Affairs.

Mr. ROCKEFELLER. Madam President, millions of Americans live and work overseas. While living abroad, they continue to pay taxes and they can vote in our Federal elections. They are American citizens and they want to be counted in the next decennial Census in 2010. To achieve this goal, it is essential to plan and prepare.

For several years, I have been working closely with Congresswoman CAROLYN MALONEY. She has been a true leader on the important issues of the U.S. Census and I am proud to work with her. The bill I am introducing today is the companion bill to H.R. 680. This legislation authorizes funding to being the work at the Census Bureau to count Americans living overseas. The House Appropriations Committee has included some funding for this important initiative which is encouraging news.

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

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

S. 1260

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

#### SECTION 1. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) an estimated 3,000,000 to 6,000,000 Americans live and work overseas while continuing to vote and pay taxes in the United States;

(2) Americans residing abroad help increase exports of American goods because they traditionally buy American, sell American, and create business opportunities for American companies and workers, thereby strengthening the United States economy, creating jobs in the United States, and extending United States influence around the globe;

(3) Americans residing abroad play a key role in advancing this Nation's interests by serving as economic, political, and cultural "ambassadors" of the United States; and

(4) the major business, civic, and community organizations representing Americans and companies of the United States abroad support the counting of all Americans residing abroad by the Bureau of the Census, and are prepared to assist the Bureau of the Census in this task.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Bureau of the Census should carry out a special census of all Americans residing abroad in 2004;

(2) the Bureau should, after completing that special census, review the means by which Americans residing abroad may be included in the 2010 decennial census;

(3) the Bureau should take appropriate measures to provide for the inclusion of Americans residing abroad in the 2010 decennial census and decennial censuses thereafter; and

(4) in order to ensure that the measures specified in the preceding provisions of this subsection can be completed in timely fashion, the Bureau should begin planning as soon as possible for the special census described in paragraph (1).

#### SEC. 2. FUNDING TO BEGIN PLANNING FOR A SPECIAL CENSUS OF AMERICANS RESIDING ABROAD.

For necessary expenses in connection with the planning of a special census of Americans residing abroad (as described in section 1(b)(1)), there is appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000 for fiscal year 2002, to remain available until expended.

By Mr. ROCKEFELLER:

S. 1261. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

Mr. ROCKEFELLER. Madam President, millions of Americans live abroad, serving in our military or working in foreign countries. These Americans pay taxes and have the right to vote. They deserve to know that their votes will be counted.

Today, I am introducing legislation designed to streamline and improve the

process for absentee ballots to help ensure that Americans living overseas can participate in American elections. The bill is called the Uniformed and Overseas Citizen Absentee Voting Reform Act. It is based on the bipartisan legislation introduced in the House of Representatives by Congresswoman CAROLYN MALONEY and Congressman THOMAS REYNOLDS. This bill is developed through recommendations of overseas Americans.

Our goal is to help both military and civilian citizens overseas to participate in elections. The right to vote is important in our country, and we need to encourage all of our citizens, including those millions living abroad, to participate in elections.

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

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

S. 1261

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed and Overseas Citizen Absentee Voting Reform Act of 2001".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 3,000,000 to 6,000,000 American citizens, including 576,000 Federal employees and their overseas dependents in the armed services and in other Federal agencies, live permanently or temporarily reside outside the 50 States and the District of Columbia.

(2) The members of the armed services, their dependents, other employees of the Federal Government and their dependents, and the approximately 3,000,000 to 5,500,000 other American citizens abroad make an inestimable contribution to the security, economic well-being, and cultural vitality of the United States.

(3) Although great progress has been made in recent decades in assuring that these citizens have the chance to participate fully in our democratic process, the national elections of November 2000 revealed grave shortcomings in our system, with nearly 40 percent of overseas ballots rejected in one State alone.

(4) Moreover, during these elections it became apparent that timely information about the numbers of American citizens seeking to vote and voting from abroad, information which is essential to measure the effectiveness of our overseas voting system, is not currently provided by the States.

#### SEC. 3. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROVIDING ABSENTEE BALLOT.—

(1) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) accept and process, with respect to any election for Federal office, any other-

wise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;"

(B) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application; and

"(5) transmit the absentee ballot for an election to each absent uniformed services voter and overseas voter who is registered with respect to the election as soon as practicable after the voter is registered, but in no case later than the 45th day preceding the election (if the voter is registered as of such day)."

(2) CONFORMING AMENDMENTS.—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2)) is amended by striking "as recommended in section 104" and inserting "as required under section 102(4)".

(b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff-3) is amended to read as follows:

#### "SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

"(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(4))—

"(1) the voter shall be deemed to have submitted an absentee ballot application for each subsequent election for Federal office held in the State; and

"(2) the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State (in accordance with the deadline required under section 102(a)(5)).

"(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

"(c) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993."

#### SEC. 4. REMOVING BARRIERS TO ACCEPTANCE OF COMPLETED BALLOTS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Each State"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL REQUIREMENTS REGARDING ACCEPTANCE OF COMPLETED BALLOTS.—

"(1) MANDATORY MINIMUM PERIOD FOR ACCEPTANCE OF ABSENTEE BALLOT AFTER DATE OF ELECTION.—Notwithstanding any other provision of law, a State shall not refuse to count an absentee ballot submitted in an election for Federal office by an absent uniformed services voter or overseas voter on the grounds that the ballot was not submitted in a timely manner if—

"(A) the ballot is received by the State not later than 14 days after the date of the election;

"(B) the ballot is signed and dated by the voter; and

"(C) the date provided by the voter on the ballot is not later than the day before the date of the election.

"(2) PROHIBITING REFUSAL OF BALLOT FOR LACK OF POSTMARK.—A State shall not refuse to count an absentee ballot submitted in an election for Federal office by an absent uniformed services voter or overseas voter on the grounds that the ballot or the envelope in which the ballot is submitted lacks a postmark if the ballot is signed and dated by the voter and a witness within the deadline applicable under State law for the submission of the ballot (taking into account the requirements of paragraph (1))."

#### SEC. 5. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 4, is amended by adding at the end the following new subsection:

"(c) OTHER REQUIREMENTS AND PROHIBITIONS.—

"(1) RESPONSE TO SUBMITTED MATERIALS.—

"(A) APPLICATIONS FOR VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, the State—

"(i) shall immediately notify the voter as to whether or not the State has approved the application or request; and

"(ii) if the State rejects the application or request, shall provide the voter with the reasons for the rejection.

