

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeowners Rebate Act of 2001".

SEC. 2. PAYMENT OF DISTRIBUTIVE SHARES FROM MUTUAL MORTGAGE INSURANCE FUND RESERVES.

(a) IN GENERAL.—Section 205(c) of the National Housing Act (12 U.S.C. 1711(c)) is amended to read as follows:

"(c) DISTRIBUTION OF RESERVES.—Upon termination of an insurance obligation of the Mutual Mortgage Insurance Fund by payment of the mortgage insured thereunder, if the Secretary determines (in accordance with subsection (e)) that there is a surplus for distribution under this section to mortgagors, the Participating Reserve Account shall be subject to distribution as follows:

"(1) REQUIRED DISTRIBUTION.—In the case of a mortgage paid after November 5, 1990, and insured for 7 years or more before such termination, the Secretary shall distribute to the mortgagor a share of such Account in such manner and amount as the Secretary shall determine to be equitable and in accordance with sound actuarial and accounting practice, subject to paragraphs (3) and (4).

"(2) DISCRETIONARY DISTRIBUTION.—In the case of a mortgage not described in paragraph (1), the Secretary is authorized to distribute to the mortgagor a share of such Account in such manner and amount as the Secretary shall determine to be equitable and in accordance with sound actuarial and accounting practice, subject to paragraphs (3) and (4).

"(3) LIMITATION ON AMOUNT.—In no event shall the amount any such distributable share exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

"(4) APPLICATION REQUIREMENT.—The Secretary shall not distribute any share to an eligible mortgagor under this subsection beginning on the date which is 6 years after the date that the Secretary first transmitted written notification of eligibility to the last known address of the mortgagor, unless the mortgagor has applied in accordance with procedures prescribed by the Secretary for payment of the share within 6-year period. The Secretary shall transfer from the Participating Reserve Account to the General Surplus Account any amounts that, pursuant to the preceding sentence, are no longer eligible for distribution."

(b) DETERMINATION OF SURPLUS.—Section 205(e) of the National Housing Act (12 U.S.C. 1711(e)) is amended by adding at the end the following: "Notwithstanding any other provision of this section, if, at the time of such a determination, the capital ratio (as defined in subsection (f)) for the Fund is 3.0 percent or greater, the Secretary shall determine that there is a surplus for distribution under this section to mortgagors."

(c) RETROACTIVE PAYMENTS.—

(1) TIMING.—Not later than 3 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall determine the amount of each distributable share for each mortgage described in paragraph (2) to be paid and shall make payment of such share.

(2) MORTGAGES COVERED.—A mortgage described in this paragraph is a mortgage for which—

(A) the insurance obligation of the Mutual Mortgage Insurance Fund was terminated by payment of the mortgage before the date of enactment of this Act;

(B) a distributable share is required to be paid to the mortgagor under section 205(c)(1)

of the National Housing Act (12 U.S.C. 1711(c)(1)), as amended by subsection (a) of this section; and

(C) no distributable share was paid pursuant to section 205(c) of the National Housing Act upon termination of the insurance obligation of such Fund.

AMENDMENTS SUBMITTED AND PROPOSED

SA 144. Mr. FITZGERALD proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

TEXT OF AMENDMENTS

SA 144. Mr. FITZGERALD proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert:
SEC. . . CONTRIBUTION LIMITS APPLIED ON ELECTION CYCLE BASIS.

(a) INDIVIDUAL LIMITS.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended to read as follows:

"(A) to any candidate and the candidate's authorized political committee during the election cycle with respect to any Federal office which, in the aggregate, exceeds \$2,000;"

(b) MULTICANDIDATE POLITICAL COMMITTEES.—Section 315(a)(2)(A) of such Act (2 U.S.C. 441a(a)(2)(A)) is amended to read as follows:

"(A) to any candidate and the candidate's authorized political committees during the election cycle with respect to any Federal office which, in the aggregate, exceed \$10,000;"

(c) ELECTION CYCLE DEFINED.—Section 301 of such Act (2 U.S.C. 431), as amended by section 101, is amended by adding at the end the following:

"(25) ELECTION CYCLE.—The term 'election cycle' means, with respect to a candidate, the period beginning on the day after the date of the previous general election for the specific office or seat that the candidate is seeking and ending on the date of the general election for that office or seat."