"(B) ABSENTEE BALLOTS.—With respect to each absent uniformed services voter and each overseas voter who submits a completed absentee ballot, the State—

"(i) shall immediately notify the voter as to whether or not the State has received the ballot; and

"(ii) if the State refuses to accept the ballot, shall provide the voter with the reasons for refusal.

"(2) USE OF FACSIMILE MACHINES AND INTERNET.—Each State shall make voter registration applications, absentee ballot requests, and absentee ballots available to absent uniformed services voters and overseas voters through the use of facsimile machines and the Internet, and shall permit such voters to transmit completed applications and requests to the State through the use of such machines and the Internet. Nothing in this paragraph may be construed to prohibit a State from accepting completed absentee ballots from absent uniformed services voters and overseas voters through the use of facsimile machines.

"(3) PROHIBITING NOTARIZATION REQUIREMENTS.—A State may not refuse to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

"(4) COMPILATION OF STATISTICS.—

"(A) IN GENERAL.—For each election for Federal office held in the State, each State shall compile and publish the following information with respect to absent uniformed services voters and overseas voters:

"(i) The number of voter registration applications received from each such group of

voters, together with the number of such applications which were rejected by the State and the reasons for rejection.

“(ii) The number of absentee ballots sent to each such group of voters.

“(iii) The number of completed absentee ballots submitted by each such group of voters, together with the number of such ballots which were rejected by the State and the reasons for rejection.

“(B) BREAKDOWN BY LOCAL JURISDICTION AND OVERSEAS LOCATION.—In compiling and publishing the information described in subparagraph (A), the State shall break down each category of such information by county (or other appropriate local election district) and by the locations to which and from which the materials described in such subparagraph were transmitted and received.

“(C) TRANSMISSION TO PRESIDENTIAL DESIGNEE.—With respect to information regarding a Presidential election year, the State shall transmit the information compiled under this paragraph to the Presidential designee at such time and in such manner as the Presidential designee may require to prepare the report described in section 101(b)(6).”

#### SEC. 6. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: “, and ensure that such officials are aware of the requirements of this Act;”

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking “and” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; and”; and

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

“(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.”

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by sections 3(a) and 4, is further amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

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

“(6) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).”

(c) TRANSMISSION OF FEDERAL WRITE-IN ABSENTEE BALLOT THROUGH FACSIMILE MACHINES AND INTERNET.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g); and

(2) by inserting after subsection (a) the following new subsection:

“(b) TRANSMISSION OF BALLOT THROUGH FACSIMILE MACHINES AND INTERNET.—The Presidential designee shall make the Federal write-in absentee ballot and the application for such a ballot available to overseas voters through the use of facsimile machines and the Internet, and shall permit such voters to transmit completed applications for such a

ballot to the Presidential designee through the use of such machines and the Internet.”

(d) PROVIDING BREAKDOWN BETWEEN OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by inserting after “participation” the following: “(listed separately for overseas voters and absent uniformed services voters)”

#### SEC. 7. GRANTING PROTECTIONS GIVEN TO ABSENT UNIFORMED SERVICES VOTERS TO RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 104 the following new section:

##### “SEC. 104A. COVERAGE OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.

“(a) IN GENERAL.—For purposes of this Act, an individual who is a separated uniformed services voter (or the spouse or dependent of such an individual) shall be treated in the same manner as an absent uniformed services voter with respect to any election occurring during the 60-day period which begins on the date the individual becomes a separated uniformed services voter.

“(b) SEPARATED UNIFORMED SERVICES VOTER DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘separated uniformed services voter’ means an individual who—

“(A) is separated from the uniformed services;

“(B) was a uniformed services voter immediately prior to separation;

“(C) presents to an appropriate election official Department of Defense Form 214 showing that the individual meets the requirements of subparagraphs (A) and (B) (or any other official proof of meeting such requirements); and

“(D) is otherwise qualified to vote with respect to the election involved.

“(2) UNIFORMED SERVICES VOTER.—In paragraph (1), the term ‘uniformed services voter’ means—

“(A) a member of a uniformed service on active duty; or

“(B) a member of the merchant marine.”

#### SEC. 8. FINANCIAL ASSISTANCE TO STATES FOR COSTS OF COMPLIANCE.

(a) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act shall make a payment to each eligible State for carrying out activities to comply with the requirements of such Act, including the amendments made to such Act by this Act.

(b) ELIGIBILITY.—A State is eligible to receive a payment under this section if it submits to the Presidential designee (at such time and in such form as the Presidential designee may require) an application containing such information and assurances as the Presidential designee may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the first fiscal year which begins after the date of the enactment of this Act such sums as may be necessary to carry out this section, to remain available until expended.

#### SEC. 9. EFFECTIVE DATE.

The amendments made by sections 3, 4, 5, 6, and 7 shall apply with respect to elections occurring after the date of the enactment of this Act.

S. 1262. A bill to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Madam President, one of our major national problems is the dismal educational achievement of our children in the areas of mathematics and science. In 1989 President George H. Bush proposed and the Governors adopted as a national goal that by the year 2000, the United States would be first in the world in mathematics and science. Not only has our country neglected this education goal, the evidence shows that our country has not made significant improvements. Several studies have shown that in the intervening years, our performance relative to other industrialized countries is about average and there is no indication of any change. Furthermore, the evidence clearly shows that between the 4th and 8th grades our achievement level actually declines relative to other countries.

Not only is this a concern for our future competitiveness in the modern world but it could present a serious national security problem. The U.S. Commission on National Security/21st Century concluded in a February 2001 report that the “Second only to a weapon of mass destruction detonating in an American city, we can think of nothing more dangerous than a failure to manage properly science, technology, and education for the common good over the next quarter century.”

One major factor in this situation is the lack of sufficient qualified mathematics and science teachers. A large number of mathematics and science teachers are not certified in their subject area. The greatest number of uncertified teachers are located in areas with large minority populations and high concentrations of poverty. This situation is of great concern since many studies have shown that full certification or a major in the field is a strong predictor of student achievement. Mr. Michael Porter of the Harvard Business School has documented that over 90 percent of urban schools report teacher shortages in mathematics and science. Furthermore, recently, the National Council for Accreditation of Teacher Preparation showed that 50,000 new teachers enter the profession each year lacking appropriate preparation. More than 30 percent of secondary mathematics teachers hold neither a major or minor in mathematics.

I am proud to have Senators ROBERTS and KENNEDY as original cosponsors of this legislation since each is a recognized leader on education. We are introducing a bipartisan bill entitled the National Mathematics and Science Partnerships Act. Our bill is very similar to legislation reported out of the House Committee on Science, and I

By Mr. ROCKEFELLER (for himself Mr. ROBERTS, and Mr. KENNEDY):

have worked with Chairman BOEHLERT on this important initiative. The purpose of this bill is to make a major impact on the teaching of technical subjects in grades K through 12. This bill accomplishes its goal by bringing the wider community including industry into the educational process through partnerships, by increasing the number of qualified teachers and providing support programs to improve their qualifications, and by providing access to master teachers, curriculum related materials, and research opportunities. The bill also sets up Centers of Research on Learning to determine which methodologies are most effective for educating our students in mathematics and science.

One of the main provisions authorizes the National Science Foundation to establish a program of mathematics and science education partnerships involving universities and local educational agencies. These partnerships will focus on a wide array of reform efforts ranging from professional development to curriculum reform for grades K through 12. The partnerships may include the State educational agency and 50 percent of them must include businesses. These partnerships are intended to conceive, develop, and evaluate innovative approaches to education in mathematics, science, engineering, and other technical subjects. A special feature is an emphasis on encouraging the ongoing interest of girls in science, mathematics, engineering, or technology preparing them to pursue careers in these fields.

A second provision authorizes the expansion of the National Science, Mathematics, Engineering, and Technology Education Digital Library to include peer reviewed elementary and secondary education materials. The library will serve as an Internet accessible resource for state-of-the-art curriculum materials in support of teaching technical subjects.

A third provision, that is of particular importance to me, provides for the establishment of a new scholarship program designed to encourage mathematics, science, and engineering majors to pursue careers in teaching. The program provides grants to universities who will, in turn, award scholarships to mathematics, science and engineering majors who agree to teach following graduation and certification. The institutions must also provide education and support programs for the scholarship recipients. A second element is that stipends will be offered to mid-career professionals in mathematics, science, or engineering who need course work to transition to a career in teaching. Recipients are required to teach in a K through 12 school receiving assistance under Title I of the Elementary and Secondary Education Act of 1965 as payback for the scholarship.

The bill also provides for a study of Broadband Network access for schools

and libraries. This requires the National Science Foundation to determine how Broadband access can be used and can be effective in the educational process. This section is important to the future of the highly successful E-Rate program that is helping close the digital divide between rich and poor schools and urban, rural, and suburban schools.

Another important provision sets up a grant program to train master teachers to work in K through 9 classrooms to improve the teaching of mathematics or science. This program will develop an invaluable in-house resource for teachers of technical subjects.

There are a number of other provisions, all of which, address shortcomings in our current approach to education in technical subjects.

I often visit West Virginia schools, and during the school year I use the Internet to host on-line chats with students across the State. I believe that students, parents, and teachers recognize the important of math, science and engineering on the workplace, but we need a better support system for these key subjects in my State, and nationwide.

The National Mathematics and Science Partnerships Act is not by itself a solution to solving the crisis in technical education. However, in conjunction with the reauthorization of the Elementary and Secondary Education Act will begin the process of addressing a major national problem. I urge my colleagues to join us in making our children the best in the world.

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

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

NATIONAL MATHEMATICS AND SCIENCE  
PARTNERSHIPS ACT

The overall purpose of this bill is to make a major impact on the teaching of technical subjects in Grades K-12. Many studies have indicated that the US is seriously lacking in our ability to effectively convey scientific knowledge to K-12 students that will enable them to go on to college and major in technical fields. This situation has led to concern that we are losing our competitive edge in the modern world. A key element is the serious shortage of qualified math and science teachers. This bill helps by bringing the wider community including industry into the educational process, by increasing the number of qualified teachers, and by providing for access to support in the form of materials, research opportunities, and Centers of Research on Learning.

Most of the provisions of this bill originated in the House Science Committee and some of them reflect the Administration's desires. We, in Senator Rockefeller's office, have been working with the Science Committee for several months. Our major input is the inclusion of a Title that establishes scholarships for students who commit to teach mathematics or science in Grades K-12 in return. We have evaluated the other provi-

sions and agree with them as will be reflected in the bill we are planning to introduce. The provisions of the proposed Senate bill are summarized below.

PROVISIONS OF THE "NATIONAL MATHEMATICS  
AND SCIENCE PARTNERSHIPS ACT"

1. Mathematics and Science Education Partnerships: This provides for universities or consortia to receive grants to establish partnership programs to improve the instruction of math and science. The partnerships may include local educational agencies and there is a mandate that 50% will include businesses. There is a strong section on programs aimed at girls. The appropriation is \$200M/year for 2002-2006

2. Teacher Research Stipend: This provides grants for K-12 math and science teachers to do research in math, science and engineering to improve their performance in the classroom. The appropriation is \$15M/year for 2002-2006.

3. National Science, Mathematics, Engineering, and Technology Education Library: This Title expands the existing Digital Library to archive and provide for the timely dissemination through the Internet and other digital technologies of educational materials to support the teaching of technical subjects. The appropriation is \$20M/year for 2002-2006.

4. Education Research Centers: This Section will establish 4 multi disciplinary Centers for Research on Learning and Education Improvement. This provision is to do research in cognitive science, education, and related fields to develop ways to improve the teaching of math and science. It also provides for an annual conference to disseminate the results of the Center's activities. The appropriation is \$12M/year for 2002-2006.

5. Education Research Teacher Fellowships: This Section provides grants for institutions of higher education to enable teachers to have research opportunities related to the science of learning. The appropriation is \$5M/year for 2002-2004.

6. Robert Noyce Scholarship Program: This Title is an updated version of a scholarship program that Senator Rockefeller and Rep. Boehlert sponsored and passed in 1989. It calls for grants to universities or consortia to award scholarships or stipends to students who agree to become K-12 math or science teachers. Scholarships are for \$7,500 and are limited to 2 years. In addition, there are provisions for a stipend to enable mid-career math, science and engineering professionals to receive their certificate to teach. The stipend is \$7,500 for 1 year. Recipients under this subtitle are obligated to teach math or science. The requirement is 2 years for each year of support within 6 years of graduation. The university or consortium receiving the grant is responsible for monitoring compliance and collecting refunds from those who do not comply. The appropriation is \$20M/year for 2002-2005 plus an unspecified amount for the NSF to administer the program for 2006-2011.