(d) SPECIAL RULES.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following:

"(9) For purposes of this subsection—

"(A) if there are more than 2 elections in an election cycle for a specific Federal office, the limitations under paragraphs (1)(A) and (2)(A) shall be increased by \$1,000 and \$5,000, respectively, for the number of elections in excess of 2; and

"(B) if a candidate for President or Vice President is prohibited from receiving contribution with respect to the general election by reason of receiving funds under the Internal Revenue Code of 1986, the limitations under paragraphs (1)(A) and (2)(A) shall be decreased by \$1,000 and \$5,000."

(e) CONFORMING AMENDMENTS.—

(1) The second sentence of 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended to read as follows: "For purposes of this paragraph, if any contribution is made to a candidate for Federal office during a calendar year in the election cycle for the office and no election is held during that calendar year, the contribution shall be treated as made in the first succeeding calendar year in the cycle in which an election for the office is held."

(2) Paragraph (6) of section 315(a) of such Act (2 U.S.C. 441a(a)(6)) is amended to read as follows:

"(6) For purposes of paragraph (9), all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Mark Peters, a legislative fellow in my office, be granted floor privileges during this debate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations reported by the Foreign Relations Committee today: Executive Calendar Nos. 21 and 22, Marc Grossman and Richard Armitage.

I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's actions, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

DEPARTMENT OF STATE

Marc Isaiah Grossman, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Under Secretary of State.

Richard Lee Armitage, of Virginia, to be Deputy Secretary of State.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION

Mr. DEWINE. Mr. President, I come to the floor of the Senate this afternoon to urge Senate passage of House-Senate Concurrent Resolution No. 69. The resolution will be in front of us shortly, either later this afternoon or next week. I thank my friend and my colleague from the State of Ohio, Congressman STEVE CHABOT, as well as Representative NICK LAMPSON from the State of Texas, for introducing and

gaining approval of this resolution in the House of Representatives.

It is unfortunate, however, that we need to be here today taking up this resolution. It is unfortunate because that fact acknowledges that we have made little progress in getting the return of American children who have been abducted and taken abroad, usually by a parent.

This resolution addresses the serious issue of international child abduction and the importance of The Hague Special Review Commission on International Child Abduction which formally began its work yesterday and will continue meeting until March 28.

This commission is raising the importance and the necessity of compliance with The Hague Convention on the International Aspects of Child Abduction. The Hague convention is in place to facilitate the return of internationally abducted children to their countries of "habitual residence" for custody determination. This means, according to the Hague convention many countries have signed, when there is a dispute about the custody of a child, the child's place of "habitual residence" is the country where that determination should be made.

Sadly, it has been clear for some time that all countries that have signed the convention do not take their obligation seriously. Certain countries in particular—allies of ours such as Germany, Austria, Sweden—have performed especially poorly in returning children and allowing family visitation options.

What are we talking about? What is the situation that brings about this international parental kidnapping? Usually it is a case such as this: An American citizen falls in love, marries someone from another country, they decide to live in the United States, and a child is born. Then one day the spouse who is the American citizen, the spouse who was one of the two parties to this union, wakes up and finds the other spouse gone and the child gone. That mother, that father, takes that child back to where that mother or dad came from originally, and now the parent in the United States is looking for their child.

This is a human tragedy, a tragedy that is repeated in this country many times every year.

As many of my colleagues know, this is not the first time I have come to the Senate floor to talk about this issue and to raise the tragic problem of international child abduction. In fact, exactly 1 year ago today, I came to the Senate floor to discuss this issue. I came to the floor and a year ago introduced a similar resolution urging compliance with the Hague convention. While the House and the Senate both passed that resolution, regrettably I have to be back here again this afternoon because, tragically, we have seen

very little, if any, progress in gaining signatory compliance and ultimately in getting our children back.

Specifically, the resolution before us today identifies key problems with the current Hague convention. What are these problems?

No. 1, a lack of awareness about international parental kidnappings among policymakers and the general public in the signatory nations. This is just not an issue that people really understand, and it is not an issue to which the governments of the signatory countries are paying any attention.