Political History: While the Noyce scholarship was authorized in 1989, we never secured appropriations to fund the program, in part because NSF had concerns about the scholarships and never lobbied OMB for the appropriations. This time, we worked with NSF staff to get their consent so that we really can promote these scholarships.

7. Requirements for Research Centers: Grant recipients establishing research centers must offer programs for K-12 math and science teachers and the quality of their programs is a criteria for awarding grants. There is no appropriation for the Title.

The bill to be voted on by the House also contains a number of other provisions added during the Science Committee Mark-up. These are contained in a title called "Miscellaneous Provisions".

1. Mathematics and Science Proficiency Partnerships: This section sets up a demonstration project for local educational agencies to develop a program to build technology curricula, purchase equipment, and provide professional development for teachers. It is specifically aimed at economically disadvantaged students and requires private sector participation. The private sector will donate equipment, provide funds for internships and scholarships, and other activities helping the objectives of this section. The appropriation is \$5M/year for 2002-2004.

2. Articulation Partnerships between Community Colleges and Secondary Schools: Amends the "Scientific and Advanced Technology Act of 1992" (P.L. 102-476) to direct the NSF to give priority to proposals that involve students that are under represented in technical fields. (The act applies to two year Associate Degree granting colleges.) The appropriation is \$5M/year for 2002-2004.

3. Assessment of In-Service Teacher Professional Development Programs: This section provides for the Director of the NSF to review all programs sponsored by the NSF that support in-service teacher professional development for science teachers. The purpose is to determine whether information technology is being used effectively and how resources are allocated between summer activities and reinforcement training. A report is due 1 year after enactment of this Act. There is no appropriation.

4. Instructional Materials: The NSF may award grants for the development of educational materials on energy production, energy conservation, and renewable energy. There is no appropriation.

5. Study of Broadband Network Access for Schools and Libraries: The NSF is to provide an initial report to Congress and provide an update every year for the next 6 years. The reports are to how Broadband access can be used and can be effective in the educational process. There is no appropriation. This section relates to the ERATE law to which Senator Rockefeller is very committed.

6. Educational Technology Assistance; Learning Community Consortium: This section amends the "Scientific and Advanced Technology Act of 1992 to enable two year colleges to establish centers to assist K-12 schools in the use of information technology for technical subject instruction. The appropriation is \$5M/year for 2002-2004. There is an additional appropriation of \$10M to award a grant to a consortium of associate-degree granting colleges to encourage women, minorities, and disabled individuals to enter and complete programs in technical fields.

The Senate bill will also include a title that incorporates the provisions of HR 100. This bill was passed out of the House Science Committee at the same time as HR 1858. This bill was also included as Title II of S 478 previously introduced by Senator Roberts, co-sponsored by Senators Kennedy and Bingaman. This approach is agreed to by the House Science Committee. The provisions are:

1. Master Teacher Grant Program: This provision establishes a grant program to train master teachers to work in K-9 classrooms to improve the teaching of mathematics or science. The appropriation is \$50M/year for 2002-2004.

2. Dissemination of Information on Required Course of Study for Careers in

Science, Mathematics, Engineering, and Technology Education: The NSF shall compile and disseminate information on prerequisites for entrance into college to pursue a course of study leading to teaching in a K-12 environment and on the licensing requirements for such teachers. The appropriation is \$5M/year for 2002-2004.

3. Requirement to Conduct Study Evaluation: The NSF shall enter into an agreement with the National Academies of Sciences and Engineering to review existing studies on the effectiveness of technology in the classroom and to report not later than one year after enactment of this Act. The appropriation is \$600K.

4. Science, Mathematics, Engineering, and Technology Business Education Conference: The NSF shall convene an annual 3-5 day conference for K-12 technology education stakeholders to 1. identify and gather information on existing programs, 2. determine the coordination between providers, and 3. identify the common goals and divergences among the participants. There will be a yearly report to the Senate Commerce Committee and the House Science Committee.

Mr. ROBERTS. Mr. President, I rise today, along with my colleagues, Senator ROCKEFELLER and Senator KENNEDY, to introduce a piece of legislation that continues to build on our efforts to improve math and science education.

The National Mathematics and Science Partnerships Act creates a program through the National Science Foundation NSF, that provides a variety of recruitment incentives for college students and individuals who are engineering, science and math professionals in other fields, to pursue teaching math and science. Additionally, math and science teachers are provided a variety of professional development opportunities. I am pleased to include in this legislation a portion of a bill I introduced earlier this year, S. 478, the Engineering, Science, Technology and Mathematics Education Enhancement Act.

The Math and Science Partnerships Act will provide grants for K-12 math and science teachers to do research in engineering, science and math to do research in these areas to improve their performance in the classroom, a demonstration project for LEAs to develop a program to build technology curricula, purchase equipment and provide professional development for teachers specifically aimed at economically disadvantaged students. It also provides in-service support and a master teacher grant program to hire master teachers who are responsible for in-classroom help and oversight. Additionally, the legislation assists high school students in pursuit of their careers as math and science teachers by informing them of courses they should complete in preparation for college.

Bipartisan efforts to increase and enhance math and science education has been encouraging and I am glad to see that math and science education is finally beginning to receive the recognition that is needed and deserved.

The need to recruit and retain teachers in the math and science fields as well as the need to improve the professional development opportunities for teachers currently teaching math and science is crucial. An article that appeared on May 6th in The Hutchinson News, discusses the teacher recruiting woes that the State of Kansas is experiencing. The article highlights Fort Hays State University in Hays, KS and tells of a young graduate, Lora Clark, who has a teaching degree in mathematics. With her degree Lora could have found a job anywhere in the State of Kansas or with several other States who were recruiting Fort Hays State teaching graduates. Thankfully, she chose to stay in her home state and fill a mathematics teaching position in Hanston, Kansas.

However, what stands out most from the article is the number of math and science positions available at the career fair at Fort Hays State and the number of students that have graduated with teaching degrees in math and science. There were 125 math and science teaching positions available and only 8 students graduating with math and science teaching degrees. We desperately need to fill these positions with teachers who have been properly trained and have professional development opportunities in order to encourage students to pursue fields in engineering, science, technology and math.

The U.S. will need to produce four times as many scientists and engineers than we currently produce in order to meet future demand. The U.S. has been a leader in technology for decades and the need for skilled workers that will require technical expertise continues to climb. Congress has had to increase the number of H-1B visas to fill current labor shortages within these fields, we need to focus on long-term solutions through the education of our children.

Improving our students knowledge of math and science is not only a concern of American companies but also a concern of U.S. National Security. According to the latest reports and studies regarding National Security, the lack of math and science education beginning at the K-12 level imposes a serious security threat. The report issued by the U.S. Commission on National Security for the 21st Century reports that "The base of American national security is the strength of the American economy. Therefore, health of the U.S. economy depends not only on an elite that can produce and direct innovation, but also on a populace that can effectively assimilate new tools and technologies. This is critical not just for the U.S. economy in general but specifically for the defense industry, which must simultaneously develop and defend against these same technologies."

We are all aware of the need for good teacher recruitment and retention programs because of the shortage of teachers many of our states are experiencing

or will experience. Math and science education is no exception and I am glad to join my colleagues in introducing a piece of legislation that will aid in improving and enhancing math and science education and I encourage my colleagues to join in our fight.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1264. A bill to require the conveyance of a petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine; to the Committee on Armed Services.

Ms. COLLINS. Madam President, I rise today to introduce the MackPoint Petroleum Terminal Conveyance Act. This legislation will authorize the conveyance of a petroleum tank farm at MackPoint in Searsport, ME, from the United States Air Force, USAF, to the Maine Port Authority to promote economic development in the state of Maine. The bill would ultimately allow the transfer of a petroleum tank farm to the Maine Port Authority in the State Department of Transportation, which will provide critical support for the redevelopment strategy in the region. The Port Authority in Maine has developed a three-part strategic goal for economic development in Northern/Central Maine. This economic development remains high on my list of priorities, and this bill would bring us one step closer toward this goal.

I am introducing this bill as a companion to legislation, The Loring Pipeline Reunification Act, which I introduced on the floor earlier this year. This companion legislation would convey a section of a pipeline connected to the tank farm, from the USAF to the Loring Development Authority, LDA, also to contribute to the re-development of the former Loring Air Force Base. Created by the Maine State Legislature, Loring Development Authority is responsible for promoting and marketing the development of the former base so as to attract more economic development to Northern/Central Maine.

The tank farm and pipeline originally were built to supply the former Loring Air Base with fuel products critical to its mission as a support base for B-52 bombers and KC-135 tankers. Prior to the base's closure in 1994, Defense Fuels would deliver fuel products by tanker to the Searsport tank farm, where the line originates, and then pump them through the line to the base. For a period following the base closure, the Maine Air National Guard continued to use the Searsport Tank Farm and the pipeline segment from Searsport to Bangor to supply their activities in Bangor. After a study conducted by the Defense Energy Support Center, a division of the Defense Logistics Agency however, the Air National Guard changed their means of transporting fuel from pipeline to truck.

The Air National Guard supports the vision of re-unifying the pipeline and tank farm, as does the Maine State Department of Transportation, and Sprague Industries, the current owner of the land on which part of the tank farm sits. In consideration of the large geographical expanse of my State, with often treacherous winter conditions, and the fuel shortages that have vexed the Northeast over the past two winters, I believe that the conveyance of this tank farm and the adjoining pipeline would serve the public well. It would provide a safer means of transporting fuel and, by presenting a more efficient means of accessing fuel, manufacturing and processing plants currently considering new operations in the economically-challenged area would be better connected to the resources of the Eastern seaboard.

By Mr. DURBIN. (for himself, Mr. KENNEDY, Mr. REID, Mr. DODD, Mr. WELLSTONE, Mr. CORZINE, and Mr. FEINGOLD):

S. 1265. A bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, this past Spring thousands of students across our Nation donned their caps and gowns and received their high school diplomas as their proud parents and family members looked on. This is an important milestone in the lives of both the graduates and their parents.

However, while many of these graduates will be looking forward to college, tens of thousands of these students will never get to attend college and realize their dreams. Why? Because these children are undocumented. Most of these children were brought to the United States at a very young age by their parents and did not have the ability to make an independent decision about where they would live. They had no choice in matter. Thus, they grew up here. They went to school here. And like other children, they too had thoughts of realizing the American dream. These dreams are quickly dashed when these students realize that, unlike their classmates, college is not on their horizon because of their immigration status.

Although Congress and the United States Supreme Court rightfully require State and local education agencies to permit undocumented children to attend elementary and secondary school, there are very few mechanisms under current law for these children to legalize their immigration status or go on to college once they have completed their high school education. They are effectively denied the opportunity to go to college and are constantly under the threat of deportation. Their lives

are filled with uncertainty and lost opportunity.

That is why I, along with Senators KENNEDY, REID, DODD, WELLSTONE, CORZINE, and FEINGOLD, am introducing the Children's Adjustment, Relief, and Education Act, CARE Act. Representatives CANNON, BERMAN, and ROYBAL-ALLARD introduced a companion bill in the House on May 21, 2001.

The CARE Act would provide immigration relief to undocumented children who are in the United States, have lived a significant portion of their lives in this country, are of good moral character, and are interested in remaining in the country and continuing their education. The CARE Act would help lift these vulnerable children from the shadows of society and free them to go to college, regularize their status, and fully contribute to our country, now their country.

The CARE Act includes three major provisions.

As to restoration of the State option to determine residency for purposes of higher education benefits, first, the Act would repeal Section 505 of the 1996 immigration law, under which any State that provides in-state tuition or other higher education benefits to undocumented immigrants must provide the same tuition break or benefit to out-of-state residents. In other words, under Section 505, a State must charge the same tuition to out-of-state U.S. citizens as it charges to resident undocumented aliens. Repeal of Section 505 would restore to the States the authority to determine their own residency rules.

As to immigration relief for long-term resident students, second, the Act would permit students in America's junior high schools and high schools who have good moral character, reside in the United States, and have lived in the United States for at least five years to obtain special immigration relief, known as cancellation of removal, so that they can go to college and eventually become United States citizens. The act also applies to high school graduates who are under 21 years of age and are either enrolled in or are seriously pursuing admission to college.

As to higher education benefits for Student Adjustment Act applicants, finally, the Act would ensure that students who are applying for immigration relief under the Act may obtain federal student assistance on the same basis as other students while their application is being processed.