No. 2, a lack of awareness and training of judges who hear these cases, who hear these international abduction cases, training that would enable them to interpret and rule on these cases fairly and would enable them to appreciate the importance of these cases.

No. 3, different interpretations of the Hague convention by signatory nations. We see that all the time. There is no uniformity or consistency.

No. 4, one of the problems with the Hague convention is the failed enforcement of parental access rights and a lack of enforcement of court orders for the return of children.

Finally, we see a narrow exception to the requirement of returning children, which prevents them from being returned if they are perceived to be, upon return—and this is the language that is in the Hague convention—in grave risk of being exposed to psychologically damaging or physically harmful situations.

Instead of being the exception, this loophole has really become the rule. It has become standard procedure and is frequently used as a justification for not returning children at all. Basically, all the court has to do is to make a determination that if the child were returned to his or her parent in the country where the child was originally brought up, if the court finds that this would place the child in grave risk of being exposed to a psychologically damaging or physically harmful situation, the court does not have to abide by The Hague convention. There is nothing wrong with the intent, but it is abundantly clear that this language is being used as a loophole, particularly in the area of finding a grave risk of psychological damage being done. These are some of the problems.

Additionally, our resolution calls on this special session of The Hague that is now meeting to determine practice guidelines, practice guidelines that would build on expert opinions and research-based practices in handling international child custody disputes and kidnappings.

Why do we need these guidelines? We need these guidelines because currently set standards are not in place telling signatory nations what to do when a court rules that a child should

be returned. By implementing these guidelines, we would be telling nations that they could no longer hide behind the vagueness of The Hague convention articles anymore. They would not be able to use a lack of guidelines as a reason to keep children from a parent and from their homeland.

The reality is, we cannot understate nor can we ignore the importance of getting these children returned to their homes in the United States. Sadly, our previous administration, the Clinton administration, did not put these children at the top of its priority list. As a result, the number of international abductions has continued to increase.

In 1997, 280 abducted American children were living in foreign countries. That is the official number. I happen to believe, based upon anecdotal evidence, based upon conversations I have had with my colleagues and with other individuals, that the number in 1997 was much higher than that.

The official number is 280 in 1997 who were abducted children who were living in foreign countries. In 1998, that number increased to 398. And in 1999, the official number was 441. Last year, it was a staggering 775.

Quite candidly, our inability to resolve these cases has been due to, in part at least, our Government's lack of attention to this issue.

According to the State Department, each year the United States sends an estimated 90 percent of kidnapped children back to foreign countries. In other words, this country, the United States, that has signed The Hague convention, complies in 90 percent of the cases. We make determinations in our courts that in 90 percent of the cases these children should in fact be returned to the place they were resident when they were abducted and taken from these countries. So the United States is in compliance. We are following The Hague convention.

As the lawyers would say, we come to this issue with clean hands. The sad fact is, though, that even though we do it 90 percent of the time, and even though we are in compliance with the Hague, the rate of return of American children by other nations belonging to the Hague convention is much lower. A State Department report singles out several countries for their noncompliance with the accord, including Mauritius, Austria, Honduras, Mexico, and Sweden.

Notably absent from this report, however, was Germany, which, as I have already mentioned, has also established a disturbing pattern of non-compliance. Because of Germany's non-compliance record, an American/German working group on child custody issues has been established to help encourage Germany to return abducted children. However, essentially no progress has been made regarding open cases—either in the return of children

to the United States or in allowing left-behind parents adequate visits with their children in Germany. To that end, we must not allow Germany—or any other signatory nation—to ignore their convention obligations and turn blindly against the parents who have suffered unbelievable heartache due to the loss of their children.

What we have to remember when a parent abducts a child is that each abduction involves the destruction of a family. Yes, it is unfair for the mother or father who is left behind, but much more importantly, it is unfair for that child. A good illustration of this is what happened to Tom Sylvester of Cincinnati, OH. I have talked to Mr. Sylvester about his case, about his child. I have seen the desperation on his face. Tom is the father of a little girl named Carina, whom he has seen for a total of only about 18 days since his ex-wife abducted her from Michigan, where they lived, in 1995. The ex-wife took this little girl to Austria. The day after the kidnapping, Mr. Sylvester filed a complaint with the State Department and started legal proceedings under the Hague convention.