This legislation would help children like Luis Miguel in my home State of Illinois. Luis was born to a single mother in Guadalajara, Mexico. His mother was having a very difficult time living in Mexico so she decided to take her children and migrate to the United States. Luis was eight years old. He didn't have a say in the matter.

Luis was enrolled in a grammar school and after school he worked in a supermarket carrying groceries for people. Because Luis' mother was unable to make ends meet, she sent Luis to live in Chicago with his aunt and uncle when he was nine. He has lived there ever since.

Luis is currently 17 years old and just finished up his junior year at Kelly High School in Chicago. He is an above average student, and hopes to attend the University of Illinois at Chicago someday and become a computer engineer. He says he loves being involved in all types of activities because it makes him feel good about himself, and motivates him to do better. He is very active in and out of school. He is part of his school band, where he plays percussion, and he plays soccer in the Davis Square Park League. In the past he has participated in his church's choir, marimba band and folkloric ballet dance group. Luis also volunteers as a teacher for catechism classes at Holy Cross Church.

Luis has so much promise. But without this legislation, he is barred from fulfilling his potential.

The same is true for a young musical prodigy who recently completed her senior year of high school in the City of Chicago. Because of her exceptional musical talent, she was offered a scholarship to Juilliard. It is only in filling out the application that she learned of her undocumented status. Her only recourse: go to Korea, where she has never been, and live her life there. I believe our Nation can do better than this.

These stories are not unique to Illinois. Tens of thousands of high school students across our Nation, some of them valedictorians, are similarly situated and face uncertain futures. They cannot continue their lives or education once they graduate from high school. Instead, they face deportation.

Not only do these children suffer but our Nation suffers because we are deprived of future contributors and leaders, increased tax revenues, economic growth and social richness. We suffer because children who might have been scientists, nurses, teachers or engineers are forced, instead, to settle for the limited employment options available to those without a college degree.

Moreover, the damage to our communities starts long before high school graduation. Guidance counselors report that many promising students drop out of school at an early age once they realize that they will, as a practical matter, be barred from going to college.

I urge my colleagues to join me, Senators KENNEDY, REID, DODD, WELLSTONE, CORZINE, and FEINGOLD in supporting this legislation.

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

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

S. 1265

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Children's Adjustment, Relief, and Education Act" or the "CARE Act".

**SEC. 2. DEFINITION.**

In this Act, the term "secondary school student" means a student enrolled in any of the grades 7 through 12.

**SEC. 3. STATE FLEXIBILITY IN PROVIDING IN-STATE TUITION FOR COLLEGE-AGE ALIEN CHILDREN.**

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; division C; 110 Stat. 3009-672) (8 U.S.C. 1623) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

**SEC. 4. —CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN ALIEN CHILDREN.**

(a) IN GENERAL.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b) is amended—

(1) in subsection (b), by inserting at the end the following new paragraph:

“(5) SPECIAL RULE FOR RESIDENTS BROUGHT TO THE UNITED STATES AS CHILDREN.—

“(A) AUTHORITY.—Subject to the restrictions in subparagraph (B), the Attorney General shall 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 applies for relief under this paragraph and demonstrates that on the date of application for such relief—

“(i) the alien had not attained the age of 21;

“(ii) the alien had been physically present in the United States for a continuous period of not less than five years immediately preceding the date of such application;

“(iii) the alien had been a person of good moral character during the five-year period preceding the application; and

“(iv) the alien—

“(I) was a secondary school student in the United States;

“(II) was attending an institution of higher education in the United States as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(III) with respect to whom the registrar of such an institution of higher education in the United States had certified that the alien had applied for admission, met the minimum standards for admission, and was being considered for admission.

“(B) RESTRICTIONS ON AUTHORITY.—Subparagraph (A) does not apply to—

“(i) an alien who is inadmissible under section 212(a)(2)(A)(i)(I), or is deportable under section 237(a)(2)(A)(i), unless the Attorney General determines that the alien's removal would result in extreme hardship to the alien, the alien's child, or (in the case of an alien who is a child) to the alien's parent; or

“(ii) an alien who is inadmissible under section 212(a)(3), or is deportable under section 237(a)(2)(D)(i) or 237(a)(2)(D)(ii).”;

(2) in subsection (d)(1)(A), by inserting “or (5)” after “subsection (b)(2)”.

(b) EXEMPTION FROM NUMERICAL LIMITATIONS.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b), as amended by this Act, is further amended in subsection (e)(3) by adding at the end the following new subparagraph:

“(C) Aliens described in subsection (b)(5).”.

(c) APPLICATION OF PROVISIONS.—For the purpose of applying section 240A(b)(5)(A) of the Immigration and Nationality Act (as added by subsection (a))—

(1) an individual shall be deemed to have met the qualifications of clause (i) of such section 240A(b)(5)(A) if the individual—

(A) had not attained the age of 21 prior to the date of enactment of this Act; and

(B) applies for relief under this section within 120 days of the effective date of regulations implementing this section; and

(2) an individual shall be deemed to have met the requirements of clauses (i), (ii), and (iv) of such section 240A(b)(5)(A) if—

(A) the individual would have met such requirements at any time during the four-year period immediately preceding the date of enactment of this Act; and

(B) the individual has graduated from, or is on the date of application for relief under such section 240A(b)(5) enrolled in, an institution of higher education in the United States (as defined in clause (iv) of such section 240A(b)(5)(A)).

(d) CONFIDENTIALITY OF INFORMATION.—

(1) PROHIBITION.—Neither the Attorney General, nor any other official or employee of the Department of Justice may—

(A) use the information furnished by the applicant pursuant to an application filed under section 240A(b)(5) of the Immigration and Nationality Act (as added by this Act) for any purpose other than to make a determination on the application;

(B) make any publication whereby the information furnished by any particular individual can be identified; or

(C) permit anyone other than the sworn officers and employees of the Department or, with respect to applications filed under such section 240A(b)(5) with a designated entity, that designated entity, to examine individual applications.

(2) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than \$10,000.

(e) REGULATIONS.—

(1) PROPOSED REGULATION.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations implementing this section.

(2) INTERIM, FINAL REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish final regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but shall be subject to change and revision after public notice and opportunity for a period of public comment.

(3) ELEMENTS OF REGULATIONS.—In promulgating regulations described in paragraphs (1) and (2), the Attorney General shall do the following:

(A) APPLICATION FOR RELIEF.—Establish a procedure allowing eligible individuals to apply affirmatively for the relief available under section 240A(b)(5) of the Immigration and Nationality Act (as added by this Act) without being placed in removal proceedings.

(B) CONTINUOUS PRESENCE.—Ensure that an alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of section 240A(b)(5)(ii) of the Immigration and Nationality Act (as added by this Act) by virtue of

brief, casual, and innocent absences from the United States.

(f) CONFORMING AMENDMENT.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)), as amended by this Act, is further amended in paragraph (4) by striking “paragraph (1) or (2)” each place it occurs and inserting “paragraph (1), (2), or (5)”.

**SEC. 5. ELIGIBILITY OF CANCELLATION APPLICANTS FOR EDUCATIONAL ASSISTANCE.**

(a) QUALIFIED ALIENS.—Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended by adding at the end the following new paragraph:

“(8) for purposes of determining eligibility for postsecondary educational assistance, including grants, scholarships, and loans, an alien with respect to whom an application has been filed for relief under section 240A(b)(5) of the Immigration and Nationality Act, but whose application has not been finally adjudicated.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if enacted on August 22, 1996.

Mr. KENNEDY. Mr. President, I strongly support the Children’s Adjustment, Relief, and Education Act. This needed legislation will give thousands of immigrant children who are presently unable to obtain a higher education a fair opportunity to realize the American dream.

For too many of these children, the highest level of education they can hope to attain is a high school diploma. It is not their lack of ability or their lack of desire which holds these children back. It is the fact that they were born abroad to parents who unlawfully entered this country. Under current law, they are often denied State and Federal aid for higher education. In an economy in which higher education is a prerequisite for higher wages and benefits, the result of current law is to relegate these children to an uncertain future.

It is wrong to punish these children for their parents’ actions. That is why I strongly support the CARE Act. It will help undocumented children who are in the United States, who have lived a significant portion of their lives in this country, who are of good moral character, and who want to remain in this country and continue their education. It will give them special immigration relief so that they can go to college and eventually become U.S. citizens. I urge my colleagues to support this important legislation.

By Mr. CRAPO (for himself Mr. LUGAR Mr. ROBERTS, and Mr. HUTCHINSON):

S. 1267. A bill to extend and improve conservation programs administered by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, I rise today to introduce the Conservation Extension and Enhancement, CEE, Act. I am pleased to be joined in intro-

ducing this bill by Senator RICHARD LUGAR, the Ranking Member of the Senate Agriculture Committee, Senator PAT ROBERTS, and Senator TIM HUTCHINSON.

America’s agricultural producers have long been the best stewards of the land. This legislation helps farmers and ranchers continue to meet the public’s increasing demands for cleaner air and water, greater soil conservation, increased wildlife habitat, and more open space. These demands have resulted in more stringent applications of Federal and State environmental regulations, including the Clean Water Act, the Clean Air Act, and the Endangered Species Act. It is appropriate we direct our funding to help producers in their efforts to provide these public benefits.

Conservation is an important component of Federal farm policy. This proposal dedicates the resources necessary to ensure farmers and ranchers are receiving the assistance they need to provide the environmental benefits the public deserves. It will keep working farms working effectively from an economic and environmental perspective. To do this, CEE re-authorizes necessary conservation programs, makes enhancements to these voluntary programs, and provides increased funding to meet increasing needs.

The last farm bill built on the past successes of the Conservation Reserve Program, CRP, and Wetlands Reserve Program, WRP, and enhanced the flexibility of the compliance programs, while creating a number of new conservation programs. There are many success stories associated with these programs, both new and old. However, there have also been suggestions made to improve these programs. This initiative implements those suggestions to make the programs more effective and increases their funding.

CRP has been one of the most successful conservation programs in USDA history. The program provides a rental payment to producers for voluntarily converting highly-erodible or environmentally-sensitive cropland to a cover crop or grasses or trees. The program has led to a tremendous reduction in soil erosion, and has been responsible for creation of habitat for a wide variety of species. Unfortunately, CRP is currently nearing its acreage cap.

I share the concerns of many producers and rural Americans about the impact of idled land on production and main street economies. CEE increases the acreage cap by 3.6 million acres to a total of 40 million acres, but it sets aside those 3.6 million acres for continuous enrollment CRP and the Conservation Reserve Enhancement Program, CREP. These two programs, continuous CRP and CREP, focus on conservation buffers, allowing producers to maintain working lands, while getting assistance in protecting their most environmentally-sensitive lands.

WRP has played an important role in protecting and restoring wetlands. WRP provides payments to producers for enrolling wetlands in permanent, thirty-year, or ten-year easements. It also provides technical and financial assistance to land owners seeking help in restoring wetlands. The environmental benefits of wetlands cannot be underestimated. Unfortunately, WRP is nearing its acreage cap of 1.075 million acres. CEE allows for an additional 250,000 acres to be enrolled in the program annually.

The Farmland Protection Program is targeted at easing development pressure on agriculture lands. It provides a payment to producers who agree to enroll land in easements and has been an important program in meeting the public demand for open space. Again, producer demand far outpaces available funding. CEE provides \$100 million annually to this important program.

Another successful program in need of continued authorization and funding is the Wildlife Habitat Incentives Program. This program provides technical and financial assistance to producers who want to establish improved fish and wildlife habitat. My bill provides \$100 million annually to this program, while creating a pilot project that assists landowners in focusing their efforts on addressing species concerns before the species is in threat of listing under the endangered species act.

One of the most important programs available to assist producers is the Environmental Quality Incentives Program. EQIP provides technical and financial assistance to producers to adopt conservation practices. Demand for the program greatly exceeds existing funding. CEE provides for a tripling of the funding, while increasing flexibility in the program. EQIP has been the primary vehicle for assisting producers to comply with the Clean Water Act. It has been estimated producers will have to spend billions to comply with new regulations, such as total maximum daily loads and confined animal feeding operations. Increasing the funding and flexibility of the EQIP programs is vital to helping producers meet the challenges of the Clean Water Act and other environmental regulations.

Also included in this comprehensive bill is the creation of the Grasslands Reserve Program. Like the other conservation programs created through past farm bills, it is a bipartisanly-supported, voluntary program. The Grasslands Reserve Program would be a voluntary grassland easement program to provide protections for native grasslands. This will ease development pressure on ranchlands, providing a long-term commitment to wildlife and the environment. I am also pleased to be a co-sponsor of a free-standing Grassland’s legislation introduced by my colleague, Senator LARRY CRAIG.