An Austrian court heard his complaint, and the court ordered the return of Carina to Mr. Sylvester. However, this court order was never enforced, and Carina's mother took the child into hiding. Eventually, though, when Carina's mother surfaced with the child, the Austrian courts reversed their decision on returning her to the father, finding that she "resettled into her new environment"—a decision clearly contrary to the terms of the Hague convention.

Sadly, Mr. Sylvester is still waiting to get his little girl back.

The bottom line is this, Mr. President: We must make the return of America's children a top priority with our State Department, a top priority with our Justice Department. Governance and policymaking are clearly about setting priorities. It is my hope that the new leadership in our State Department and the new leadership in the Justice Department will make that issue a top priority and will start trying to get these kids back.

I raised this issue with Attorney General Ashcroft during his Senate confirmation hearings, and I have written to the Secretary of State as well about the urgency of this issue. Today, I again say to our Justice Department and to our State Department: We must begin to prioritize these cases. Yes, it is important to worry about trade issues. Yes, there are many other issues on the desks of the State Department and our embassies. But what could be more important than a child? If we can say that foreign trade is important, we should also say that our children are important as well.

It is a question of setting priorities, and we must begin to prioritize these

cases, and our State Department and our Justice Department must do this. No excuses should be accepted by the parents of these children, nor by the Senate, nor by the House of Representatives, nor by the American people. This must be a priority. These kids must be a priority.

As a parent and a grandparent, I cannot begin to imagine the nightmare so many American parents face when their children are kidnapped by a current or former spouse and taken abroad. It is hard to imagine. But, tragically, this is a very real and daily nightmare for hundreds of parents right here in this country. That is why the resolution we have introduced is critical to encouraging the safe return of children to the United States. It gives us an opportunity to help make a positive difference in the lives of children and their families.

In the end, if we are to succeed in bringing parentally abducted children back to their homes in the United States, the Federal Government must take an active role in their return. Ultimately, our Government has an obligation to these parents, but much more importantly, to these children. We must place our children first. They must become our priority.

I urge my colleagues to join in support and passage of this very important resolution.

THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. No. 69, which is now at the desk.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 69) expressing the sense of the Congress that the Hague Convention on the Civil Aspects of International Child Abduction and urging all Contracting States to the Convention to recommend the production of practice guides.

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 69) was agreed to.

ORDERS FOR MONDAY, MARCH 26, 2001

Mr. DEWINE. Mr. President, on behalf of the majority leader, I now ask

unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Monday, March 26. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 10 minutes, with the following exceptions: Senator BYRD, or his designee, controlling the time between 10 a.m. and 11 a.m., and Senator THOMAS, or his designee, controlling time between 11 a.m. and 12 noon.

Mr. President, I also ask unanimous consent that at 12 noon the Senate resume consideration of S. 27 and that Senator WELLSTONE be recognized for an amendment.

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

PROGRAM

Mr. DEWINE. Mr. President, on behalf of the majority leader, for the information of all Senators, the Senate will resume consideration of the campaign finance reform bill at noon this coming Monday. Senator WELLSTONE will be recognized to offer an amendment during Monday's session. Debate on S.J. Res. 4, the Hollings constitutional amendment, will begin at 2 p.m. by previous consent. Debate will continue on that issue until 6 p.m., with a vote scheduled on passage of S.J. Res. 4 at 6 p.m.

Any votes ordered with respect to amendments to the campaign finance legislation will be stacked to follow the 6 p.m. vote. Therefore, several votes will occur in a stacked sequence beginning at 6 p.m. on Monday.

ADJOURNMENT UNTIL MONDAY, MARCH 26, 2001, AT 10 A.M.

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:59 p.m., adjourned until Monday, March 26, 2001, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 23, 2001:

DEPARTMENT OF STATE

MARC ISAIAH GROSSMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).
RICHARD LEE ARMITAGE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF STATE.

The Above Nominations Were Approved Subject To The Nominee's Commitment To Respond To Requests To