CEE also provides funding for the Conservation of Private Grazing Lands program. This program offers technical assistance to ranchers seeking to implement best management practices and other range improvements.

The bill codifies existing practices for the Resource Conservation and Development, RC&D, program, while increasing flexibility in the use of funds. RC&Ds effectively leverage federal funds to assist in stabilizing and growing communities while protecting and developing natural resources.

CEE also provides for several studies. It authorizes a National Academy of Sciences study to develop a protocol for measuring accomplishments. This protocol is necessary to ensure we are getting maximum environmental benefits for the taxpayer.

The bill also directs the Secretary of Agriculture to review existing disaster programs and report on how to improve the timeliness and effectiveness of the overall disaster program. Natural disasters are a constant threat to farmers and ranchers. Flooding, drought, fire, and other natural events impact even the most efficient operations, causing losses beyond producer control. An effective disaster program is vital to the survival of many farms and ranches.

Conservation programs are vital to continued progress in creating efficient, environmentally and farmer-friendly agricultural policies. This bill sets a baseline as we endeavor to create a farm policy that recognizes the importance of conservation efforts, builds upon past efforts, is equitable, and has measurable achievements. I ask my colleagues to join me in co-sponsoring this bill.

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#### STATEMENTS ON SUBMITTED RESOLUTIONS

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#### SENATE RESOLUTION 140—DESIGNATING THE WEEK BEGINNING SEPTEMBER 15, 2002, AS “NATIONAL CIVIC PARTICIPATION WEEK”.

Mr. ROBERTS (for himself, and Mrs. FEINSTEIN) submitted the following resolution: which was referred to the Committee on the Judiciary

S. RES. 140

Whereas the United States embarks on this new millennium as the world's model of democratic ideals, economic enterprise, and technological innovation and discovery;

Whereas our Nation's preeminence is a tribute to our great 2-century-old experiment in representative government that nurtures those ideals, fosters economic vitality, and encourages innovation and discovery;

Whereas representative government is dependent on the exercise of the privileges and responsibilities of its citizens, and that has been in decline in recent years in both civic and political participation;

Whereas Alexis de Tocqueville, the 19th century French chronicler of our Nation's

political behavior, observed that the people of the United States had successfully resisted democratic apathy and mild despotism by using what he called “schools of freedom”—local institutions and associations where citizens learn to listen and trust each other;

Whereas civic and political participation remains the school in which citizens engage in the free, diverse, and positive political dialogue that guides our Nation toward common interests, consensus, and good governance;

Whereas it is in the public interest for our Nation's leaders to foster civic discourse, education, and participation in Federal, State, and local affairs;

Whereas the advent of revolutionary Internet technology offers new mechanisms for empowering our citizens and fostering greater civic engagement than at anytime in our peacetime history; and

Whereas the use of new technologies can bring people together in civic forums, educate citizens on their roles and responsibilities, and promote citizen participation in the political process through volunteerism, voting, and the elevation of voices in public discourse: Now, therefore, be it

*Resolved,*

#### SECTION 1. DESIGNATION OF NATIONAL CIVIC PARTICIPATION WEEK.

The Senate—

(1) designates the week beginning September 15, 2002, as “National Civic Participation Week”;

(2) proclaims National Civic Participation Week as a week of inauguration of programs and activities that will lead to greater participation in elections and the political process; and

(3) requests that the President issue a proclamation calling upon interested organizations and the people of the United States to promote programs and activities that take full advantage of the technological resources available in fostering civic participation through the dissemination of information.

Mr. ROBERTS. Madam President, we stand in the midst of an amazing period of history. Not since the industrial revolution has society witnessed such an explosion of technological advancements. The rise of the Internet yields volumes of information to anyone at anytime and is only a mouse click away. It is imperative that we use this medium responsibly.

The strength of our country is deeply rooted in informed citizens freely exchanging ideas. Common men and women engaged in the political process is the lifeblood of the United States. As legislators, we are the stewards of democracy. It is our duty to encourage citizens of all persuasions to actively play a role in this democratic saga.

With the emergence of the Internet, there is no better way to make this possible than by supporting this resolution. I, along with my distinguished colleague, DIANNE FEINSTEIN of California, am submitting a resolution entitled, “The National Civic Participation Week.” It declares the week of September 15, 2002 as a time devoted to the education of the political process on the Internet. This resolution challenges the technical industry to create

Web sites that promote civic involvement. Further, it calls on local communities to establish links that provide helpful information to its citizens such as polling locations, registration, and, voter information.

We submit this resolution today in response to the declining participation in the American political system, particularly among younger citizens. I offer some sobering statistics: In the last presidential election, of the 25.5 million Americans between the ages of 18–24, only 19 percent registered to vote and only 16 percent actually voted. In the 1996 presidential election, of the 24 million Americans that age, only 47 percent registered, and 32 percent voted. 22 percent of U.S. teens did not know from whom the United States won its independence. 14 percent thought it was France. 10 percent didn't know there were thirteen original colonies. About 23 percent didn't know who fought in the civil war.

Our country has come along way from the early days of the thirteen colonies. Those were times, as Alexis de Tocqueville wrote in his “Democracy in America,” of citizens creating “freedom schools” to teach and learn of freedom and democracy and the role that each of us can play to help it flourish.

We believe that the Internet and other new technologies can play a crucial role in acting as “freedom schools.” With so many young people drawn to the Internet, it is an ideal medium to cultivate democratic virtues and encourage participation. The possibilities are numerous. The World Wide Web has the potential to assist citizens on finding information with how the government works, how laws are made, and how citizens can effectively communicate with their elected officials.

This resolution offers no Federal mandates or governmental expenditures. It does not prescribe what information should be posted on the web or how it is disseminated. Instead, we as Senators are making a collective statement that we recognize the power of the Internet and its vast potential at promoting civic virtues. It is a resolution that encourages those within the technology industry to provide valuable information on the inner-workings of democracy.

Let us use the Internet's vast information highway to cultivate learning and greater awareness in civic affairs. It is our sincere hope that we can rekindle the spirit of the “freedom school” of the American Revolution through the Internet. May these new technologies illuminate and continue the lessons and dreams of our forefathers.